

	<p>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT 30 April 2020</p>
<p>Title</p>	<p>Brent Cross Cricklewood Scheme – Property Acquisition (Whitefield Estate)</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 accompanying exempt report and appendix</p>
<p>Enclosures</p>	<p>Exempt Report and Appendix 1 - Property Cost Estimate for 43 Whyhcote Point London NW2 1T (Not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 as amended (as this relates to financial information))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>Officer Contact Details</p>	<p>Angela Latty, Regeneration Manager BXN & BXS, Email: Angela Latty@barnet.gov.uk</p>

Summary

To authorise the acquisition of no 43 Whyhcote Point, London NW2 1TS (“the Property”) on the Whitefield Estate in Brent Cross Cricklewood Scheme in CPO2 due to exceptional circumstances.

Decisions

1. That the Deputy Chief Executive be authorised to agree and confirm the acquisition by the Council of no 43 Whyhcote Point, London NW2 1TS, at the market value and otherwise as specified in Property Cost Estimate in the exempt Appendix 1.

2. That the Deputy Chief Executive be authorised to sign the Contract for the sale and purchase of the Property and complete or authorise the completion of all associated documentation in connection with the sale pursuant to 1 above such documentation to have regard to the best interests of the Council, in order to complete the acquisition of the Property and acquire all necessary rights to enable the regeneration of BXC Scheme.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council is prioritising the acquisition of residential freehold and leasehold properties on the Whitefield Estate in Brent Cross North in CPO1 being those properties/and Estate Rights which are required for demolition first. As a result, the Council is prioritising the use of its financial resources on these interests and at present will only consider acquiring properties falling within CPO2 if the homeowner is experiencing some form of hardship or in exceptional circumstances.
- 1.2 No 43 Whyhcote Point is a special case and the Council will be acquiring these interests, as there are extenuating circumstances which give rise to the need for the Council to acquire this Property earlier than would have ordinarily been the case, which is explained within the exempt report.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Some homeowners may be experiencing exceptional adverse circumstances as a result of the CPO and in the event that Argent Related are unable acquire these properties, the Council will step in to acquire these interests.
- 2.2 This residential acquisition on the Whitefield Estate forms part of the land acquisition strategy and this land together with other interests are integral to the comprehensive delivery of Brent Cross Cricklewood Scheme.
- 2.3 The Property was identified as a property to be acquired by the Council in the Delegated Powers Report dated 1 February 2017 falling within CPO2 and a market value attributed to it at that time which also now needs to be revised.

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 Newsteer Real Estate Advisors will negotiate with the Property owners and prepare the Heads of Terms for this property acquisition in line with this Report. Officers will prepare the relevant documentation and HB Public Law will draw up the relevant legal contract and associated documentation as required for signing to reflect what has been agreed and to complete on this transaction.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2024 which states our three outcomes for the borough focus on place, people and communities:

- A pleasant, well maintained borough that we protect and invest in
- Our residents live happy, healthy, independent lives with the most vulnerable protected
- Safe and strong communities where people get along well.

Under a a pleasant, well maintained borough that we protect and invest in' the priorities are:

- ensuring decent quality housing that buyers and renters can afford, prioritising Barnet residents
- investing in community facilities to support a growing population, such as schools and leisure centers
- responsible delivery of our major regeneration schemes to create better places to live and work, whilst protecting and enhancing the borough.

- 5.1.2 The scheme to transform Brent Cross Cricklewood will play a major role in delivering future prosperity, doubling the size of the shopping centre and linking seamlessly to a new town centre for Barnet and North London across the North Circular Road. Brent Cross Cricklewood is one of Barnet's priority regeneration areas and will provide approximately 7,500 new homes over the next 20 years. It is a key part of the wider revitalisation of the A5 corridor, linking Brent Cross Cricklewood with developments at West Hendon, Colindale and Edgware and improvements to Cricklewood Town Centre, to create a series of high quality modern suburbs.

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

5.2.1 Finance

This acquisition is being funded through the BXC land acquisition budget to facilitate this programme. The approved budget for land acquisition to facilitate the BXC programme is

£63.13m, furthermore, there was expenditure on advanced acquisitions of £4.06m. This is in addition to the Thameslink budget. Actual spend to date is £53.16m.

Property

5.2.2 The market value of this property is determined by qualified surveyors, and additional payments (in line with the Land Compensation Acts 1961 & 1973 i.e. CPO compensation payments will be referred to in the agreed Heads of Terms.

5.2.3 Argent Related are not in a position to proceed with this acquisition due to timing and these costs will be recovered from Argent Related at a later date.

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 10 – Table A- Land and Property Transactions Authorisation Delegated Powers – states that any acquisition with a value between £181,302 and £500,000 must be authorised by a Full Delegated Powers Report signed by the Deputy Chief Executive in consultation with the Chairman of the Housing and Growth Committee. The Chairman has been consulted and his approval has been provided to this decision as set out at the end of this report.

5.4.2 The Council's Constitution Article 7, paragraph 7.5, Responsibility for Functions, states that the functions of the Housing and Growth Committee includes responsibility for (i) housing matters including housing strategy and (ii) regeneration strategy and to oversee major regeneration schemes and asset management.

5.4.3. 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.

5.4.4 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 The Council is required, notwithstanding that all CPO Orders required for the delivery of the BXC Scheme have been confirmed, to take reasonable steps to acquire interests voluntarily rather than proceed to implement the CPO where possible in line with its duty to treat and to use its CPO powers as a last resort.

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.

5.4.6 The Policy and Resources Committee (5 September 2017) approved the budget spend on the land acquisitions in Brent Cross Cricklewood Scheme. The budget breakdown is shown in 5.2.1. Further details are found in the Background Paper paragraph (Section 6.6).

5.5 Risk Management

5.5.1 Homeowners who are experiencing difficulties will need to provide evidence to support their case for hardship and exceptional circumstances. A hardship criterion is being developed and officers will seek approval to use through a Delegated Powers Report. This will ensure that only homeowners who meet the criteria are prioritised before others in CPO2. In anticipation of approval of that strategy the circumstances of this transaction would amply meet the criteria laid down in that for acceleration of the purchase of this property.

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 Environmental Statement 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 6.5.

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.

5.6 Corporate Parenting

5.7.1 None in the context of this report.

5.7 Consultation and Engagement

5.7.1 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.

5.6.2 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.

5.6.3 The Property owners have been in regular contact with the council and the Resident Independent Advisor has been providing them with support.

6. BACKGROUND PAPERS

6.1 Assets, Regeneration and Growth Committee 8 September 2014, Brent Cross Cricklewood

<https://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>

6.2 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>

- 6.3 Policy and Resources, 5 September 2017, approved budget spend
<https://barnet.moderngov.co.uk/documents/g8737/Public%20reports%20pack%2005th-Sep-2017%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=10>
- 6.4 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>
- 6.5 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
- 6.6 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: Deputy Chief Executive

Signed:

Dated: 06.05.2020

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Approved by Cllr. Richard Cornelius
Chairman of the Housing &
Growth Committee

Dated...06.05.2020.....