

Self-Assurance Checklist for Engagement with relevant parties

Report Title: West Hendon Estate, Regeneration, Phase 3a Appropriation

Author: Peter Bays

Director: Bill Murphy

Consulted	Name	Date	Comments – if any
Governance Champion	Paul Shipway		
Governance Service Lead	Maria Lugangira		
Finance	Adela O'Brien		
HR Business Partner			No HR Issues identified
Strategic Procurement			No procurement Issues identified
HB Public Law	Katherine Hamilton		
Policy & Partnerships			No Policy and Partnership issues identified
Equalities & Diversity			No Equality and Diversity Issues identified
Senior Management Team			
Delivery Board			
Member Body			
Head of Department	Tony Westbrook		
Director for Place	Pam Wharf		To receive delegate authority for appropriation if the DPR is signed

This document should be saved and kept as an audit trail along with advice received for the preparation of the report

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet 30 August 2005, (Decision 5) West Hendon Area Regeneration Project approved the Principal Development Agreement.
- 1.2 Cabinet 11 October 2005; (Decision 7) West Hendon Area Regeneration Project approved the Principal Development Agreement with comments from Cabinet Overview and Scrutiny Committee.
- 1.3 Cabinet Decisions 3 April 2006; (Item 8) West Hendon Regeneration Project approved to entering into the Principal Development Agreement.
- 1.4 Planning and Environment Committee 11 December 2007; (Decision 10) Approved the demolition of the Lakeview Children's Centre and redevelopment of the site with 8 affordable houses.
- 1.5 Cabinet Resources Committee 25 March 2008 (Decision 14); approved the transfer of the former Lakeview Children's Centre site to Barratt Metropolitan LLP for redevelopment of 8 new affordable houses.
- 1.6 Planning and Environment Committee 22 December 2008 (Decision 8); Approved Reserved Matters Application to develop Phase 2A of the development.
- 1.7 Cabinet Resources Committee 22 April 2010 (Decision 5); Approved the disposal of land forming part of Phase 2A to Barratt Metropolitan Limited Liability Partnership (BMLLP) for the development of 184 new homes.
- 1.8 Delegated Powers Report 26 November 2010 (1224) approved the appropriation land within Phase 2a of the Initial Phase in accordance with S.122 Local Government Act 1972
- 1.9 Perryfield Way NW9 (Car Parks) Stopping Up Order 2013; made on 4th July 2013 Plan No. GWHPAS-C-DWG-00030 Rev P05
- 1.10 Notice of intention to appropriate public open space under Section 122(2A) of the Local Government Act 1972; dated 11th July 2013
- 1.11 Planning and Environment Committee 23rd July 2013; Approved Outline consent for construction of 2,000 homes, a two form entry primary school, nursery and new community facilities and detailed approval to phase 3a for the regeneration project

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The regeneration of West Hendon Estate supports the corporate priority of 'A successful London suburb' in the Corporate Plan 2013/16. This key priority is underpinned by the following objectives:
 - facilitate housing choices that support residents' aspirations
 - secure 1,388 net additional homes
 - ensure that 70% of net additional homes are suitable for families

- ensure that 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.

2.2 The re-development also complies with strategic objectives in the Council's Housing Strategy.

3. RISK MANAGEMENT ISSUES

3.1 Phase 3 of the West Hendon Regeneration Scheme is due to be completed in October 2015 and any delay in the appropriation of the land that is subject of this report will hinder the handover date of the affordable units as well as other units in this phase of the regeneration scheme.

3.2 Officers have considered the issues involved and do not believe that they are likely to raise significant levels of public concern or give rise to policy considerations.

3.3 Officers are not aware of any private rights that exist across the land to be transferred under phase 3a of the regeneration project but appropriation to planning is needed to enable the Council to extinguish any private rights that may exist and which could give rise to an action that could delay the delivery of the homes in the phase.

4. EQUALITIES AND DIVERSITY ISSUES

4.1 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.

4.2 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.

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

5.1 There are no procurement, performance and value for money, staffing, IT or sustainability implications. The property implications are set out in paragraph 8 below.

6. LEGAL ISSUES

6.1 Section 122 of the Local Government Act 1972 empowers a local authority to appropriate land held by it from one statutory purpose to another if the

considers that the land is no longer required for the purpose for which it is currently held.

- 6.2 The Council has carried out an internal consultation with respective departments regarding the use and requirement of the land as Housing land, highways and public open space and has decided that the land is no longer required for these purposes and should now be appropriated to planning use.
- 6.3 The council made a Stopping-up Order to extinguish all public rights over the car park land within Phase 3a on 4th July 2013. This was advertised in the London Gazette and local press on 04 July 2013 from which a six week period commenced for appeals, if any, to be made via the Courts.
- 6.4 The council is required to advertise its intention to appropriate the public open space at York Park. A Notice of intention to appropriate public open space under Section 122(2A) of the Local Government Act 1972 was placed on site and in the local press for a period of 2 weeks commencing 11th July 2013 requesting any representations by 25th July. No representations were received. The Council has also advertised its intention to dispose of the public open space (subject to Secretary of State consent – see paragraphs below). Again, the council did not receive any representations.

7. CONSTITUTIONAL POWERS

- 7.1 Appropriation of land from one purpose to another is a function of the Council's Executive. Constitution, Part 3, Responsibility for Functions, paragraph 4.2 states the functions allocated to individual Cabinet Members which provides that "The Leader may discharge any function of the Executive".
- 7.2 Due to the time constraints this DPR has been prepared for approval by the Leader which will be reported as a retrospective decision to the next CRC.

