

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER in consultation with the chairman of the Assets Regeneration and Growth Committee</p>
<p>Title</p>	<p>Brent Cross Cricklewood Scheme – Whitefield Estate Private Treaty Acquisitions Update</p>
<p>Report of</p>	<p>Deputy Chief Executive</p>
<p>Wards</p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p>Status</p>	<p>Public with separate exempt report -(Not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 as amended (as this relates to financial information))</p>
<p>Enclosures</p>	<p>Appendix 1 – CPO1 and CPO2 site boundary Appendix 2 – (Exempt) Market Value PCE for CPO1</p>
<p>Officer Contact Details</p>	<p>Angela Latty, Regeneration Manager BXN & BXS, Email: Angela Latty@barnet.gov.uk</p>

Summary

This report is to approve the use of the new market valuations in acquiring the residential interests and rights on the Whitefield Estate (“the Estate Interests”) as comprised in CPO1 as shown shaded in pink in Appendix 1.

Decisions

1. To authorise the acquisition by the Council of the residential leasehold and freehold interests and rights in the Whitefield Estate (“the Estate Rights”) at the new market values, as specified within the accompanying exempt report and otherwise in accordance with such Heads of Terms as shall be agreed in respect of each property.

2. To authorise the preparation of the contracts and other appropriate required documentation for each acquisition having regard to the best interests of the Council in order to enable the completion of the acquisition of the Estate Rights on behalf of the Council as required.

1. WHY THIS REPORT IS NEEDED

- 1.1 As reported in a previous Delegated Powers Report dated 1st February 2017 the Council was acquiring a number of residential interests on the Whitefield Estate (“the Estate”), in order to facilitate the delivery of the first development phase of the BXC regeneration scheme. The Estate is located within a key area, where the land will be used to provide some of the critical infrastructure to improve the connectivity between the North and the South.
- 1.2 GL Hearn who are acting on behalf of Council have been negotiating with the homeowners on the Estate and the have recently updated the valuations on these properties. This report will provide an update on these market values.
- 1.3 For background, Cabinet Resources Committee on 16th January 2014 approved the commencement of negotiations to acquire land that was required in order to progress the Brent Cross regeneration scheme, in advance of the making of a compulsory purchase order (CPO). The Assets Regeneration and Growth Committee on 8th September 2014 authorised the appropriate Chief Officers to acquire by private treaty the relevant land and interests and to approve and enter into agreements and undertakings with the owners and/or occupiers of the land to facilitate the acquisition of the relevant land within the scheme boundary. This decision was followed by a further resolution of the Assets Regeneration and Growth Committee on 3rd March 2015 to make the CPO1 and CPO2 orders to facilitate Brent Cross North (CPO1) and Brent Cross South (CPO2) developments. The extent of the CPO order lands are shown on the plan in Appendix 1. These orders were confirmed by the Secretary of State on 7th December 2017.
- 1.4 Since 2016, the Council has been acquiring residential interests through private treaty negotiation across both CPO1 and CPO2 lands. Post CPO confirmation, the Council has continued to negotiate with homeowners who wish to sell their homes.
- 1.5 Argent Related and the Council will be responsible for acquiring the remaining residential interests in CPO2. However, the Estate residents who live within CPO1 will be the first to move to their new homes. As a result, the Council will need to prioritise these residential acquisitions over others.
- 1.6 Therefore, the Council will continue to acquire residential interests in CPO1 and may choose to adopt a hardship criterion for those who are wishing to sell in CPO2. This will allow those who are experiencing financial and/or medical hardship in CPO2 an opportunity to sell much earlier than homeowners within CPO2. A separate report will provide further details on this matter.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a longstanding objective of the Council and a key regeneration priority of the Mayor of London. At 151 Ha, it is one of the largest regeneration schemes in Europe. The London Plan identifies it as an Opportunity Area with an indicative employment capacity target of 20,000 jobs and a minimum new homes target of 10,000 homes. The Council's Core Strategy reinforces the significant comprehensive regeneration opportunity, which includes a new town centre, major new and improved transport and community facilities, and other infrastructure and public areas.
- 2.2 The residential acquisitions on the Whitefield Estate form part of the land acquisition strategy and this land together with other interests are integral to the comprehensive delivery of Brent Cross Cricklewood Scheme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternative options were considered as this is the desired and most appropriate approach.

