

DATED 16 DECEMBER 2016

LONDON BOROUGH OF BRENT

THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

LONDON BOROUGH OF BRENT

(SOUTH KILBURN REGENERATION PHASE 2 –

LAND NORTH OF CHIPPENHAM GARDENS)

COMPULSORY PURCHASE ORDER 2016

STATEMENT OF CASE

MADE BY LONDON BOROUGH OF BRENT UNDER

**RULE 7 OF THE COMPULSORY PURCHASE
(INQUIRIES PROCEDURE) RULES 2007**

CONTENTS

Section	
1	BACKGROUND AND INTRODUCTION 3
2	THE SOUTH KILBURN REGENERATION PROGRAMME 6
3	LOCATION AND DESCRIPTION OF THE ORDER LAND 11
4	THE ENABLING POWER UNDER THE TOWN AND COUNTRY PLANNING ACT 12
5	THE SCHEME FOR THE ORDER LAND 13
6	THE PURPOSE OF THE ORDER 14
7	JUSTIFICATION FOR COMPULSORY PURCHASE 16
8	PLANNING POSITION OF THE ORDER LAND AND POLICY BACKGROUND 24
9	IMPLEMENTATION AND FUNDING OF THE SCHEME 29
10	HUMAN RIGHTS CONSIDERATIONS 30
11	EQUALITY IMPACT ASSESSMENT 32
12	SPECIAL CONSIDERATIONS 33
13	DETAILS OF HOW THE AUTHORITY SEEKS TO OVERCOME ANY POTENTIAL IMPEDIMENTS TO THE IMPLEMENTATION OF THE ORDER 33
14	THE VIEWS OF GOVERNMENT DEPARTMENTS 34
15	PROPOSED MODIFICATION OF THE ORDER 35
16	RELATED ORDERS 35
17	COUNCIL'S RESPONSE TO OBJECTIONS TO THE ORDER 35
18	CONCLUSION 48
19	INQUIRIES PROCEDURE RULES 48
20	INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER 48
21	RELEVANT DOCUMENTS FOR INQUIRY 48
	APPENDIX 1 - MAP REFERRED TO IN THE ORDER 51
	APPENDIX 2 - PLAN SHOWING ALTERNATIVE POST OFFICES 52
	APPENDIX 3 - PLAN SHOWING PROPOSED ADOPTION 53
	APPENDIX 4 - PLAN SHOWING ORIGINAL STOPPING UP PROPOSAL 54
	APPENDIX 5 - PLAN SHOWING 'AS PUBLISHED' STOPPING UP PROPOSAL 55
	APPENDIX 6 - PLAN SHOWING THE PROPOSED MODIFICATIONS TO THE ORDER 56

1. BACKGROUND AND INTRODUCTION

- 1.1 On 5 September 2016 the London Borough of Brent (the "**Council**") made the London Borough of Brent (South Kilburn Regeneration Phase 2 – Land North of Chippenham Gardens) Compulsory Purchase Order 2016 (the "**Order**").
- 1.2 The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990.
- 1.3 The Council via its Cabinet Committee on November 2013 and 26 January 2015 and 1 June 2015 resolved to make the Order pursuant to its powers under section 226 of the Town and Country Planning Act 1990 (as amended) (the "**1990 Act**"). These various authorisations given by Cabinet related to the key steps involved in securing the necessary land assembly, including authorisation for land acquisition, both by agreement and compulsorily if required, commencing statutory consultation processes and the allocation policy for secure tenants affected by the Order in relation to the scheme described within section 5 of this Statement (the "**Chippenham Gardens Scheme**"). The Council will seek further authorisations in relation to the Order, as necessary, as it proceeds through the statutory process. The purpose of the Order is to enable the Council to purchase compulsorily, to facilitate the carrying out of development, redevelopment and improvement, certain land in the South Kilburn Estate (the "**Estate**") in the London Borough of Brent. The land which is the subject of the Order comprises 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers only) and other land in the immediate vicinity and is shown edged in red and coloured pink on the map referred to in the Order (the "**Order Land**"). A copy of the map referred to in the Order accompanies this Statement of Case and is attached at *Appendix 1*.
- 1.4 The reasons for the order are two-fold. Firstly, to provide for the redevelopment of the Order Land to facilitate the Chippenham Gardens Scheme. This would lead to its transformation from a run-down and sub-standard urban form to a modern and carefully designed development contributing to a better environment, a better mix of dwellings in the locality and increasing the number of affordable, social rented homes on the Order Land from 8 to 22. Secondly, the purpose of the Order is to support the South Kilburn Regeneration Programme by delivering a crucial and integral part of the programme to regenerate the Estate. This is achieved not only through the regeneration of the Order Land itself which contributes to the regeneration of the South Kilburn area, but by the new affordable dwellings being made available to the secure tenants of the homes on the Estate which are due for redevelopment as the next step in the programme. If homes are not available for "decant" of secure tenants, the programme would come to a halt. Further details of the Scheme are provided at Section 5.
- 1.5 The Council's objective in seeking to acquire the Order Land is to assemble in its ownership the land and interests included in the Order, so as to progress and continue to facilitate and enable implementation of the phased housing led regeneration of the South Kilburn Estate in accordance with the South Kilburn Masterplan (the "**South Kilburn Regeneration Programme**" or "**the Scheme**"). The Chippenham Gardens Scheme is part of the South Kilburn Regeneration Programme or Scheme.
- 1.6 The implementation of Phase 1 is now complete and Phase 2a of the South Kilburn Regeneration Programme is due to complete early 2017, with Gloucester House and Durham Court within Phase 2b of the programme, which is out for procurement for a contractor to start building the Gloucester House and Durham Court, which is a planning approved scheme, in early 2017. The redevelopment of the Queen's Park/Cullen House site has been delayed as a result of the site being affected by High Speed Two (HS2) Limited's proposal to locate a vent shaft relating to the construction of Phase One of HS2 on the Queen's Park/Cullen House site. Following negotiations between High Speed Two (HS2) Limited and the Council, High Speed Two (HS2) Limited has agreed (subject to receiving the necessary Government approvals/consents), to relocate the vent shaft to another site which does not form part of the Regeneration Programme. As a result, the Council now intends to bring forward the Queen's Park/Cullen House site for redevelopment in accordance with the Masterplan.

- 1.7 The Order relates to a further phase which will deliver the redevelopment of Chippenham Gardens; comprising of two existing buildings, a 4 storey residential block and the Kilburn Park Post Office a relatively small 2 storey pitched roof building, together with other land in the immediate vicinity (and collectively such area of redevelopment is referred to in this Statement of Case as "**Chippenham Gardens**" or the "**Site**").
- 1.8 The purpose of the Order is to facilitate the carrying out of development to include the demolition of 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers only), and the comprehensive redevelopment of the Order Land to deliver approximately 52 new high quality residential homes which will include approximately 30 dwellings for sale on the open market and approximately 22 affordable (social rent) dwellings comprising a range of 1 to 3 bedroom flats. In addition, the Chippenham Gardens Scheme will provide new public realm and improved pedestrian routes, car parking spaces, new landscaped private and shared gardens and associated highway and other infrastructure, drainage, servicing and works. The Chippenham Gardens Scheme for the redevelopment of the Site has the benefit of full detailed planning permission granted by the Council on 14 July 2016 (Planning Reference 16/1191). There is policy support for the Chippenham Gardens Scheme at national, regional and local level. Local planning policy refers specifically to proposals for the redevelopment of the South Kilburn area. The project is also an integral and vital part of the Council's proposals for the regeneration of the South Kilburn area. The South Kilburn Masterplan Review 2016 is now complete and it has reinforced the point that the successful delivery of the Chippenham Gardens Scheme is critical to the Council's on-going delivery of the South Kilburn Regeneration Programme as it will deliver 22 much-needed new affordable homes at social rent, for the programmed decant of existing secure tenants in future phases of the South Kilburn Regeneration Programme. Failure to deliver the 22 affordable homes as proposed within the timescales and phasing will have a detrimental impact on the future phases and the comprehensive wider regeneration of the South Kilburn Masterplan by preventing the Council from having a vacant site in order to bring future sites forward for redevelopment. Not being able to bring the site forward for redevelopment would also have an impact on the financial viability of the wider Estate regeneration which must be part of a self-funded programme. Failure to deliver the Chippenham Gardens Scheme would be detrimental to the comprehensive regeneration envisaged by the South Kilburn Masterplan.
- 1.9 The Order seeks to acquire all estates and interests in the Order Land, including rights, easements, the benefit of covenants, rent charges and options in the Order land (except where otherwise expressly stated) which need to be secured to enable the Chippenham Gardens Scheme to be delivered. The Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership, which can only be acquired through by compulsory acquisition.
- 1.10 In promoting the Order the Council has had regard to the guidance on compulsory purchase, entitled "Guidance on Compulsory Purchase process and the Crichton Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion", published by the Department for Communities and Local Government in October 2015 ("the Guidance").
- 1.11 Paragraph 1 of the Guidance notes that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change and used properly can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities and the promotion of business – leading to improvements in quality of life.
- 1.12 Further, paragraph 2 of the Guidance advises that Acquiring Authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest. This paragraph also states that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the compulsory purchase order by agreement. Paragraph 2 also advises that compulsory purchase is intended as a last resort to secure the assembly of all of the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time

will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedures. This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations. Paragraph 2 also advises that when making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.