8. BACKGROUND INFORMATION

- 8.1 The Council is currently working with its partners, Barratt Metropolitan Limited Liability Partnership (BMLLP) on the delivery of the West Hendon Regeneration Scheme. The 'Initial Phase' of the development as well as Phase 2, which will deliver 194 new dwellings including 43 affordable and 151 private homes, is nearing completion. The next phase, phase 3a, will deliver 216 new homes including 74 affordable units on land shown coloured blue on the attached plan 716_00_SK_099.
- 8.2 The land forms part of the West Hendon Housing Estate other than: (i) the area shown outlined in green which was formerly currently used as a public and commercial car park at Perryfield Way; (ii) the land outlined blue which is mainly public open space at York Park; and (iii) the land outlined red which is an area amenity land and private car park associated with a council owned commercial property known as the Marquin Centre.
- 8.3 The Planning and Environment Committee resolved to grant consent to the whole regeneration scheme, with a detailed consent for this phase 3a, at its meeting on 23rd July 2013. The resolution to grant consent is subject to a s106 Agreement which is programmed to be completed within the next 6 weeks.

- 8.4 Under the Principal Development Agreement (PDA) the council's development partner, Barratt Metropolitan LLPA can call for a transfer of the land in this phase. They have already requested an early handover to meet the program needed to secure the funding on the affordable dwellings in the phase. Any transfer will be conditional upon discharge of all conditions precedent to the PDA, completion of the s106 Agreement and to approval of the Secretary of State to the disposal under s233 of the Town and Country Planning Act 1990.
 - 8.5 Secretary of State consent is required if that the land is to be transferred to Barratt Metropolitan LLP at less than best consideration. The application for s233 consent has been submitted and it is hoped that consent will be received in the next 8 to 10 weeks – however, the Secretary of State will require confirmation that the land has been appropriated to a planning purpose and it is intended that a copy of the decision authorising the appropriation will be forwarded as soon as approved.
 - 8.6 Following receipt of Secretary of State consent and satisfaction or waiver of the conditions precedent the development partner will serve the Council Notice calling for transfer of the land in accordance with the terms of the PDA which the Council will need to complete appropriated to planning
 - 8.7 Pursuant to the provisions of Section 247 of the Town and Country Planning Act 1990, as amended, the council advertised its intention make the Stopping-up Order needed to close the highway areas in phase 3a (commonly known as Perryfield Way Car Park) and the Stopping-up Order was made on 4th July 2013. A replacement public car park has been created on the estate in Warner Close to ensure that public parking will be maintained at all times throughout the development of this phase.
 - 8.8 A draft stopping up order in respect of Telford Road was advertised on 11 July 2013, and the 28 day statutory consultation period is due to expire on 9th August 2013, subject to the receipt of any objections the final order will be published shortly after. Telford Rd provides access to some commercial units and must be maintained until a new access is created through part of phase 3ai, which is one of the first elements of work to be undertaken. This strip of land shown coloured blue hatched red will be appropriated to a planning purpose once all the highway rights have been stopped up in accordance with the relevant statutory provisions.
 - 8.9 The proposals for the development of this phase, approved by the Planning and Environment Committee on 25th July, include the redevelopment of a substantial part of York Park. The overall scheme includes the re-provision of open space in a later phase, but not in the current location. In compliance with sections 122 and 123 of the Local Government Act 1972 the council has consulted on its intention to both appropriate and dispose of public open space through advertising on site and in the local press and no representations have been received.
 - 8.10 The appropriation of land is a property matter which would ordinarily be addressed at Cabinet Resources Committee. However, there is no scheduled CRC meeting in until September and, in order for the council to transfer the land as soon as the outstanding conditions have been met and Secretary of State approval received it is necessary for this matter to be attended to ahead of the next Committee date.
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- 8.11 If the Council cannot hand over the land with vacant possession on program there is a risk that the development partner will be unable to meet the delivery program agreed for the grant funding of the affordable units in the phase.

9. LIST OF BACKGROUND PAPERS

- 9.1 Plan 716_00_SK_099 of land proposed to be appropriated coloured blue.

10. DECISION TAKER'S STATEMENT

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.

11 DECISION OF THE CABINET MEMBER(S)

I authorise the following action:

- 11.1 That in accordance with the provisions of S.122 of the Local Government Act 1972, the land shown coloured blue on the attached plan, excluding the area shown coloured blue hatched red is hereby appropriated to planning purposes; and
- 11.2 That in accordance with the provisions of S.122 of the Local Government Act 1972, the land shown coloured blue hatched red on the attached plan shall be appropriated to planning and that delegated power is given to the Director for Place to complete the appropriation upon implementation of the highway closure.
- 11.3 Subject to Secretary of State consent the transfer of the land shown coloured blue on the attached plan to Barratt Metropolitan LLP in accordance with the relevant provisions of the Principal Development Agreement



Signed

Leader of the Council

Date

12 September 2013

Note: This statement is an understanding that the decision taker has fulfilled their duty to provide relevant and accurate information and has included senior management team sign off. In producing this self-assurance statement it is the responsibility of the decision maker to ensure that support services are consulted, at the appropriate time, as to what should be included in the report from a legal, finance, equalities and policy perspective and the level of detail.
