

LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	Cabinet 9 June 2022	
Report Title	Tyndall Gardens – Community Housing Opportunity	
Cabinet Portfolio	Councillor Ahsan Khan, Deputy Leader (Housing and Regeneration)	
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Wards affected	Grove Green	
Public Access	OPEN	
Appendices	Appendix A – Community Led Housing Policy Appendix B – Site Plan Appendix C – Equalities Screening Form	

1. SUMMARY

- 1.1 An opportunity has arisen to deliver a community led housing scheme in the borough which will also promote equality, diversity and inclusivity for the community. The scheme will allow a LGBTQI+ organisation to develop and access affordable community housing.
- 1.2 On 19th March 2021 Cabinet approved a policy for Community Led Housing, included at Appendix A.
- 1.3 As part of a wider stock transfer the Council transferred Tyndall Gardens (the Site) to the registered provider London & Quadrant (L&Q) in September 2002.
- 1.4 This is an L&Q led initiative they as landowner have selected London Older Lesbian Cohousing (LOLC) as their preferred development partner to bring forward a LGBTQI+ community led housing scheme in the borough.

- 1.5 There are a total of 30 homes at the Tyndall Gardens site, including 27 that are affordable rented and 3 leaseholders. A plan of the Site is included at Appendix B.
- 1.6 L&Q signed a nominations agreement which gave LBWF 100% of the nominations for the affordable rented homes currently on Tyndall Gardens, 100% of the nominations for new homes delivered from any redevelopment of the Site, together with an obligation for L&Q to provide replacement for any properties disposed through means other than Right to Buy or a Compulsory Purchase Order.
- 1.7 L&Q are seeking to vary the stock transfer agreement to enable disposal of the Site to the London Older Lesbian Cohousing (LOLC) who will redevelop it as a community led housing scheme.
- 1.8 The variation to the Stock Transfer Agreement would require L&Q to provide the Council with replacement nominations to L&Q owned homes becoming available for re-lets within the borough, thereby protecting the Council's nominations rights for local residents to access affordable housing.

2. RECOMMENDATIONS

- 2.1 Cabinet is recommended to:
 - 2.1.1 Agree this community led housing initiative that enables Tyndall Gardens to be delivered by LOLC in the spirit of the Council's approved policy.
 - 2.1.2 Approve in principle, a deed of variation to amend the Stock Transfer Agreement with L&Q to a) enable L&Q to dispose of Tyndall Gardens to London Older Lesbian Cohousing b) remove the Council's nomination rights in respect of Tyndall Gardens and c) require L&Q to provide replacement nomination rights to L&Q properties elsewhere in the borough.
 - 2.1.3 Delegate authority to the Corporate Director of Housing, in consultation with the Portfolio Lead Member for Housing and Development and the Corporate Director of Governance and Law, to agree the final terms of the deed of variation and agree to the location and unit mix of the replacement nominations.

3. PROPOSALS

3.1 Background

- 3.1.1 Tyndall Gardens forms part of the Beaumont Road Estate stock transfer from LBWF to L&Q which took place on 30th September 2002.
- 3.1.2 The Stock Transfer Agreement requires L&Q to provide replacement properties for those disposed through means other than Right to Buy or a Compulsory Purchase Order.
- 3.1.3 There is also a Nominations Rights Agreement signed by L&Q, as part of the overarching Stock Transfer Agreement, which stipulates that

LBWF would receive 100% of nomination rights for re-lets within the existing block and 100% of all lets from any redevelopment of the Site.