- 1.13 The Guidance also states, at paragraph 16, that:- "Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and treat their concerns with respect." Paragraph 16 also states: - "Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question". In accordance with the guidance, the Council has been carrying out negotiations and seeking to acquire the Order Land by agreement wherever possible, and is continuing to do so in parallel with making the Order.
- 1.14 The Council has already acquired one (1) leaseholder interest by negotiation. The leaseholder was an investor-owner, not in occupation of the land, whom the Council compensated for the acquisition of the interest. The Council will and has continued to seek to acquire the other remaining interests in the Order Land by agreement; however there are a number of interests that remain to be acquired. The scale and nature of the Chippenham Gardens Scheme requires the making of the Order to enable the Order Land in its entirety to be assembled in the Council's ownership, with clear title, and the Scheme to be delivered with certainty and within a reasonable timescale. As the Order Land includes land in unknown ownership and it is burdened with adverse easements and restrictive covenants, the Council considers that it is essential compulsory purchase powers are secured to enable the scheme to proceed.
- 1.15 The Guidance also states, in paragraph 12, that:- "A compulsory purchase order should only be made where there is a compelling case in the public interest", and that the purposes for which an authority is making an order justify interfering with the human rights of those with an interest in the land affected, having regard in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, to Article 8 of the Convention. The Council is satisfied that there is a compelling case in the public interest for the Order to be made in respect of the Chippenham Gardens Scheme and that compulsory acquisition of the Order Land is justified and proportionate.
- 1.16 Paragraph 6 of the Guidance notes that all public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 and in exercising their compulsory purchase and related powers these acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics. The Council has complied with this duty in preparing its proposals and the Order.
- 1.17 Paragraph 15 of the Guidance also advises that the Acquiring Authority will need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. The Council is confident that there will not be any such impediments to the implementation of its proposals for the delivery of the Chippenham Gardens Scheme on the Order Land. There has been extensive consultation about the Chippenham Gardens Scheme. Due diligence has also been undertaken and enquiries made with land-owners and other interests. No significant impediments have been disclosed and subject to confirmation of the Order and the making of a stopping up order in relation to highway land affected by the proposals for the Order Land, the Chippenham Gardens Scheme can be implemented.
- 1.18 The Council has consequently made the Order to secure all interests required to enable implementation of the Chippenham Gardens Scheme, to achieve the Council's adopted planning policy objectives for the South Kilburn area, to meet identified housing need and as part of the "decant" of residents to alternative accommodation as part of the South Kilburn

Regeneration Programme. The Chippenham Gardens Scheme delivers much-needed family housing provision and the homes have already been identified to accommodate existing secure tenants of South Kilburn affected by future phases of the South Kilburn Regeneration Programme, hence it is imperative that the Site is brought forward for redevelopment within a timely manner as an integral part of the wider programme. Discussions will continue with owners of relevant interests in the Order Land who are willing to sell their interest in the Order Land by agreement, with a view to limiting the number of interests which need to be acquired compulsorily pursuant to the Order. The approach adopted by the Council is in accordance with the advice contained in the Guidance.

- 1.19 The Council's reasons for making the Order are set out in greater detail below. On confirmation of the Order, the Council intends to serve a Notice (or Notices) to Treat and Notice (or Notices) of Entry and/or to execute one or more General Vesting Declarations in order to secure unencumbered title to the Order Land.
- 1.20 In addition to the purchase of property interests within the Order Land, the Council has also submitted an application the Secretary of State on Ground 10A of Schedule 2 to the Housing Act 1985 which has now been approved. All of the 8 tenants of Chippenham Gardens have already been offered and allocated new properties on the Estate, within an existing Council property on the Estate or an alternative home outside the Estate. Five have already moved to alternative properties, leaving 3 to be relocated by March 2017. The tenants concerned have already accepted new properties within the Bronte and Fielding development, which is part of the South Kilburn Regeneration Programme and will be moving there as soon as building work is completed.

2. THE SOUTH KILBURN REGENERATION PROGRAMME

- 2.1 The regeneration of South Kilburn is a fifteen year programme that is approximately half way through. It aims to transform the area into a sustainable and mixed neighbourhood and to create a sense of place and belonging. The programme will re-build around 1,200 affordable homes and deliver the same number of additional market homes to help create a mixed neighbourhood and provide a development that is viable overall in order to enable the provision of new, high quality, social rented homes for existing secure Council tenants and others in housing need. The Council's objectives are to provide high quality new homes that achieve a substantial improvement in the living conditions of existing secure Council tenants. The Regeneration Programme is also intended to provide improved and new open spaces, enhance public realm, new retail facilities, new health facilities and a new school for primary age provision, and improved environmental conditions.
- 2.2 South Kilburn is an amalgam of Council estates from the 1960s and 1970s including a number of different post-war social housing typologies in a poorly designed and low quality physical environment. The Estate is located in the south of the borough and sits between Kilburn to the east, Queen's Park to the north-west and extends towards Maida Vale in the south. It is an area surrounded predominantly by privately-owned terraced Victorian and Edwardian housing that command high values. The over and underground facilities of Queen's Park and Kilburn Park stations lie close to the Estate's borders.
- 2.3 The Estate was predominantly built during the 1960s and 1970s following slum clearance and shows symptoms of some of the worst forms of experimental urban planning of those years: brutal tall buildings; deck access; dead ends and cul-de-sac; raised walkways. Many of the homes are of very poor quality, and have fundamentally flawed designs resulting in poorly defined and oppressive areas between buildings that are low quality, disparate and poorly defined open and public and private spaces.
- 2.4 The South Kilburn area is typically characterised by poor housing conditions and multiple deprivation, including low incomes, high unemployment, low educational attainment, poor health, and high incidence of crime and fear of crime. Many of the homes are of very poor quality, particularly those that were of the Bison construction system, and many have fundamentally flawed designs, including at ground level, that result in poorly defined and oppressive areas between buildings that are neither streets nor spaces.

- 2.5 The Estate is an anomaly compared with its immediate environs. It is surrounded by desirable and high quality neighbourhoods such as Queen's Park, Maida Vale and Warwick Avenue, which do not experience the same social and economic problems as those which affect the Estate, each being set along a traditional network of connected streets with housing frontages and front doors. Before the slum clearance in the 1960s, the area which is now the Estate had a similar layout to its surrounding high quality neighbourhoods.
- 2.6 Over time, these inherent flaws have combined with ageing facilities, and the increased costs of management and maintenance are such that the Council considers there is a need for comprehensive redevelopment in accordance with the proposals set out in the South Kilburn Masterplan. The costs of repair and refurbishment of the Estate, to Decent Homes Programme standards would be significant and would not address the fundamental inadequacies of the homes within these blocks or the Estate as a whole.
- 2.7 The Estate represents the largest concentration of social housing in Brent and amongst the largest in London. Much of the housing suffers from inherent internal design problems and the relationships between buildings, streets and spaces are poor and indeterminate. The area is not amenable for maintenance or improvement and the Estate presents substantial management challenges. These physical conditions manifest themselves in some of the highest levels of social and economic exclusion in the borough (which are amongst the highest in the country).
- 2.8 It has long been recognised that the Estate is in need of regeneration. In 1999, the Estate was awarded New Deal for Communities status and a Government grant of £50m, a proportion of which was identified for building new homes. New community facilities were also provided, while some homes on the Estate have been improved under the Government's Decent Homes programme. There remains however, a recognition that the poor quality general layout and design of the Estate is conducive to and exacerbates the adverse socio-economic conditions on the Estate.
- 2.9 The Council considers that the problematic design of the Estate has a negative impact on opportunities to improve its economic and social prospects, and that it also contributes to low aspirations and a lack of environmental well-being among residents of South Kilburn. Socio-economic information and statistics highlight the problems faced by the Estate, which are typical of poor inner city housing estate areas.
- 2.10 The Council's current phased approach to the regeneration of the Estate is a sustainable and deliverable proposal but still requires single ownership of property interests in the Estate. The Order is therefore necessary to secure that single ownership necessary to bring forward the comprehensive regeneration of the Estate.
- 2.11 According to the Census 2011, the population of the Estate is 7,775 people. Around 35% of the population of the Estate is under 24 years of age. The Estate has an ethnically diverse population, 39% of Estate residents defining themselves as black or black British and overall 66.9% of the population is from a Black and Minority Ethnic (BAME) group.
- 2.12 Eighty-five percent of the Estate's population rent their accommodation. Within this, 57% rent from the Council, 15% rent from Housing Associations, and just 13% rent privately. Only 12% of local people are owner-occupiers.
- 2.13 According to the Census 2011, 9.9% of the working age population of the Estate are unemployed, more than four percent higher than the claimant rate within the Borough of Brent (5.8%), and almost twice the unemployment rate for London as a whole (5.2%) indicating that the Estate represents a 'pocket of deprivation'.
- 2.14 Whilst educational achievement in the population of the Estate at Key Stages has improved from 2012 to 2013, at GCSE levels worsened during the same period. In 2013, only 34% of pupils resident in the Estate achieved 5 grades A* to C, compared to 63% in Brent as a whole. Within the Estate, 22.4% of Estate residents have no qualifications.

- 2.15 Although life expectancy at birth for the female population of the Estate is marginally higher than Brent as a whole (84.8 years versus 84 years), life expectancy at birth for the male population of South Kilburn is 4.3 years less than Brent as a whole (74.7 years versus 79 years). The Estate has high rates of premature mortality (all causes) and much of this appears to be related to circulatory disease in those aged under 75.
- 2.16 In 2011, 7.9% of the population of the Estate declared their health to be bad or very bad compared to 5.3% across Brent as a whole. There are considerable concerns over childhood obesity in the Estate with 30.3% of Year-6 children being obese compared to only 23% for the whole of Brent. Similarly, 28.1% of the adult population of the Estate are obese versus 21.2% of the adult population of Brent as a whole. Mosaic Public Sector data from March 2011 suggested that over 30% of Estate residents were very worried about being a victim of crime.

