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Meeting	Cabinet Resources Committee
Date	24 May 2011
Subject	West Hendon Regeneration – Release of Restrictive Covenants within Phase 2a
Report of	Cabinet Member for Resources and Performance
Summary	To approve the release of the restrictive covenants on Nos. 1-7, 10,12 Rosemead and Nos.1-10 Warner Close, West Hendon Estate

Officer Contributors	Siobhan O'Donoghue - Principal Valuer
Status (public or exempt)	Public
Wards affected	West Hendon
Enclosures	N/A
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Siobhan O'Donoghue, Property Services, 020 8359 7360.

1. RECOMMENDATIONS

- 1.1 That the restrictive covenants affecting Nos. 1-7, 10 and 12 Rosemead and Nos. 1-10 Warner Close, West Hendon Estate be released.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet 30 August 2005, (Decision Item 5); West Hendon Area Regeneration Project – Approval of the Principal Development Agreement.
- 2.2 Cabinet 11 October 2005; (Decision Item 7); West Hendon Area Regeneration Project – approval of the Principal Development Agreement – Comments from Cabinet Overview and Scrutiny Committee.
- 2.3 Cabinet 3 April 2006; (Decision Item 8); West Hendon Regeneration Project – Approval to enter into the Principal Development Agreement.
- 2.4 Planning and Environment Committee 11 December 2007; (Decision Item 8); Approved the demolition of the Lakeview Children’s Centre and redevelopment of the site with 8 affordable houses.
- 2.5 Cabinet Resources Committee 25 March 2008 (Decision Item 15); approved the transfer of the former Lakeview Children’s Centre site to Barratt Metropolitan LLP for redevelopment of 8 new affordable houses.
- 2.6 Planning and Environment Committee 22 December 2008 (Decision Item 7); Approved Reserved Matters Application to develop Phase 2A of the development.
- 2.7 Cabinet Resources Committee 22 April 2010 (Decision Item 5); Approved the disposal of land forming part of Phase 2A to Barratt Metropolitan LLP for the development of 184 new homes.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The regeneration of West Hendon Estate supports the corporate priority of ‘A successful London suburb’ in the Corporate Plan 2010/13. This key priority is underpinned by the following objectives:
- Delivering the Three Strands Approach of Protect, Enhance and consolidate Growth, where West Hendon falls with Strand 3: Growth to deliver over 2,000 new homes to the Brent Cross, Cricklewood and West Hendon Regeneration Area;
 - Delivering high quality, sustainable housing growth;
 - Continuing to grow successfully but realistically;
 - Creating the conditions for a vibrant economy; and
 - Promoting independence through housing choice.
- 3.2 The re-development also complies with strategic objectives in the Council’s Housing Strategy.

4. RISK MANAGEMENT ISSUES

- 4.1 If the restrictive covenants are not released then they will remain on the title of the land held within the Initial Phase. This could result in the developers, Barratt Metropolitan LLP (BMLLP), experiencing difficulties when marketing and subsequently disposing of the new units.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, social and community life of the Borough. The regeneration of West Hendon will provide a mix of affordable, intermediate and private sale properties. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet residents. This supports the overall aim of the council's Equalities Policy and supports the equality priorities outlined in Barnet's Equality Scheme.
- 5.2 It is not considered that the issue involved will give rise to any issues under the Council's Equalities policies and do not compromise the Council in meeting its statutory equalities duties.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The Council will not receive a receipt for this transaction. However, BM LLP have agreed to pay the Council's legal costs of £2,000. There are no procurement, performance and value for money, staffing, IT or sustainability implications. The property implications are set out below.

7. LEGAL ISSUES

- 7.1 None in the context of this report.

8. CONSTITUTIONAL POWERS

- 8.1 The Council's constitution, in Part 3, Responsibility for Functions, paragraph 3.6 states the functions delegated to the Cabinet Resources Committee including all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

9. BACKGROUND INFORMATION

- 9.1 The Council is currently working with its development "partner", BM LLP on the delivery of the West Hendon Regeneration. The parties are currently working on the 'Initial Phase' which comprises (1) the former Lakeview Children's Centre (which is now demolished) (2) Phase 2A - 1-12 Rosemead, 1-5 Warner Close. All conditions precedent for this phase have been satisfied and the land was transferred to BM LLP 31 March 2011.
- 9.2 The Council were the freehold owners of a majority of the land within the Initial phase; however 19 houses were purchased by BM LLP to assist with the site assembly. The houses were historically owned by the Council, but were subsequently sold under the Right to Buy. When the properties were sold the Council registered the following restriction against each of the individual titles;
- a) Not to carry on any trade or business nor use the property otherwise than as a private dwelling house.
 - b) Not to carry out any alterations or additions to the property which would be detrimental to the stability of the adjoining or neighboring properties.
 - c) Not to do or allow anything to be done which will cause a nuisance to the adjoining or neighbouring properties.

d) Not to park a motor vehicle in front of the houses, parking only in the designated car parks on the estate.

e) Not to do or permit any act, matter or thing which would prejudice the open plan layout of the estate and in particular, no wall, gate, shrub or hedge is to be erected or planted on the land between the boundary of the house and Rosemead/Warner Close as applicable.

Six of the properties also have further restrictive covenants not to display any advertisements without previous written consent of the Council, not to erect any shed, outhouse, television aerial, advertising board or hoarding (except a "for sale" board) and not to sell alcohol or hold a sale by auction at the property.

- 9.3 BMLLP are concerned that if the covenants remain on the title they would experience difficulties when marketing and subsequently disposing of the new units. Due to the proposed regeneration at West Hendon these covenants are now considered to be redundant with no benefit to the Council. It is considered that there would be no adverse affect to our remaining land ownership on the remainder of the estate if the covenants on the above properties were released at this time.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

CFO: MC

Legal: SWS