3.1.4 The current unit mix at Tyndall Gardens:

Type	Rented	Leasehold	Total
Studio	21	3	24
1 Bed	6	0	6
Total	27	3	30

3.1.5 The current habitable room mix:

Type	Rented	Leasehold	Total
Studio	21	3	24
1 Bed	12	0	12
Total	33	3	36

3.1.6 Currently, the site is mostly vacant and in a very poor state of repair.

3.2 Opportunity for Community Led Affordable Housing

- 3.2.1 Currently there are 5 rented homes and 1 leasehold property which are occupied. 24 units are void and part occupied by Guardians to ensure the block is secured. The condition of the block is poor and deteriorating.
- 3.2.2 The affordable rented residents will be rehoused by L&Q and they will also negotiate with the leaseholder to acquire the unit.
- 3.2.3 L&Q are seeking to dispose of the Tyndall Gardens site to London Older Lesbian Cohousing (LOLC), a recognised London based Community Housing organisation, supported by the GLA.
- 3.2.4 The London Older Lesbian Cohousing are seeking to set up a mixed tenure co-housing project in East London, within Waltham Forest.
- 3.2.5 Any redevelopment scheme would be subject to planning consent and would be required to satisfy all appropriate regulatory requirements in terms of design, quality and nominations for the new development.
- 3.2.6 In Spring 2021 LOLC and L&Q successfully applied to the GLA for Community Led Housing Revenue funding up to planning stage. However, this funding cannot be released until the Council has approved that the stock transfer agreement is varied by LBWF.
- 3.2.7 L&Q's stock transfer nomination rights agreement requires them to provide LBWF with 100% of the nominations to any new homes on the site.

- 3.2.8 L&Q propose alternatively to provide the nominations for Tyndall Gardens off site on re-lets within other schemes they own elsewhere in the borough.
- 3.2.9 It will be L&Q's responsibility to consult and rehouse the existing residents currently in Tyndall Gardens, to alternative suitable accommodation.
- 3.2.10 L&Q's current proposal is to provide the Council with nominations to re-lets at the new Fixie building on South Grove, St James, E17 7FR. The homes in this building are relatively new and high quality but currently let. Therefore, there is not a specific timeframe as to when these re-let nominations will become available, but once void the Council's nominations rights are triggered.
- 3.2.11 The nominations agreement for the Fixie building allow LBWF 100% of nominations to first lets and to 50% of the re-lets for the 1 beds and 75% of the re-lets for the 2 beds. L&Q's proposal would allow LBWF additional nominations to the re-letting of 1 and 2 bedroom homes.
- 3.2.12 As it currently stands the nominations on the existing Tyndall Gardens would apply to 21 studios and 6 one beds homes. The proposal would ensure future nominations to 8 one beds and 9 two bed homes. Whilst less units, this would be an improvement on the current nominations for Tyndall Gardens (which are predominantly studios) in terms of unit mix as it includes properties which better reflect the preferred housing mix needs set within the Council's Housing Strategy 2019-2024.
- 3.2.13 The nominations proposed are as follows:

Type	Units	Hab Rooms
1b 2person flat	8	16
2b 3person flat	9	27
Total	17	43

- 3.2.14 Whilst the overall number of rented units proposed (17) is lower than on the existing site (27), the number of rented habitable rooms being proposed (43) exceeds the number on the existing site (33), benefitting the Council's overall nominations position for its residents in housing need.

3.3 Benefits to London Borough of Waltham Forest

- 3.3.1 Future nominations, when properties become available for re-let, would be to 1 and 2 bed homes. Nominations to 1 and 2 beds would be preferable over studios as the Strategic Housing Needs Assessment supporting the Council's Housing Strategy 2019-24 demonstrates a higher demand for 1 and 2 beds.
- 3.3.2 The scheme presents an opportunity for the borough to host the first UK LGBTQI+ cohousing scheme whilst delivering on a diverse

Community Housing scheme. This would, in addition, provide housing for a protected group at a later stage of their lives, meeting the Council's policies, as well as diversity and inclusion objectives.

4. OPTIONS & ALTERNATIVES CONSIDERED

- 4.1 The Council could decide not to vary the Stock Transfer agreement and continue to seek 100% of the nomination rights on the studios and 1 bed units at Tyndall Gardens. The block is currently partly vacant and in a state of poor condition. L&Q state that they have explored options to refurbish the block, but they proved to be financially unviable for L&Q. The building would be at risk of remaining mostly vacant in the long term.
- 4.2 L&Q could seek to redevelop the site themselves and offer the Council 100% of the nominations in line with the existing Stock Transfer Agreement. L&Q explored redevelopment options and, in 2018, obtained planning permission to redevelop the site. L&Q state this option became unviable and the permission has now lapsed. This option could be revisited but would also prevent the opportunity to secure a community led housing outcome to Waltham Forest's diverse community.
- 4.3 However, if the LOLC proposal fell away for any reason, was undeliverable, grant was not secured, or start on site for the development was not achieved 24 months from the date of the cabinet decision the Council can revisit these options with L&Q and, for avoidance of doubt, L&Q would need to obtain approval from the Council for any alternative options for the site.