Development of the Scheme

- 2.17 Regeneration proposals were first considered in 1999 as part of the identification of the Estate as a New Deal for Communities area. The South Kilburn New Deal for Communities Partnership was awarded £50m over a ten year period from 2001 for a combination of physical, social and economic projects. The programme was set around six themes:
- Problems with housing and the physical environment;
 - Poor job prospects;
 - High levels of crime;
 - Widening participation;
 - Educational under-achievement; and
 - Poor health.
- 2.18 A Masterplan for the Regeneration of South Kilburn was produced in 2004 (the "**South Kilburn Masterplan**") to set a framework for radical change to the physical form of the Estate, focussing on four neighbourhood centres around which traditional street patterns could be re-established. This proposed increasing the number and quality of homes and diversifying the tenure mix within the area – approximately 1,500 new private homes were proposed, alongside proposals to refurbish or rebuild publicly-owned housing.
- 2.19 The South Kilburn Supplementary Planning Document (the "**South Kilburn SPD**") was adopted in 2005, and provides planning policy support for the Masterplan. The purpose of the South Kilburn SPD is to set parameters to guide and control future development that will enable the overall vision for the Estate to be realised. The South Kilburn SPD is currently being revised and updated to ensure it fully aligns with current national, regional and local policy guidance. It is envisaged that the proposed amendments to the South Kilburn SPD will be presented to the Council's cabinet in early 2017, after which all required statutory consultation to amend the South Kilburn SPD will be undertaken. The SPD currently splits the Estate into a number of distinctive neighbourhood quarters:
- Historic Quarter;
 - Village Quarter;
 - Urban Quarter; and
 - Artisan Quarter.
- 2.20 The Chippenham Gardens Scheme (which is the subject of the Order) relates to land located within the Village Quarter of the Masterplan.
- 2.21 The delivery of 20 demonstration homes at Thames Court at Albert Road was completed in 2005. A further 130 new homes for social rented and shared ownership accommodation were delivered at the Granville New Homes development, completed in 2009.
- 2.22 The Council is now progressing the regeneration proposals as part of a phased delivery programme – the South Kilburn Regeneration Programme. In 2009, the Council embarked upon revisions to the 2004/5 Masterplan that reduced the number of new private homes

proposed (from approximately 1,500 to 1,200) and established a phased programme of site by site redevelopment that allows the Council to decant existing tenants into new/replacement accommodation and to bring forward development sites to the market.

- 2.23 As part of this revised approach to delivery, since 2011, six sites have been taken through the planning process for the delivery of 581 new homes on the Phase 1b and Phase 2a lands. The Council received land receipts for these sites which has enabled the Council to proceed with design proposals for the Order Land.
- 2.24 On 11 November 2013, the Executive members of the Council approved the award of a contract for a full architectural design team to PRP Architects to lead a design team through to full planning application (RIBA 3) for the comprehensive redevelopment of the Order Land. A planning application was approved on the 14 July 2016 for the development on the Order Land of 52 mixed tenure homes for social rented accommodation and market sale, of which 22 are earmarked for social rented accommodation to be offered to existing secure council tenants in the Estate as part of the on-going Regeneration Programme.

Community Consultation

- 2.25 The preparation of proposals for the regeneration of the Estate has been supported by widespread consultation. More recently, consultation was undertaken in 2015/16 on Woodhouse Urban Park ("WHUP") with local residents and stakeholders for the delivery of a high quality urban park situated on Albert Road that was opened to the public on the 7 May 2016 and also the redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as "Peel"), the latter being the site identified for a new fit for purpose health centre for South Kilburn. Consultation on the design proposals for Peel was undertaken in 2015/16 with representatives from, NHS England three local GP practices as well as with local residents and stakeholders.
- 2.26 More specifically, in the development of the Chippenham Gardens Scheme for the Order Land, consultation has taken the form of: consultation with the leaseholders of Peel and 4-26 Stuart Road (even numbers only) which took place on 17 February 2015 followed by a formal consultation exercise on 9 April 2016 regarding three important proposals in concerning the Ground 10a application to be made by the Council, the proposed compulsory purchase order for the Order Land and the Council's Allocation Policy with the secure tenants of 4-26 Stuart Road (even numbers only) and Hereford House and Exeter Court, which form part of the South Kilburn regeneration programme. A revised allocation policy was approved by the Cabinet in June 2016.
- 2.27 In addition, three public exhibitions/consultation sessions were held targeting residents and stakeholders neighbouring the Order Land and within the wider community, one focused Resident Design Groups targeted at residents who may be offered new homes; a presentation regarding the Scheme's proposals and a display of consultation boards at a local Area Consultative Forum; and a presentation at the South Kilburn Tenants' Steering Group meeting, held on a quarterly basis. A pre-planning exhibition was also held on 8 March 2016 to showcase the final proposals and designs before the planning application was submitted. Updates regarding the project's progress throughout its lifecycle, including the consultation boards presented at the public exhibitions, have also been provided on the Council's South Kilburn webpage and through various publications. Full information regarding the proposals have been made available to ensure residents are fully informed. Further to this, persons at addresses within and adjacent to the Order Land have been consulted by the Council in its capacity as Local Planning Authority in respect of the planning application for the Chippenham Gardens Scheme. A Statement of Community Involvement was prepared by the Council recording the consultation undertaken by it, which was considered when the Council sought planning permission for the Chippenham Gardens Scheme. The Council has given consideration to the feedback it has received and taken account of this, where possible, in formalising its proposals for the Order Land and the implementation of them.
- 2.28 The South Kilburn Masterplan seeks to transform the area into a number of distinctive neighbourhood quarters characterised by mixed and integrated tenures, and a legible, secure

and high quality public-realm. The Masterplan sets out how it is proposed to redevelop the Estate, identifying those blocks that are retained and those that will be redeveloped. The location - 15 minutes from Central London with two tube stations and a 10 minute walk to Maida Vale - makes this an ideal location for people to live. Bringing forward homes at or above the Mayor's housing design standards is part of the distinctive approach of the programme. Quality in building, landscape and public realm design is fundamental to the area's transformation.

- 2.29 The Masterplan Review 2016 has just concluded. The Site forms part of Phase 3a programmed to start on site in 2017, which critical to the programming of the decant for the South Kilburn Regeneration Programme. If the development of the Order Land is not delivered on time it will affect the delivery of the entire programme.

- 2.30 The South Kilburn Regeneration Programme proposes a sustainable and deliverable package of redevelopment to address the identified problems of the Estate through a phased delivery of new housing. The phased programme prioritises the redevelopment of the worst quality blocks within the Estate, through the provision of new homes within a higher quality, better managed development with a more connected layout. The proposed development features traditional street patterns, front doors, high quality domestic materials, and appropriately located retail and community space.

- 2.31 The report to the Council's Cabinet in January 2015 addressed the approximate cost of repair at the time in 2015. As the Council had entered into a collaboration agreement with Woodville Properties 4 to 26 Stuart Road (even numbers only) was therefore intended to be brought forward for redevelopment. Therefore the Site was not be reincorporated into Brent Housing Partnership's Decent Homes programme. The reason for this was two-fold: (i) the cost to bring the eight properties that were at the time occupied by secure tenants within 4 to 26 Stuart Road to Decent Homes standard would be approximately £520,000, (approximately £4.1m in total, a cost which the Council did not regard as economic) for which there is no identified budget and; (ii) the cost of repair and refurbishment of 4 to 26 Stuart Road (even numbers only) under the Decent Homes programme would not address the fundamental inadequacies of the homes within this block. This does not include the remaining four properties at 4-26 Stuart Road (even numbers only).

- 2.32 The pace of delivery is fast; South Kilburn is changing. The first phase of the South Kilburn Regeneration Programme is now complete. The first phase was split into two sub-phases; 1a and 1b. To date, 362 new homes for existing secure tenants have been completed as part of "Phase 1a", comprising: the former Texaco garage, Carlton Vale, London, NW6 site; the former Gordon House, Malvern Road, London NW6 site; the former Marshall House, Albert Road, London, NW6 "Albert Road (11A)" site; and the former Roundabout, Carlton Vale, London, NW6, "Site 3C" site of the South Kilburn Regeneration Programme. Of these 362 new homes, 256 are affordable and have been occupied by existing South Kilburn residents. The remainder are for private sale.

- 2.33 The development of the "Phase 1b" land (comprising Bond House, Hicks Bolton House, Wood House, Ely Court, Cambridge Court and Wells Court) commenced in 2012 and has delivered 208 new homes which 122 are social rented and have been occupied by existing South Kilburn residents. Woodhouse Urban Park, a high quality open space was delivered this spring 2016 and was officially opened to the public on the 7 May 2016.

- 2.34 The second phase of the South Kilburn Regeneration Programme is again split into two sub-phases; 2a and 2b. The development of the "Phase 2a" land (comprising Bronte House and Fielding House, Cambridge Road, London, NW6 and the "Albert Road (11b)" and comprising the sites of the former Royal British Legion Clubhouse and of the Albert Road Day Centre, London, NW6) is expected to provide 373 high quality new homes in South Kilburn. Of these, 131 are proposed to be made available for existing secure tenants. 229 of the new homes in Phase 2a are being planned as part of the redevelopment of Bronte House and Fielding House on Cambridge Road. 103 of the 229 homes will be made available to existing secure tenants living on land earmarked for Phase 3a Hereford House and Exeter Court of the Regeneration Programme and are expected to be completed by the end of 2016 or early

2017. The remaining 144 new homes in Phase 2a are being planned as part of the redevelopment of a site along Albert Road. 28 of these homes have been made available to existing secure tenants living within Phase 3a Hereford House and Exeter Court and the Site. These 28 new homes are now completed and all secure tenants are in occupation.