4. POST DECISION IMPLEMENTATION

- 4.1 GL Hearn will continue to negotiate with the Estate residents and prepare the Heads of Terms for each property acquisition. Officers will prepare the relevant documentation and HB Public Law will continue to draw up the relevant legal contracts and associated documentation as required for signing to reflect what has been agreed and to complete on these transactions.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The reports to the Assets, Regeneration and Growth Committee describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 as updated.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Finance

- 5.2.1 The market value of each property is determined by qualified surveyors, and additional payments (e.g. CPO compensation payments, loss payments etc) are referred to in the agreed Heads of Terms. Further details on the estimated acquisition cost of each property mentioned in the table in 5.2.4 are contained within the exempt report.
- 5.2.2 The approved budget for land acquisition to facilitate the BXC programme in 2018/19 and future years is £37.482m split £23.0m in 2018/19 and £14.482m in 2019/20. Details are found in the Background Paper paragraph (Section 6.5).

Property

5.2.3 To date the Council has acquired a total of 14 properties across the Estate.

5.2.4 As mentioned in earlier reports, GL Hearn are negotiating with homeowners and they will be drafting the Head of Terms for each property purchase. HB Public Law are continuing to provide conveyancing support on property transactions. The Heads of Terms will be negotiated on the basis of having regard to the best interests of the Council. The list of properties to be acquired are shown in the table below:

Areas	Property Acquisition	Type
CPO1 (BXN)	6 Claremont Way, Golders Green, London NW2 1AJ	Leaseholder
	8 Claremont Way, Golders Green, London NW2 1AJ	Leaseholder
	16 Claremont Way, Golders Green, London NW2 1AJ	Leaseholder
	3 Anderson Court, Whitefield Avenue, London NW2 1TJ	Leaseholder
	6 Anderson Court, Whitefield Avenue, London NW2 1TJ	Leaseholder
	4 Rawlinson Court, Whitefield Avenue, London NW2 1TN	Leaseholder
	7 Rawlinson Court, Whitefield Avenue, London NW2 1TN	Leaseholder
	11 Rawlinson Court, Whitefield Avenue, London NW2 1TN	Leaseholder
	12 Rawlinson Court, Whitefield Avenue, London NW2 1TN	Leaseholder
	1 Dyson Court, Whitefield Avenue, London NW2 1TL	Leaseholder
	3 Dyson Court, Whitefield Avenue, London NW2 1TL	Leaseholder
	5 Dyson Court, Whitefield Avenue, London NW2 1TL	Leaseholder
	6 Dyson Court, Whitefield Avenue, London NW2 1TL	Leaseholder
	1 Whitefield Avenue, London NW2 1TH	Freeholder
	2 Whitefield Avenue, London NW2 1TH	Freeholder
	4 Whitefield Avenue, London NW2 1TH	Freeholder
	9 Whitefield Avenue, London NW2 1TH	Freeholder
	11 Whitefield Avenue, London NW2 1TH	Freeholder
	13 Whitefield Avenue, London NW2 1TH	Freeholder
	16 Whitefield Avenue, London NW2 1TH	Freeholder
Areas	Property Acquisition	Type

CPO2 (BXS)	Flat 37 Whyhcote Point, Claremont Road NW2 1TS	Leaseholder
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5.2.5 This table also includes no 37 Whyhcote Point, as these Head of Terms have already been agreed.

5.3 Social Value

5.3.1 The Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits. This is set out in more detail within the relevant sections of the Committee reports included within the background section of this DPR.

5.4 Legal and Constitutional References

5.4.1 The Council's Constitution Article 7, paragraph 7.5, Responsibility for Functions, states that the functions of the Assets, Regeneration and Growth Committee includes responsibility for regeneration strategy and to oversee major regeneration schemes and asset management.

5.4.2. The Council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.

5.4.3 Additionally, the Council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, subject to obtaining all appropriate consents and approvals.

5.4.4 It is expected that the Council will, notwithstanding the CPO Orders have been confirmed, take reasonable steps where possible to acquire interests voluntarily rather than proceed to implement the CPO.

5.4.5 The Assets Regeneration and Growth Committee (8 September 2014) delegated authority to the appropriate Chief Officer to enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition' as stated in the recommendation (a) of the report. In addition, the Assets Regeneration and Growth Committee (3rd March 2015) has delegated authority to the appropriate Chief Officers to '... implement the CPO powers and acquire title to and/or take possession of the land'.

5.5 Risk Management

5.5.1 The Council will continue negotiations to acquire properties by agreement and this approach clearly demonstrates our attempts to proactively engage with homeowners in line with the Council's statutory duty. The CPOs will only be used as a last resort.