5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

- 5.1 Whilst the proposed scheme is not on Council owned land, the LOLC initiative is a community led housing scheme and would meet elements of the Council's Community Housing policy.
- 5.2 The Council's emerging Local Plan supports initiatives of this nature under Policy 24 Community Led Housing.
- 5.3 This initiative would contribute to the Council's equality, diversity and inclusivity objectives to provide housing and affordable housing for a protected group later in life.
- 5.4 There is support for community led housing from national and regional levels with the Ministry of Housing, Communities and Local Government (MHCLG) announcing a Community Housing Fund (CHF) in July 2018 and the Mayor of London publishing a prospectus for the Community Housing Fund allocated to London in January 2019.
- 5.5 Objective 1 of Waltham Forest's Housing Strategy 2019-2025 is to support growth and aspirations. One of the ways it proposes to do this is by creating great places to live (Priority 2). The redevelopment of

Tyndall Gardens would help improve on the quality of housing and affordable accommodation and make an improvement to the local environment.

6. CONSULTATION

- 6.1 L&Q will carry out a consultation with remaining residents currently living at Tyndall Gardens to ensure that they are fully engaged with the process and aware of their options moving forward.

7. IMPLICATIONS

7.1 Finance, Value for Money and Risk

- 7.1.1 Whilst there are no direct budget implications to the Council of this decision the re-provision of accommodation and the associated nomination rights ensure that the Council does not lose housing units and potentially increase its temporary accommodation costs. The redevelopment of Tyndall Gardens will improve the standard of accommodation and offer a better tenure mix to meet the current housing requirements at no additional cost to the Council.

7.2 Legal

- 7.2.1 The Council is a local housing authority under the Housing Act 1985 and L&Q is registered provider within the meaning of Section 80 of the Housing and Regeneration Act 2008. The stock transfer agreement provided for nomination rights to the Council as set out in paragraph 3.1.3 above. The deed of variation will result in the Council giving up its nomination rights to the Site in return for nomination rights on re lets of L&Q properties elsewhere in the borough. The remainder of the stock transfer provisions will remain in place.

- 7.2.2 The Council has the power to enter into the deed of variation under s1 of the Localism Act Under Section 1 Localism Act 2011, The Council has the power to do anything that individuals may generally do (the general power of competence). The Council also has the power under Section 111 of the Local Government Act 1972 to do anything, which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions. The decisions taken in this report are taken in accordance with these powers.

7.3 Equalities and Diversity

- 7.3.1 The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The Council must further take into account its wider Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 when making its' decisions.
- 7.3.2 Any redevelopment of the estate will have impacts for the whole community. However, specific equality impacts are likely to be concentrated through the protected characteristics of disability, age, health, socio-economic inequality and language.

- 7.3.3 It will be the responsibility of L&Q as landlord to ensure that any impacts are mitigated as effectively as possible.
- 7.3.4 The decision to approve the proposals would achieve significant equalities and diversity outcomes of additional housing and affordable housing. It would particularly have positive impacts for the older LGBTQI+ community in the borough.
- 7.3.5 The decision will protect the Council's nomination rights for its residents in need on the Housing Register.
- 7.3.6 The equalities screening form is attached at Appendix C.
- 7.4 Sustainability (including climate change, health, crime and disorder)**
 - 7.4.1 Any redevelopment of Tyndall Gardens site would be subject to planning permission and the Council's sustainable development and Climate Action policies as well as affordable housing policies.
- 7.5 Council Infrastructure**
 - 7.5.1 None

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

Not applicable