- 2.35 The development of "Phase 2b" land (comprising of) Masfield House and Wordsworth House, Stafford Road, London, NW6; and the "Queen's Park/Cullen House" site comprising the sites of Keniston Press, Premier House, the Falcon Public House and Cullen House, Salusbury Road, London, NW6) and Gloucester House and Durham Court is expected to provide approximately 373 high quality new homes of which 141 are available for existing secure tenants of South Kilburn. 236 of the new homes in Phase 2b are being planned as part of the redevelopment of Gloucester House and Durham Court site. 102 of the 236 homes will be made available to existing secure tenants living on land earmarked for future redevelopment of the Regeneration Programme (most likely Phase 4). The remaining 137 new homes in Phase 2b are being planned as part of the redevelopment of the Queen's Park/Cullen House site. 39 of these homes will be made available for existing secure tenants living on land earmarked for future redevelopment of the Regeneration Programme (most likely Phase 4). The redevelopment of Masfield House and Wordsworth House is proposed to provide a site for a new combined primary school.
- 2.36 The redevelopment of the Queen's Park/Cullen House site has been delayed as a result of the site being affected by High Speed Two (HS2) Limited's proposal to locate a vent shaft relating to the construction of Phase One of HS2 on the Queen's Park/Cullen House site. Following negotiations between High Speed Two (HS2) Limited and the Council, High Speed Two (HS2) Limited has agreed (subject to receiving the necessary Government approvals/consents), to relocate the vent shaft to another site which does not form part of the Regeneration Programme. As a result, the Council now intends to bring forward the Queen's Park/Cullen House site for redevelopment in accordance with the Masterplan.
- 2.37 The capital receipts from the disposal of the sites included in Phase 1 and Phase 2a are reinvested back into the South Kilburn Regeneration Programme in order to contribute towards the delivery of its future phases and to ensure that the momentum of the South Kilburn Regeneration Programme is maintained. The reinvested disposal receipts will enable subsequent development sites within Phase 2b (and in due course Phases 3 and 4) of the South Kilburn Regeneration Programme to be brought forward through the planning and development process. In total the Council has received approximately £35m in land receipts through the disposal of the Phase 1 and Phase 2a sites; to date all monies received have been reinvested back into the regeneration of the Estate; the Council intends to reinvest future receipts in the same way. In particular, the Phase 2a land receipts are being used to acquire outstanding leasehold interests within Chippenham Gardens.

3. LOCATION AND DESCRIPTION OF THE ORDER LAND

- 3.1 The Order Land forms part of the Estate and is within the area covered by the South Kilburn Masterplan and its associated delivery programme – the South Kilburn Regeneration Programme. South Kilburn is located in North West London and is in the southernmost part of the administrative area of the London Borough of Brent. The area covered by the South Kilburn Masterplan shares boundaries with the London Boroughs of Camden to the east and Westminster to the south and west. It is surrounded by the residential neighbourhoods of Maida Vale, Queen's Park and Warwick Avenue.
- 3.2 The Order Land is located to the southern part of the South Kilburn Masterplan. It is surrounded on three sides by the London Borough of Westminster and sits in close proximity to the western boundary of Maida Vale Conservation Area.
- 3.3 Between Carlton Vale to the North and Shirland Road to the South, the eastern side of Kilburn Park Road, has an almost intact Victorian terrace.

- 3.4 Adjacent to Chippenham Gardens, built in the 1970s, stands John Ratcliffe House comprising a 9 storey residential block. Just to the North of the Site sits Argo House, a new residential development with commercial retail and parking.
- 3.5 On the Western side of Malvern Road adjacent to the Site, lies a fully intact Victorian terrace.
- 3.6 To the north of the Site is an area of Radburn layout housing. This is collection of 3 storey semi-detached housing built in the 1970s.
- 3.7 Full details of the Order Land appear in the Schedule to the Order but in summary it comprises 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers only) and other land such as the adopted public highway in the immediate vicinity as shown edged in red and coloured pink on the map referred to in the Order. Within the immediate vicinity is land owned Brent Housing Partnership, the Council's Arm's Length Management Organisation, such as the footpath adjacent to the site, the road that is to be adopted as part of the redevelopment and homes within John Ratcliffe House.
- 3.8 The Schedule to the Order has been prepared based on information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The Order Land does not include or affect (i.e. through demolition, alteration or extension) any listed buildings or any consecrated land.

4. **THE ENABLING POWER UNDER THE TOWN AND COUNTRY PLANNING ACT**

- 4.1 The Order has been made pursuant to the provisions of Section 226(1)(a) of the 1990 Act to facilitate the implementation of the Scheme upon the Order Land.
- 4.2 Section 226(1)(a) empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area:
 - 4.2.1 If the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land; and
 - 4.2.2 The development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.
- 4.3 The Council has had regard to the advice in paragraph 11 of the Guidance, which advises that acquiring authorities should look to use the most specific power available for the purposes in mind and only use a general power when a specific power is not available. The Council is satisfied that the use of the powers contained in section 226(1)(a) of the 1990 Act is the most appropriate power available for its purposes and will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land (which is in the Council's area); and that it will contribute to the development, redevelopment or improvement of that area, thus meeting the statutory tests. Although alternative powers of compulsory acquisition are provided by section 17 of the Housing Act, the Council believes having regard to the objectives of the Order that the powers contained in section 226(1)(a) are the more appropriate in the circumstances of this case. The use of powers in the 1990 Act to secure compulsory purchase powers for estate regeneration schemes is well precedented. Further, the Council made two compulsory purchase orders for earlier phases of the South Kilburn Regeneration Programme, under the powers contained in the 1990 Act, both of which were confirmed, those orders being the London Borough of Brent (South Kilburn Regeneration – Phase 2A, Bronte House and Fielding House) Compulsory Purchase Order 2013 and the London Borough of Brent (South Kilburn Regeneration – Phase 2b – Gloucester House and Durham Court) Compulsory Purchase Order 2014.
- 4.4 Paragraph 65 of the Guidance advises that the powers contained in section 226(1)(a) of the 1990 Act are intended to provide a positive tool to help acquiring authorities with planning

powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. The power is expressed in wide and general terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.

- 4.5 The Guidance also provides general guidance to acquiring authorities on the use of compulsory purchase powers. The Council has taken account of the guidance in promoting the Order. The Council is proposing to utilise its powers under section 226(1)(a) of the 1990 Act because it is not certain that it will be able to secure by agreement the land required for the delivery of the Scheme, although the Council's efforts to acquire the necessary land by agreement will continue in parallel with the compulsory purchase order process.
- 4.6 The way in which the Chippenham Gardens Scheme is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of the Council's area by providing new high quality homes, and an enhanced and improved public realm, is described in further detail Section 7 of this Statement of Case.
- 4.7 The proposed redevelopment of the Order Land to facilitate the Chippenham Gardens Scheme is detailed in various sections below.

5. THE SCHEME FOR THE ORDER LAND

5.1 In broad terms, the Scheme involves:

- (a) The demolition of 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers only) and the development of approximately 52 new dwellings for a mix of market sale and social rented accommodation with a net increase of 40 dwellings and 14 affordable homes;
- (b) Enhancement of existing public amenity areas;
- (c) Extensive landscaping will be undertaken as part of the development to integrate the proposals into the surroundings and improve existing pedestrian routes so as to enhance the overall streetscape of the area as there are currently blank facades to existing building with no natural surveillance which attract anti-social behaviour, an existing poor quality public realm and landscaping;
- (d) The creation of private and communal amenity spaces and landscaping enhancements including the provision of safe and stimulating play facilities for children aged under 5 years as there is a limited amount of play provision nearby for this age group;
- (e) Restoring a traditional network of connected streets and street frontages;
- (f) Provision for the future adoption of Stuart Road which will require the highway to be made a one way street and the footpath between Kilburn Park Road and Stuart Road to be widened and improved so that it can be made part of the public highway (*Appendix 3*);
- (g) Stopping up of existing highways will be required as part of the Scheme, as described in Section 16 and shown on the plan at *Appendix 5*;
- (h) The creation of permit car parking (capped) on Stuart Road following its adoption;
- (i) High quality design of new homes with good internal space standards and public realm with secure cycle storage and refuse and recycling storage facilities;

- (j) Provision of all necessary and associated infrastructure, drainage, servicing and works.
- 5.2 In the vast majority of new dwellings within the Scheme, internal space standards meet or exceed those within the London Housing Design Guide Standards.
- 5.3 All new dwellings will meet Lifetime Homes standards and will be designed to comply with Building Regulations Approved Document Part M(4) category 2, while 10% across all tenures will meet wheelchair housing standards to Building Regulations Approved Document Part M(4) Category 3.
- 5.4 Larger homes for families (3 beds) will as far as possible be located on the ground floor with front doors onto streets and with private gardens. Some three bedroomed homes within the development will, however, be located on alternate floors served by a lift. All other homes will have large balconies or terraces and all dwellings will be able to make use of communal amenity spaces.
- 5.5 The Council is satisfied that the Scheme is in accordance with the strategic objectives of the adopted planning policy framework for the area. These proposals will deliver significant economic, social and environmental benefits to the area, particularly in comparison to the existing use of the Site.
- 5.6 The development of the Order Land will enable, through the delivery of new high quality homes and an enhanced public realm, the Council's comprehensive proposals to be delivered in line with the Council's planning policy objectives for the area, as well as enabling future phases of the South Kilburn Regeneration Programme to be brought forward.