5.6 Equalities and Diversity

5.6.1 Section 149 of the Equality Act 2010 sets out the Public-Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:

- ☐ eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
- ☐ advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- ☐ foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.6.1. The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex, and sexual orientation.

5.6.2. The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable and private homes in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.

5.6.3. The delivery of the regeneration scheme is being conducted in consultation with the Whitefield Estate Residents. The Development Partners and Council/Re representatives regularly attend the Whitefield Estate Steering Group meetings to keep residents updated on matters. These meetings will continue throughout the duration of the regeneration scheme.

5.6.4. The original outline planning permission (2010) and the Section 73 permission (2013) has an ES which includes the socio-economic impact assessment, this aspect is also covered by the Revised Design & Access Statement. An assessment of the socio-economic impact of the scheme is provided within Chapter 8 of ES where it explains the impacts on employment, housing and on the wider economy. Full details of the assessment are in the Background Papers, paragraph 6.6.

5.6.5. The scheme proposals will contribute to the environmental and social well-being of its area by:

- promoting social inclusion and tackle deprivation and discrimination
- promoting a safe, well-lit and secure environment
- creating sustainable homes (building all homes to lifetime standards and 10% of properties will be wheelchair accessible or easily adaptable for wheelchair users)
- creating a diversity of employment opportunities available and accessible to local people
- improving accessibility to the sites due to the transport improvements and this will increase opportunities in the wider area
- providing a range of transport choices for all users of the site (pedestrian footpaths, cycle lanes, public transport, car access)

- improving the quality of the public realm, there will be a network of streets and squares to create the new town centre.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

- 5.8.1 Extensive consultation has and will continue to be undertaken with the community to ensure that the scheme reflects local needs including the needs of those with protected characteristics.
- 5.8.2 The BXN and BXS Development Partners regularly attend the Whitefield Estate Steering Group meeting and residents will continue to be supported through the monthly surgeries organised by PEP, the Resident Independent Advisor Service.
- 5.8.3 Within the next few months, further engagement is planned with Whitefield Estate residents living within CPO1. This includes 1-1 appointments arranged by L&Q to meet with individual homeowners to discuss their options.

6. BACKGROUND PAPERS

- 6.1 Assets, Regeneration and Growth Committee 3 March 2015, Brent Cross Cricklewood Report Compulsory Purchase Order 1
<https://barnet.moderngov.co.uk/documents/s21552/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%201.pdf>
- 6.2 Assets, Regeneration and Growth Committee 3 March 2015, Brent Cross Cricklewood Report Compulsory Purchase Order 1
<https://barnet.moderngov.co.uk/documents/s21552/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%201.pdf>
- 6.3 Assets, Regeneration and Growth Committee 3 March 2015, Brent Cross Cricklewood Report – Compulsory Purchase Order 2
<https://barnet.moderngov.co.uk/documents/s21572/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%202.pdf>
- 6.4 Planning Committee, 18th May 2015, approved RMA to build 47 replacement homes on Plots 53 and 54
<https://barnet.moderngov.co.uk/documents/s23218/Land%20Off%20Brent%20Terrace%20Main%20Report.pdf>
- 6.5 Planning Committee, 21 February 2018 approved RMA to build Plot 12 comprising 292 residential units, ancillary housing office, flexible retail, café, basement car park and plant
<https://barnet.moderngov.co.uk/documents/s45137/Committee%20Report.pdf>

- 6.6 Policy and Resources, 5 September 2017, approved budget spend
<http://barnet.moderngov.co.uk/documents/s41854/Capital%20Programme%20Update.pdf>
- 6.7 Assets Regeneration and Growth Committee 12 March 2018, Brent Cross Cricklewood Project Update
<https://barnet.moderngov.co.uk/documents/s45457/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>
- 6.8 Section 73 Application, Environmental Statement Volume 1a, October 2013, Chapter 8
https://publicaccess.barnet.gov.uk/online-applications/files/D148C21CA83573F07E44497AEBD38D64/pdf/F_04687_13-S73_VOLUME_1A_-_ENVIRONMENTAL_STATEMENT-3256411.pdf
- 6.9 Brent Cross Cricklewood Scheme - Whitefield Estate Acquisitions, 1 February 2017
<http://barnet.moderngov.co.uk/documents/s38064/Brent%20Cross%20Cricklewood%20Scheme%20-%20Whitefield%20Estate%20Acquisitions.pdf>

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Cath Shaw, Deputy Chief Executive

Signed: Deputy Chief Executive

Dated: 02/04/19