

AGENDA ITEM: 6 Pages 19 – 23

Meeting	Cabinet Resources Committee
Date	7 November 2011
Subject	Stonegrove & Spur Road Estates Regeneration
Report of	Leader of the Council
Summary	This report seeks a resolution from the Committee to include an additional area of land to the proposed CPO area for Stonegrove and Spur Road Estates.

Officer Contributors	Susan Botcherby (Regeneration), Tobenna Erojikwe (Legal)
Status (public or exempt)	Public
Wards affected	Edgware
Enclosures	Appendix 1 – Plan of CPO area (Drawing no: 24332)
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in	Not applicable

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1. RECOMMENDATION

- 1.1 **That further to the Committee's resolution on 28 July 2011 to make a Compulsory Purchase Order (CPO) pursuant to the powers contained in Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 in respect of all third party property and other proprietary interests in the Stonegrove & Spur Road Estates Regeneration area, the area of land shown hatched red in the attached Drawing no 24332/3 and measuring approximately 333 square metres, be included in the proposed CPO for Stonegrove and Spur Road Estates (SGSR).**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet Resources Committee 28 July 2011 Decision number 11, in which the Council confirmed its resolve to make a Compulsory Purchase Order for acquisition of all required third party property interest within the SGSR area.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The SGSR regeneration project contributes to the delivery of the Corporate Plan 2011-2013 priority of a successful London Suburb. A strategic objective under the above priority is: ensure residents continue to feel that Barnet is a place where people from different communities get on together including through effective management of our regeneration programmes.
- 3.2 The One Barnet A Sustainable Community Strategy for Barnet (2010-2020) – Growing Successfully – the Stonegrove and Spur Road Estates Regeneration Scheme will provide 937 new homes designed to a high standard as well as quality open spaces, improved parking provision, a community hall and employment opportunities (through the Section 106 contribution). The scheme will establish a new and sustainable neighbourhood in which people want to live, work and prosper within a growing, mixed strong community.

4. RISK MANAGEMENT ISSUES

- 4.1 If the additional area of land is not included in the CPO, then, the Council will be unable to assemble all the land required for the comprehensive development of SGSR. The inclusion of the additional area of land would ensure that a ransom strip is not created inadvertently and that as a result, the Council would not be exposed to the payment of an unreasonable amount for the acquisition of the additional area of land.
- 4.2 The inclusion of the additional area of land to the CPO area will ensure that a clean title is obtained for all of the site required for the regeneration and that an injunction cannot be obtained by an objector to delay or prevent the development.
- 4.3 If the CPO is not confirmed it is possible that the Council will not be able to assemble land in line with the acquisition and decant strategies programmed to ensure that a) all affordable housing to be provided within the scheme is delivered by 2016 and b) the entire scheme is completed by autumn 2018. The effect of not being able to meet these deadlines is a loss of HCA funding as well as the risk of not delivering the scheme.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 SGSR will deliver a mix of 937 affordable, intermediate and private sale flats and houses should assist in fostering community cohesion in an area with a highly diverse population. Delivery of the Regeneration scheme is being conducted in consultation with the SGSR Partnership Board which represents the interests of all residents of SGSR. The Partnership Board is consulted on all aspects of delivery including the planning process, scheme design, decanting and estate management issues.

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

- 6.1 On 30 June 2011 the Council entered into an Indemnity agreement known as the Compulsory Purchase Indemnity Agreement (CPOIA) with Barratt Evolution Limited. The indemnity places an obligation on Barratt Evolution Limited to pay the CPO costs incurred or to be incurred by the Council within 20 working days after receipt of a written demand but shall not demand any payment of CPO costs more than 15 working days prior to such costs being incurred or becoming due for payment pursuant to an agreed Acquisition Strategy. The Council makes provision in the regeneration budget, each financial year, to cover the cost of the CPO should there be a need to cover some costs for a period of time. This budget will cover the potential costs of any acquisitions as well as the Council's costs, if required.

7. LEGAL ISSUES

- 7.1 Section 226(1) (a) of the Town and Country Planning Act 1990, as amended by the Town and Country Planning Act 2004, provides that a local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area if they are satisfied that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. However the power must not be exercised unless the authority thinks that the development is likely to contribute to the achievement of the economic, social and environmental well-being of the area.
- 7.2 The inclusion of the additional area of land as part of the Compulsory Purchase Order will assist in the completion of the on going land assembly exercise being carried out as part of the regeneration of the Stonegrove and Spur Road Estates. The Compulsory Purchase Order will enable the regeneration to take place in accordance with the master programme and the Acquisition Strategy for the area and will provide certainty for the site assembly and the implementation of the scheme, thus enabling the Council's objectives to be achieved in respect of the land, the subject of the Compulsory Purchase Order. It is considered that there is a compelling case in the public interest for the use of compulsory purchase powers. The resource implications of the proposals have also been considered and the Council is satisfied that the necessary resources are available to achieve the regeneration of the land, the subject of the CPO, within the proposed timescale. It is considered that the development will so contribute.
- 7.3 Consideration has been given to the provisions of the Human Rights Act 1998, including Article 8 (respect for private and family life and home) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions). A decision to make a Compulsory Purchase Order must strike a fair balance between the public interest in the regeneration of the land and interference with private rights. Bearing in mind the provisions for compensation to be payable and the compelling case in the public interest for the acquisition of the interest, it is considered that the interference with private property rights is proportionate and strikes a fair balance between the public interest and the

interest of the objectors in compliance with the requirements of Article 1 of the First Protocol. Outline Planning Permission was granted on 3 March 2008.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution, Part 3, Responsibility for Functions, Section 3.6 – Functions delegated to the Cabinet and Resources Committee – includes all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.
- 8.2 Constitution- Council Procedure Rules – Management of Real Estate Property and Land.

9. BACKGROUND INFORMATION

- 9.1 On 28 July 2011, the Council resolved to make a CPO for the Stonegrove and Spur Road Estates. Following preliminary activity on the part of Council officers with respect to the making of the CPO, it has become necessary that an additional piece of land, measuring approximately 333 square metres should be included within the CPO boundary, in order to ensure, that all third party property or proprietary interests over the area that is subject to the regeneration are acquired by the Council in order to facilitate the re-development of the estates.
- 9.2 The additional land to be included in the CPO is vacant land that is in the freehold ownership of the Council and is the site of former buildings used for storage by occupiers. The reason for including the additional area is to ensure that any remaining third party property or proprietary interests are acquired as part of the land assembly exercise for the SGSR Regeneration Scheme.

10. LIST OF BACKGROUND PAPERS

- 10.1 None

Legal – TE
CFO – MC/JH