6. THE PURPOSE OF THE ORDER

- 6.1 The purpose of the Order is essentially two-fold. Firstly, the purpose of the Order is to provide for the redevelopment of the Order Lands. This would lead to the redevelopment of the Order Lands from a run-down and sub-standard urban form to a modern and carefully designed development, contributing to a better environment, a better mix of dwellings in the locality and increasing the number of affordable, social rented homes on the Order Land from 8 to 22. The increase in the number of social rented, affordable homes is a very important purpose, given the scale of affordable housing need in London and in south Kilburn in particular. There will also be an increase in the number of market homes from 4 (leasehold properties) to 30 for private sale, which will not only help to create a mixed and balanced community in this location but will also make a material contribution to meeting the acute need for new market housing in London and South Kilburn in particular. In addition, there will be improvements to the amenity land at Chippenham Gardens for the benefit of residents of the area as well as helping to tackle anti-social behaviour in the area.
- 6.2 Secondly, the purpose of the Order is to support the South Kilburn Regeneration Programme by delivering a crucial and integral part of the programme to regenerate the Estate. This is achieved not only by the regeneration of the Order Land itself, which contributes to the regeneration of the South Kilburn area, but by the new affordable dwellings being made available to existing secure tenants of homes on the Estate which are due for redevelopment as the next phase in the programme. If homes are not available to 'decant' existing secure tenants into, the regeneration programme would come to a halt. It is important to the regeneration objectives of the programme that the existing community of the Estate is re-accommodated on the Estate. It is vital to retain the substance of the community intact and together. Having suitable new homes available on the Estate for the 'decant' ensure the existing community is kept together and avoids residents moving away or being put into temporary accommodation or having to move twice. The Council undertakes individual assessments of each household (including occupational therapy assessments) which is due to move as part of the regeneration programme and seeks to provide new accommodation tailored to their particular needs and circumstances. If there is a requirement the Council will adapt the new home to accommodate secure tenants' needs. The 'decant' process as part of the South Kilburn Regeneration Programme is very carefully planned and implemented, and

the homes to be provided on the Order Land are a critical part of being able to carry out the regeneration of the Estate in an orderly, timely and sustainable manner. The Council has successfully re-housed circa 500 secure tenants to date.

- 6.3 Both of the purposes explained above are important in justifying the Order, and together they provide a compelling case to justify the acquisition.
- 6.4 In accordance with the South Kilburn Masterplan, the Order Land is an integral and fundamental part of the Regeneration Programme. The Council seeks to redevelop the Order Land by delivering a residential mixed tenure development as part of a phased regeneration of the Estate which will result in much-needed affordable housing for existing secure tenants in future phases of the South Kilburn Regeneration Programme. As explained in this Statement, the Chippenham Gardens Scheme will provide much needed housing and bring about other benefits. The timing of the delivery of the new homes is vital to ensuring future sites can be released for redevelopment. The completion of the strategic and intensive six month Masterplan Review (2016) has reinforced this by programming the delivery of the Site originally planned to start on site in 2017. Any further delays to the delivery of the new homes on the Order Land will have a wider impact on the overall South Kilburn Masterplan. The majority of the secure tenants residing at 4-26 Stuart Road (even numbers only) have moved to the Site 11b new development (Queen's Park Place) with three remaining to be moved to the Bronte and Fielding Houses redevelopment in early 2017. The 22 social rented homes to be provided on the Order Land, especially family homes, are a crucial and time critical part of the programme and are essential to make the overall South Kilburn Regeneration Programme work. Each phase of the programme contributes to the delivery of the overall total. Queen's Park Place, as part of Phase 2A of the South Kilburn Regeneration Programme, provided 28 much needed affordable homes for existing secure tenants of South Kilburn. The Chippenham Gardens Scheme will add further to the Council's target for delivery of affordable housing in South Kilburn. Overall, the South Kilburn Regeneration Programme will deliver over 1,200 much needed affordable homes for existing secure tenants of South Kilburn over a period of 10 to 15 years.
- 6.5 The Council is the master developer in relation to the redevelopment of the Estate. The Council is committed to transforming the Estate and is taking direct responsibility for development of the Order Land. A bespoke funding and delivery model for the South Kilburn Regeneration Programme has been established. The Masterplan has been parcelled up into a series of smaller development sites which are intended to be brought forward on a phased basis, in order to secure delivery in the prevailing economic climate. With the objective of ensuring that quality of design is not compromised and momentum of delivery is not lost, the Council's strategic approach to date has (in respect of the early phases of the South Kilburn Regeneration Programme) included undertaking design to Stage 3 of the RIBA Plan of Work 2013, securing planning permission, title and vacant possession of the sites. On the whole, these sites, having effectively been "de-risked", have subsequently been disposed of by the Council through the use of the Council's bespoke South Kilburn Developer Framework (which has now expired), which included provisions enabling both Registered Providers and private developers to build and manage the new homes. Under this Framework the Council secures nomination rights exclusively for the first 15 years for South Kilburn residents for social rented accommodation and the land receipts received are recycled back into the South Kilburn Regeneration Programme. A similar disposal approach is likely to be adopted for the disposal of the Chippenham Gardens Scheme, although the Council is considering procurement options at this time and is to present a report to Cabinet on these in Spring 2017, including options for disposal of the Order Land. The Council is using the GLA Framework for its most recent development as part of the South Kilburn Regeneration Programme, which is currently out for procurement, namely Gloucester House and Durham Court, which adopts the same principles noted above.
- 6.6 The Council secures nomination rights on all the new affordable units and allocates them to secure tenants currently residing within blocks earmarked for redevelopment within the next phase of the South Kilburn Regeneration Programme. A detailed phasing and decant schedule accompanies the South Kilburn Masterplan, facilitating vacant possession of blocks in line with the redevelopment programme.

- 6.7 Details of the proposed redevelopment of Chippenham Gardens site are set out in this Statement (at section 5).
- 6.8 In summary, the purpose of seeking to acquire land compulsorily is to facilitate the comprehensive redevelopment of the Order Land. The Chippenham Gardens Scheme has been identified by the Council as the best means by which to meet the Council's adopted strategic planning objectives for this element of the wider South Kilburn Regeneration Programme. The Order Land is identified in the Council's planning policy documents and its regeneration is a necessary and vital part of this plan as it delivers much-needed affordable homes for existing secure tenants of future phases of the South Kilburn Regeneration Programme and by decanting existing secure tenants to the new homes to be provided on the Order Land and further, it enables future phases to be brought forward for redevelopment to deliver further affordable homes as a part of the South Kilburn Regeneration Programme. The Council fully supports the Chippenham Gardens Scheme and wishes it to be brought forward in accordance with its adopted planning policies.
- 6.9 Compulsory purchase of the requisite land is essential to enable the Chippenham Gardens Scheme to be implemented and for the Council to achieve its policy objectives within a reasonable timescale. The Council also considers that the Order is necessary, proportionate and justified in the public interest. Consequently the Council has made the Order to secure the outstanding interests required to facilitate implementation of the Chippenham Gardens Scheme.

7. JUSTIFICATION FOR COMPULSORY PURCHASE

- 7.1 The Order has been made to ensure that all the land required for the Chippenham Gardens Scheme can be secured within a reasonable timescale, thereby maintaining the affordability and deliverability of the Chippenham Gardens Scheme and of the wider South Kilburn Regeneration Programme, as well as allowing the regeneration of the Order Land in particular. The justification is the achievement of the purposes of the Order set out above, namely to redevelop the Order Land both for itself but also as a part of the South Kilburn Regeneration Programme. If the Order Land is not brought forward for redevelopment as proposed it would have serious implications for the programme, as identified above.
- 7.2 It is highly relevant that other compulsory purchase orders have previously been confirmed with essentially the same purposes and justification as part of the South Kilburn Regeneration Programme. For example, in a letter dated 20 February 2015 related to Phase 2B and Gloucester House and Durham Court, the Secretary of State confirmed that he was satisfied that the order was justified to achieve the purpose for which it had been made, that all land included in the order was required and that a compelling case in the public interest had been made for the confirmation of the order. The Secretary of State also confirmed that the interference with human rights was sufficiently justified. There is no material difference between the circumstances which applied to that order at that time and the circumstances which now apply to the Order.

The compelling case in the public interest

- 7.3 The Guidance advises that an acquiring authority should only make a compulsory purchase order where there is a compelling case in the public interest to do so. The Council is satisfied that there is a compelling case for the use of its compulsory purchase powers for the reasons set out below in this section 5 of this Statement of Case.
- 7.4 The Order Land forms part of the Estate (and thus forms part of the area which is the subject of the South Kilburn Regeneration Programme). Although the Council is the majority freeholder and landlord, there are a number of leasehold and other interests within 4-26 Stuart Road (even numbers only) needing to be secured as well as other interests in other land affected by the Order. The Estate is suitable for a sustainable and phased approach to development and the Order is required to secure land and property rights to enable the Scheme to be implemented.

- 7.5 The Council has considered the reasons why it is necessary to acquire the property interests identified in the Schedule to the Order. The freeholders and leaseholders have been invited to enter into discussions with the Council with regard to compensation, in accordance with the advice contained in the Guidance.
- 7.6 The purpose of the Order is to enable the Council to acquire: all freehold and leasehold interests not already in Council ownership; land the ownership of which it has not been possible to ascertain, notwithstanding diligent enquiry; land where agreement to acquire cannot be reached, and such acquisition is necessary in order to achieve delivery of the Chippenham Gardens Scheme with a programmed start on site of 2017, subject to confirmation of the Order.
- 7.7 The Council's negotiations with freeholders and leaseholders have indicated that it is likely that the timely acquisition of these interests on reasonable terms and within a realistic timescale will, in some instances, only be achievable through compulsory purchase. Compulsory purchase powers are therefore essential to enable the necessary interests to be acquired and for site assembly to be achieved, thereby enabling the Chippenham Gardens Scheme to be delivered. The Chippenham Gardens Scheme will contribute to the improvement of the economic, social and environmental well-being of the South Kilburn area and the compulsory purchase of the Order Land is justified in these circumstances.
- 7.8 The overarching consideration for the Council when making the Order and for the Secretary of State in deciding whether it should confirm the order (as set out in paragraphs 12 to 15 of the Guidance) is whether there is a compelling case in the public interest which justifies the interference with the human rights of those with an interest in the land affected.
- 7.9 Paragraphs 2 and 12 of the Guidance advise that a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected and is proportionate. Particular consideration should be given to the provisions of Article 1 of the First protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
- 7.10 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Order for the reasons outlined in this Statement. The need for the development of the Order Land is acknowledged and supported in the adopted local planning policy framework as set out in section 8. Delivery of the Chippenham Gardens Scheme would help fulfil the Council's key planning policy objectives for the area and transform the Order Land. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area as set out in this Statement. Detailed planning permission for the Chippenham Gardens Scheme was granted on 14 July 2016 (Planning ref 16/1191). The Council is confident that there is a very high likelihood of the Chippenham Gardens Scheme proceeding, given the commitment to the delivery of it demonstrated to date, in securing planning consent for it, the acquisition of interests by agreement, the making of the Order, the availability of funding and the further steps it is taking to deliver the project. The steps taken include ensuring that all the secure tenants have already been allocated a new home and that one leasehold interest has been acquired by agreement, as well as working with the outstanding leaseholders and other interests to try to acquire their interests by agreement. The Council believes that there are no credible alternatives to compulsory purchase to achieve the purposes of the Order following the limited progress made so far with the approach taken of extensive efforts to seek to acquire interests by negotiation. It is highly unlikely that all the outstanding interests required could be assembled by agreement within a reasonable timescale, which would prevent for the programmed start on site of autumn/winter 2017, subject to confirmation of the Order. In making its assessment of the justification of the Order, the Council has taken into account the rights of those who may be affected by the Order (as referred to in section 10 below). In addition, the Council has had due regard to its public sector equality duty under section 149 of the Equality Act 2010 (referred to in section 11 below). In the Council's view, the considerable public benefits of new high quality homes involving a net increase of 14 new affordable homes and an overall net increase of 40 new

high quality homes, an enhanced public realm and investment into the local area, and enabling the progress of the South Kilburn Regeneration Programme, outweigh the interference with the human rights of those likely to be affected by compulsory purchase and there is a clear compelling case, in the public interest, for the making and confirmation of the Order.

Other considerations in relation to the justification for the Order

7.11 Paragraph 13 of the Guidance advises that the Minister confirming the Order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. However, the confirming Minister will consider each case on its own merits and this Guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that the land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers sought at this time. If the authority does not:

- have a clear idea of how it intends to use the land which it is proposing to acquire; and
- cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale,

it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making.

7.12 The Council considers it has demonstrated in this Statement that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Chippenham Gardens Scheme and the benefits it will bring to be delivered. The Council has more than a clear idea of how it intends to use the land which it is proposing to acquire. The land is required to deliver the Chippenham Gardens Scheme in accordance with the full detailed planning permission granted on 14 July 2016 (Planning ref **16/1191**) and in compliance with national and local planning policy. The proposals for the Order Land will deliver significant economic, social and environmental benefits to the area. Further, the necessary resources are in place to enable that end within a reasonable timescale. As explained within this Statement, the necessary resources are in place now to deliver the Chippenham Gardens Scheme within a reasonable timescale. The Council also has the necessary resources to meet all land acquisition and compensation costs (including acquisition and compensation costs arising from the service of any blight notice(s)). The Secretary of State can therefore be satisfied that the order is justified and in the public interest at the time of its making.

7.13 Paragraph 14 of the Guidance advises that the acquiring authority should provide substantive information as to the sources of funding available and the timing of that funding. In relation to sources of funding, the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication as to how any potential shortfalls will be met. This should include: the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and the basis on which the contributions or underwriting is to be made.

7.14 Funding is in place to enable site assembly to be achieved. Funding to facilitate both the implementation of the Chippenham Gardens Scheme and the payment of all land acquisition and compensation costs arising (including land and compensation costs incurred in consequence of any blight notice(s)) is available. Viability of the Chippenham Gardens Scheme is not in doubt. The Council is therefore confident that funding is in place to enable compulsory acquisition to be completed within the statutory period under section 4 of the Compulsory Purchase Act 1965.

- 7.15 Paragraph 14 also advises that in relation to the timing of funding, funding should generally be available now or early in the process. Failing that, the confirming Minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years. Evidence should also be provided to show that sufficient funding for could be made available immediately to cope with any acquisition resulting from a blight notice.
- 7.16 As explained in this Statement, implementation of the Chippenham Gardens Scheme will be the responsibility of the Council. The Council's implementation strategy is a set out in section 9 of this Statement. The Council has the necessary resources and funding available to deliver the Chippenham Gardens Scheme now. Works will commence on site once site assembly and title to all of the necessary interests in the land is secured following confirmation of the Order (assuming the Order is confirmed) and procurement of the Chippenham Gardens Scheme is to be taken forward in line with that timetable.
- 7.17 The Guidance considers impediments to the scheme proceeding, and notes that the acquiring authority should demonstrate that the scheme is unlikely to be blocked by any legal or physical impediments to implementation (paragraph 15).
- 7.18 The key issue affecting the delivery of the scheme relates to land ownership. To date it has not been possible to enter into agreements with all owners of interests required. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the CPO process, the Chippenham Gardens Scheme will not be realised.
- 7.19 Other than the need to secure land assembly, there are no known physical or legal factors which would prevent or impede development, nor are any special categories of land affected. There are a number of statutory undertakers who operate apparatus within the Order Land. The Council is in discussions with the undertakers concerned. There are no financial, physical, planning or legal impediments to the Chippenham Gardens Scheme proceeding, subject to confirmation of the order to enable site assembly to be achieved.
- 7.20 Paragraph 76 of the Guidance stipulates that, where a CPO is promoted under the provisions of section 226 (1)(a) of the 1990 Act, the Secretary of State will take into account the following issues when deciding whether to confirm a CPO:
- (a) whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework;
 - (b) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area; and
 - (c) whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.
- 7.21 These are each considered below in relation to the Order and the Chippenham Gardens Scheme.
- (i) **Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area, or where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework**

- 7.21.1 When considered against the adopted Development Plan, National Planning Policy Framework and the London Plan (2011), Brent Officer's afforded great weight to the benefits of the scheme and it was subsequently recommended for approval and granted full detailed planning permission on 14 July 2016 (Planning Ref: 16/1191).
- 7.21.2 The Council is satisfied that the Chippenham Gardens Scheme is in accordance with the strategic objectives for the delivery of new high quality homes which offers family homes and mixed tenure and also that the Scheme is in accordance with the adopted planning policy framework for the area. Officer's considered the proposal in the context of the current Masterplan for South Kilburn (2005) and in making their decision had regard to the background of the South Kilburn Regeneration Programme and its wider objectives and the role of the subject site in delivering these objectives.
- 7.21.3 These proposals will deliver significant economic, social and environmental benefits to the area, particularly in comparison to the existing use of the Site. It is pertinent here to now consider the key planning issues that were considered by the local planning authority in the determination of this planning application against the adopted development plan.

Quality of Accommodation

- 7.21.4 London Plan Policy 3.5 requires all new housing developments to be of the highest quality internally, externally and in relation to their wider context. As all properties reach the minimum requirements for London Plan (Supplementary Housing Guidance 2015) and Technical Housing Standards (March 2015) and have ample storage and are laid out in a sensible arrangement with the majority of units having dual aspect outlooks it was considered the scheme conforms with policy in regards to the quality of accommodation.

Density

- 7.21.5 National, regional and local policies seek to maximise the potential of sites, particularly previously developed brownfield sites. The London Plan sets out a Sustainable Residential Quality (SRQ) density matrix which suggests that an appropriate density for the site's location is between 200-200hr/ha. As the scheme has a total of 153 habitable rooms which totals 600 habitable rooms per hectare, the scheme conforms with policy. Furthermore the Chippenham Gardens Scheme provides 27% of the affordable units as 3 bed dwellings which exceeds the requirements outlined in the UDP.

Amenity Space

- 7.21.6 The proposal provides all units with private amenity space in the form of external balconies and winter gardens which was considered appropriate by the local planning authority when assessed against policy, noting that the provision of generous balcony space ensures a good standard of amenity space for residents on a constrained site.

Affordable Housing

- 7.21.7 The Chippenham Gardens Scheme provides for 22 social rented flats, with rents set at target rent levels, and 30 private flats. The local planning authority recommended that 42% social rented housing is the maximum and reasonable amount of affordable housing in this case, on condition that residential sales values

are reassessed post implementation and prior to occupation of all private flats, such that half of any surplus generated over the agreed FVA viability benchmark be secured as an additional affordable housing provision in South Kilburn. This has been secured through condition upon approval of the detailed planning application (16/1191) to ensure the level of affordable housing is at a level commensurate with 50% delivery. The scheme therefore conforms with Core Plan Policy CP6.

Layout

- 7.21.8 The proposal does not differentiate between entrances for the affordable section and the private section with all ground floor flats having their own front door onto the street, in accordance with the Mayor's Housing SPG and the vision of the South Kilburn SPD.

Elevation Design

- 7.21.9 Policy 7.4 of the London Plan, 'Local Character' states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. Further, policy 7.6 states that in planning decisions ensure that buildings are of the highest architectural quality and utilise complementary materials. As the primary mass of the building is proposed to be brick, the local planning authority consider this to reflect the general make up of the dwelling houses on Kilburn Park Road. Further the cladding of the frame of the building is proposed composite stone to reflect the white render of the terraced properties opposite. The local planning authority considered that the materiality and fenestration details blend in well with the existing environment and the scheme conforms with policy in this respect.

Neighbouring Residential Amenity

- 7.21.10 Policy 7.6 of the London Plan requires local authorities ensure new development does not cause unacceptable harm to the amenity of surrounding land and buildings, further saved Policy BE9 of the UDP requires new development be of a scale, design and relationship which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents. The Chippenham Gardens Scheme provides good separation distances in all directions and provides a wrap around frame that reduces the scope for overlooking. It also satisfies policy of the adopted Development Plan in this respect.

Transport

- 7.21.11 Saved Policy TRN23 of the UDP does exceptionally allow 'car-free agreements to be used in areas with good public transport areas. Given the highly sustainable location of the site it was considered appropriate, and to be in conformity with policy to pursue this option. Highway Officers raised no objections to this proposal.

- 7.21.12 When assessing all the key planning considerations in the context of national, regional and local policy, the proposals for the Order Land are in compliance.

(ii) The extent to which the scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area

- 7.21.13 The Council considers that, in line with the requirements of the enabling power, the land proposed to be compulsorily acquired will facilitate the comprehensive redevelopment of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental well-being of the Borough. This can be evidenced by considering the current status of the Order Land as

described in section 2 of the Statement and the benefits with the planning application that the scheme will deliver for the locality, as explained in sections 5, 6 and 7.

7.21.14 The purpose for seeking to acquire the land and interests required compulsorily is to facilitate the comprehensive development of the Order Land as part of the Council's proposals for South Kilburn in accordance with the approved planning application [16/1191] and the adopted planning policy framework, as explained in greater detail in section 6. The benefits that will arise are:

- The redevelopment of the Order Lands from a run-down and sub-standard urban form to a modern and carefully designed development, contributing to a better environment, including by carrying on the building line on Kilburn Park Road with John Ratcliffe House to complete this frontage and help create a vibrant sense of place that is sustainable and positive for the local area.
- Contributing to a better mix of dwellings in the locality.
- Increasing the number of affordable, social rented homes on the Order Land from 8 to 22. The increase in the number of social rented, affordable homes is a very important purpose, given the scale of affordable housing need in London and in the Borough.
- Increasing the number of leasehold homes from 4 to 30 private homes for sale which will not only help to create a mixed and balanced community in this location but will also make a material contribution to meeting the acute need for new market housing in London and South Kilburn.
- Improvements to the public realm and public highway at Chippenham Gardens, which will help to combat anti-social behaviour in the area, creating an improved area for social interaction and relaxation together with new planting and biodiversity improvements, as well as providing natural surveillance on each side of the building with front doors and balconies facing onto the public realm and street frontage.
- Widening and improvement of the footpath between Kilburn Park Road and Stuart Road so that it can be made part of the public highway with the creation of permit car parking (capped) on the newly adopted Stuart Road, thereby helping to mitigate the current problems of people parking unlawfully on the public realm.
- Helping as part of the wider proposals for South Kilburn to transform the status of South Kilburn and act as a catalyst for further investment and economic growth and unlock the potential for further regeneration.
- Contributing through the construction phase to local employment and training opportunities as part of the South Kilburn Regeneration Programme.
- Supporting the South Kilburn Regeneration Programme by delivering a crucial and integral part of the programme to regenerate the Estate, not only by the regeneration of the Order Land itself but also by the new affordable dwellings being made available to tenants of homes on the Estate which are due for redevelopment as the next step in the programme (as explained above).

(iii) Whether the purpose for which the land is to be acquired could be achieved by other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

A. Generally

- 7.21.15 The Council has secured, by agreement, the interests of one leaseholder but other interests need to be acquired as explained further in sections 1 and 6 above. Negotiations to secure all other lands and interests required are on-going. It is essential all outstanding interests are brought into one ownership and the whole site is made available to facilitate comprehensive redevelopment of the Order Land.
- 7.21.16 The South Kilburn Regeneration Programme aims to deliver approximately 2,400 high quality homes of which approximately 1,200 will be made available for existing secure tenants of South Kilburn. The Chippenham Gardens Scheme will contribute towards the achievement of this total by providing 22 affordable homes for existing tenants.
- 7.21.17 The Council has given careful consideration to the need for the land included in the Order Land. All of the land and outstanding interests are required to deliver the Chippenham Gardens Scheme. The Council is satisfied that the redevelopment of the Order Land will result in a significant improvement to the economic, social and environmental well being of this area.
- 7.21.18 Assembly of all of the Order Land and all outstanding interests in it needing to be acquired will enable the Chippenham Gardens Scheme to proceed. The Council has made the Order because it considers that the acquisition of all necessary interests by agreement within a reasonable timescale, to enable the Chippenham Gardens Scheme to be delivered, is unlikely.
- 7.21.19 The purpose for which Order Land is proposed to be acquired is to enable the comprehensive development of it to proceed in accordance with the approved planning permission and the adopted planning policy framework. This could not be achieved by any other means.

B. Alternatives

- 7.21.20 The Order Land is not capable of piecemeal development with individual areas of land being brought forward in isolation, as the Site is too small to accommodate satisfactory or viable redevelopment in parts and because running through the Site is a Class 3 Storm Relief Sewer, which is a constraint to development of part of the Order Land. The combined approach of using the whole site to secure comprehensive development (including highway access) to serve the Scheme is considered to yield a significantly better redevelopment outcome for the area, particularly as it is one of a number of sites in the area to be regenerated on a comprehensive basis as part of the South Kilburn Regeneration Programme. It would not be possible to undertake a sustainable redevelopment of the Order Land in smaller parcels.
- 7.21.21 The refurbishment or other improvement of the existing 4-26 Stuart Road on the Order Land was not a feasible alternative due to their physical layout and characteristics. It was also not economic. When it was considered in 2015, the cost of bringing up the social rented homes to a decent home standard was approximately £520,000 (for 8 homes). This would not have involved any other improvements for example external works. It is estimated that it would cost approximately £4.1m to bring the block up to a decent standard, with none of the other benefits associated with the proposed redevelopment (such as the increase in the number of homes and the ability to contribute to the South Kilburn Regeneration Programme). There was no economically viable alternative to redevelopment and refurbishment would have represented much worse value for money in terms of the improvements achieved for the cost.

- 7.21.22 A comprehensive approach is required to deliver the Chippenham Gardens Scheme and the benefits it will bring.
- 7.21.23 A "Do Nothing" alternative would not be acceptable because the dwellings occupied by the Council's secure tenants would continue to deteriorate, adding to future maintenance costs and would not bring about the environmental and social benefits which are a feature of the Chippenham Gardens Scheme. Further, the net increase in the number of affordable homes on the site (14) would not be achieved.
- 7.21.24 Also, as explained above, refurbishment of the dwellings could not be achieved at economic cost.
- 7.21.25 Overall, it is concluded that there is no credible alternative which could meet the Council's regeneration and planning policy objectives for the Order Land within a reasonable timeframe.
- 7.22 The Council therefore considers that compulsory acquisition is essential to deliver the Chippenham Gardens Scheme, although it will continue to seek to secure the outstanding interests in the Order Land by agreement, wherever possible.
- 7.23 The Council is satisfied that there is a compelling case in the public interest for compulsorily acquiring the Order Land, and believes that the benefits which the Chippenham Gardens Scheme would secure in the public interest outweigh the effect of the acquisition on the rights of individuals. It is considered that in this case, the requirements of the Guidance, domestic legal requirements and the requirements of the European Convention on Human Rights, are met.

8. PLANNING POSITION OF THE ORDER LAND AND POLICY BACKGROUND

Policy Background

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 8.2 The adopted Development Plan for Brent at the time of this application comprised The Brent Core Strategy (2010), Brent's Unitary Development Plan (2004), Site Specific Allocations Document (2011), the London Plan (2015, as amended) and a number of Supplementary Planning Documents. Those considered relevant by the local planning authority to the assessment of this application were:
 - 8.2.1 *Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005)*
 - 8.2.2 *Supplementary Planning Guidance Note (SPG) 17 "Design Guidance for New Development"*
 - 8.2.3 *Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"*
 - 8.2.4 *The Masterplan for the Regeneration of South Kilburn (2004)*
- 8.3 The Core Strategy (in which South Kilburn is identified as a growth area) was found sound and legally compliant by a Planning Inspector and was adopted by the Council in July 2010
- 8.4 This is underlined by the Brent Borough Plan "Brent: Our Future 2010 – 2014" which sets out the Council's commitment to transform the area. There has since been an updated version of the Brent Borough Plan "Brent: Building a Better Brent Together 2015-2019; which sets out the Council's continued commitment to transform the area.

National Policy Guidance

- 8.5 The NPPF was adopted on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. While the NPPF has amended certain aspects of the planning system, it does not change the statutory status of the Development Plan as a starting point for decision making. The NPPF constitutes guidance for local planning authorities and decision takers and therefore acts as a material planning consideration in determining applications.
- 8.6 The provisions within the NPPF that are considered relevant to this application include the presumption in favour of sustainable development which is seen as the golden thread running through the plan making and decision making process, Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental.
- 8.7 The strategic objectives of the NPPF are to support economic growth, achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities as set out in Section 6 of the NPPF.
- 8.8 The NPPF also supports the highest standards of architectural and urban design. Section 7 of the document sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9 Paragraph 17 of the NPPF sets out a number of core planning principles that should underpin both plan-making and decision taking including ensuring a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.10 The NPPF also promotes sustainable transport and paragraph 32 states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and that safe and suitable access to the site can be achieved for all people.
- 8.11 The NPPF also places great importance on promoting healthy communities. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in planning decisions.

Regional Policy

- 8.12 The London Plan 2011 consolidated with the Revised Early Minor Alteration to the London Plan (October 2013, Further Alterations to the London Plan (March 2015), Housing Standards Minor Alterations to the London Plan (March 2016 and Parking Standards Minor alterations to the London Plan (March 2016) is the spatial development strategy for London. The London Plan forms part of Brent's adopted Development Plan and has to be taken into account when making planning decisions. The policies within the London Plan are consistent with those in the NPPF.
- 8.13 Policy 2.14 of the London Plan recognises that the Estate is an Area for Regeneration by virtue of being within the 20% of most deprived wards according to the Indices of Multiple Deprivation 2007 and it is identified as such upon Map 2.5 (*Regeneration Areas*). The policy requires local authorities to prepare regeneration policies for such areas, as the Council has done through its Local Development Framework and through the South Kilburn Supplementary Planning Document adopted in 2005.
- 8.14 London Plan Policy 3.3: *Increasing Housing Supply*, and Policy 3.4: *Optimising Housing Potential*, provide Mayoral support for the delivery of a choice of new homes. Policy 3.3 requires local authorities to plan for meeting and exceeding housing targets. South Kilburn is identified within the Brent Local Development Framework Core Strategy as a growth area.

- 8.15 London Plan Policy 3.8: *Housing Choice* states that the Mayor believes that Londoners should enjoy a choice of quality homes that they can afford and requires local authorities to plan for and to encourage the development of:
- A mix of tenures, sizes and types of homes
 - Affordable housing
 - Housing built to Lifetime Homes Standards; and
 - 10% of homes to be wheelchair adaptable/accessible.
- 8.16 New development delivered in South Kilburn and in particular within the Chippenham Gardens Scheme has been designed to achieve these standards in accordance with the Local Development Framework and the London Plan.
- 8.17 London Plan Policy 5.2: *Minimising Carbon Dioxide Emissions* requires that developments make the fullest possible contribution to minimising carbon dioxide emissions. Residential developments permitted between October 2013 and 2016 should achieve a 40% improvement on 2010 Building Regulations. The use of decentralised energy systems is also encouraged. In accordance with policy 5.5: *Decentralised Energy Networks*, the South Kilburn Regeneration Programme is progressing plans for a Neighbourhood Heating System in South Kilburn; all schemes within the South Kilburn Regeneration Programme save for the former Gordon House and the former Texaco garage site are designed to connect to such a system, and it is envisaged that a connection fee will be charged upon the connection of the development to the energy system.
- 8.18 New homes across tenures in the Estate including the Chippenham Gardens Scheme are all designed to meet or exceed the Mayor's aspirational standards for internal space as set out in the London Housing Design Guide (2010 Interim Edition). Developments are generally mixed in tenure, although in some circumstances, depending on the prevailing tenure of surrounding blocks, this may be loaded more heavily towards affordable housing or market housing in order to achieve a mixed and balanced community across the Estate. This project has a high proportion of affordable housing for its size at 42%, as there is a real need for affordable homes within the programme. New homes will be delivered for a range of household sizes across a balanced stock, considering housing decant needs within the Estate, general housing need in the Borough of Brent and again, the need to achieve a mixed and balanced community. All homes are to be delivered to Lifetime Homes Standard, while 10% of homes will be accessible to wheelchair users.
- 8.19 The Mayor of London agreed a Community Infrastructure Levy ("CIL") Charging Schedule which took effect from 1st April 2012. The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge the CIL in respect of development in Greater London. In the London Borough of Brent the Mayor charges CIL at a rate of £35 per square metre in respect of all development (other than development used wholly or mainly for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner or development used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education). The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Local Policy Guidance

- 8.20 The Council adopted its Local Development Framework Core Strategy in July 2010. The principal purpose of this document is to establish how the Council intends to facilitate housing growth in the Borough of Brent across five defined growth areas, including South Kilburn.
- 8.21 Core Policy CP1 – Spatial Development Strategy or growth, Brent's Strategy is to concentrate on housing growth in well located areas that provide an opportunity for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them.

- 8.22 Core Policy CP2 – *Population and Housing Growth* identifies the South Kilburn area as being earmarked for the development of at least 2,400 new homes in the period up to 2026. The Borough will plan for sustainable population growth of between 25,000 and 28,000 people by 2017. The provision of at least 22,000 additional homes will be delivered between 2007 and 2026 (including over 11,200 homes from 2007/08 to 2016/17). The borough will aim to achieve the London Plan target that 50% of new homes should be affordable. At least 25% of new homes should be family sized (3 bedrooms or more). The Scheme delivers 52 new high quality homes, of which 42% are for social rent homes and approximately 18% are family homes. This is a high proportion of affordable housing for a scheme of this size and was subject to viability assessment when planning permission was granted.
- 8.23 Core Policy CP5 – *Place making* - requires that in considering proposals for development in major growth and regeneration areas, regard shall be had to a range of uses, encouraging the provision of social infrastructure, open space and the creation of a distinctive neighbourhood with a positive sense of identity. The development proposals for the Estate, coming forward through the South Kilburn Regeneration Programme, are residential-led (and the Scheme to which the Order relates provides an example of this), but the wider proposals for the Estate also include high quality public and private open space and play areas. A new and cohesive public realm will be introduced to infer identity and legibility across the Estate. A number of community facilities have already been provided at the Estate through the New Deal for Communities programme.
- 8.24 Core Policy CP6 - *Design & Density in Place Shaping* - Proper regard shall be made to the London Plan density Policy 3.4 (above) which supports higher densities in areas of good public transport accessibility. The Council will also take into account stated criteria to ensure that a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important.
- 8.25 Core Policy CP9 – *South Kilburn Growth Area* describes the Council's intentions for transforming the South Kilburn area. Core Policy CP9 provides a clear policy statement and vision for the Council's approach to the area including the provision of new homes, supporting infrastructure and community facilities, creating both an improved place and an improved perception of that place. As the principal landowner, the Council is the lead delivery agency within South Kilburn. The Council seeks planning permission for development on sites within the growth area in accordance with this policy approach.
- 8.26 Core Policy CP15 – *Infrastructure to Support Development* sets out how the Council seeks to secure infrastructure to support new development, particularly in growth areas. This policy sits alongside Core Policy CP9 (see above) which lists infrastructure items that are sought in the South Kilburn growth area. When securing planning permission for development, the Council enters into section 106 agreements using the standard charge approach contained within its Section 106 Planning Obligations Supplementary Planning Document (October 2007) ("**Planning Obligations SPD**"). The burden of discharging planning obligations is passed onto the successful developer partner. Following an Examination in Public, the Council's Charging Schedule was approved by the Council on 25 February 2013 and took effect from 1 July 2013. The Council subsequently made consequential revisions to its Planning Obligations SPD.
- 8.27 Core Policy CP21 – *A Balanced Housing Stock* seeks to establish the delivery of a mixed supply of homes for a range of needs across the Borough of Brent. As explained in section 6 above, the regeneration of the Estate includes the delivery of a wide range of types of homes by tenure, unit size and for particular needs. This also includes a proportion of large family sized homes. That is reflected in this Scheme as well.
- 8.28 The *South Kilburn Supplementary Planning Document* (2005) (the "**South Kilburn SPD**") provides a planning basis for the 2004 Masterplan. This is discussed above in paragraph 5.20. The South Kilburn SPD is an adopted planning policy document and is a material consideration to be taken into account in the determination of planning applications. The South Kilburn SPD is kept under review by the Council in terms of phasing of development and numbers of dwellings but the principles for development remain constant. The South Kilburn SPD and Masterplan for South Kilburn is currently being updated. Following the

conclusion of the six month process of reviewing the South Kilburn Masterplan, including viability and deliverability, the outcomes of this will inform the revision to the South Kilburn Supplementary Planning Document SPD 2017 which will be consulted on in early 2017 with plans to adopt the revised document mid 2017 which will replace the SPD 2005.

- 8.29 The South Kilburn Regeneration Programme supported by the Masterplan provides a spatial planning basis for the regeneration of South Kilburn. It integrates the approach to the development of sites with additional factors that define the kind of place it will be: for example how people can access and use open space and new community facilities. A wider range of tenures are being introduced to diversify away from a predominance of social rented housing. The proposed design of the new development restores a more traditional connected street layout with development providing frontages and front doors at street level.

- 8.30 Historically, South Kilburn comprised a dense and fine grain of Victorian terraced streets typical of London for that time. South Kilburn, despite the later interventions, has in some part retained elements of its Victorian past, particularly in the north east. However, whilst the Victorian street pattern survives in places, the area is largely dominated by high-rise, mainly low quality public housing. These buildings are set in areas of poorly designed private and communal open space with no clear use or function. The resulting contrast between Victorian and twentieth century urban landscape has served to isolate the Estate community in islands of development set amidst characterless and neglected spaces.

- 8.31 One of the key aims of the adopted South Kilburn SPD and supporting Masterplan is to integrate this part of the Borough of Brent back into its wider surroundings and to overcome the social, economic and environmental barriers that have been created by inappropriate previous development and modern intervention. In order to achieve this, the challenge is to create a well-designed urban place which not only respects the surviving Victorian fabric, but also takes cues and valuable lessons from this historic context.

- 8.32 The Chippenham Gardens Scheme has had regard to policy aims and objectives of local, regional and national policy. The scheme delivers new affordable and private homes as part of the continued redevelopment of South Kilburn in line with the adopted Development Plan and South Kilburn Masterplan. The scheme has been commended by the Council for successfully integrating the public realm by virtue of better defining the immediate space, improvements to the hard and soft landscaping along the eastern edge of the public realm and through active frontages facing towards this space, in line with objectives in the adopted Development Plan and NPPF.

Planning Permission

- 8.33 Alongside the planning policy framework in support of the regeneration of the Order Land which is outlined above, a planning application for the Scheme was made on 18 March 2016, leading to the grant of detailed planning permission on 14 July 2016 (Planning ref 16/1191). PRP, lead the design team and submitted a full planning application for the comprehensive redevelopment of the Order Land, are currently at design development stage (Stage 3 of the RIBA Plan of Work 2013).

- 8.34 Having planning permission secured on the site ensures deliverability and confidence. The local planning authority (Brent) has considered the scheme appropriate in the regard of policy aims and objectives at local, regional and national levels.

- 8.35 Additionally, planning permission has been granted and construction has commenced/will shortly commence upon the following sites within Phase 1, Phase 2a and Phase 2b, which are within the Estate, but outside of the Order Land:
 - (a) 153 dwellings at Albert Road (Site 11A) at the former Marshall House, Albert Road, London NW6 (now completed);
 - (b) 133 dwellings at Site 3C at the former Roundabout, Carlton Vale, London NW6 (now completed);