

- (c) 50 dwellings at the former Texaco garage, Carlton Vale, London NW6 (now completed);
 - (d) 26 dwellings at the former Gordon House, Malvern Road, London NW6 (now completed);
 - (e) 101 dwellings at the former Cambridge Court and Wells Court, Cambridge Avenue, London NW6 (now completed);
 - (f) 43 dwellings at the former Ely Court, Chichester Road, London, NW6 (now completed);
 - (g) 64 dwellings at the former Bond House and Hicks Bolton House, London, NW6 (now completed);
 - (h) 229 dwellings at the former Bronte House and Fielding House, Cambridge Road, London, NW6 (under construction);
 - (i) 144 dwellings at Albert Road (11b) comprising the sites of the former Royal British Legion Clubhouse and of the Albert Road Day Centre (now completed); and
 - (j) 236 dwellings at the former Gloucester House and Durham Court, NW6.
- 8.36 There is also extant planning permission for 137 new dwellings at land adjacent to Queen's Park Station. This site was delayed, by the proposed route for Phase 1 of High Speed 2 ("HS2"). Since the deposit of the Council's petition against the HS2 Bill, the Secretary of State promoted Additional Provision 4 on 12 October 2015 in relation to the proposed relocation of the ventilation shaft to Canterbury Works in Kilburn.
- 8.37 On 27 January 2016, the Secretary of State gave the Council an undertaking to enter into an agreement with the Council to carry out the HS2 development in such a way so as to facilitate the Council's South Kilburn Regeneration Project. The Council subsequently agreed that it would not appear before the Select Committee of the House of Commons to further the Council's petition.
- 8.38 The Council and the Secretary of State have now entered into the agreement that was referred to in the undertaking. Together, the agreement and Additional Provision 4 address the matters raised in the Council's petition. This means that the South Kilburn Regeneration Project will not be affected by the ventilation shaft and the Secretary of State has agreed to relocate the shaft to Canterbury Works in Kilburn. To this end the Council will now be bringing the Site forward for redevelopment.

9. IMPLEMENTATION AND FUNDING OF THE SCHEME

- 9.1 As noted elsewhere in this Statement of Case, the Council's implementation strategy is to drive forward the regeneration of the Estate by reducing the risk to delivery of development opportunities by acquiring leasehold and freehold property interests, securing planning permission and disposing of the development opportunities by granting long leases (250 years or more) to developer partners appointed through the South Kilburn Developer Framework or via OJEU compliant procedure subject to a development agreement with an obligation to build out within a defined timescale.
- 9.2 Also, as explained above, 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 sites contained within earlier phases; 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. This demonstrates that funding is available for the Chippenham Gardens Scheme.

9.3 "Soft" market testing undertaken by the Council resulted in expressions of interest from a number of developers. The Council's own viability assessment undertaken as part of the planning process confirmed that the Chippenham Gardens Scheme is viable.

9.4 Alongside design and planning within the Order Land, in early 2017, the Council will be seeking approval of its disposal strategy for the Chippenham Gardens Scheme and subsequently embarking upon the process of procuring a developer partner to build out the scheme on the Order Land. The Council has previously used a combination of delivery methods including OJEU and the use of the Council's bespoke South Kilburn Developer Framework, all of which have been implemented successfully, with the land receipts received being recycled back into the South Kilburn Regeneration Programme. Going forward, disposal options include, but are not limited to:

9.4.1 *Use of the Greater London Authority (GLA) London Development Panel. The EU compliant framework consists of twenty five potential partners that could be selected to build out the Scheme on the Order Land as a result of a mini competition. It is envisaged that the successful partner would enter into a development agreement with the Council to deliver the development (the subject of that agreement) within 2.5 years. The GLA London Developer Panel has been procured for a four year period, expiring on 10 May 2017.*

9.4.2 *Use of other of any other appropriate OJEU Compliant Framework such as the Southern Framework.*

9.4.3 *A joint venture where the Council acts as developer and brings the site forward with a partner.*

10. HUMAN RIGHTS CONSIDERATIONS

10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The parts of the Convention rights which have been and continue to be considered in the course of the making of the Order and leading up to the confirmation of the Order include those set out below: Article 1 of the First Protocol and Articles 6 and 8 of the Convention are of particular relevance.

10.2 Relevant parts of **Article 1 of the First Protocol of the Convention** provide that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"

10.3 If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the present leaseholders/occupiers resident within the Order Land. However, there will be no violation of those rights where the steps taken are in the public interest and are lawful, as is required by Article 1 of the First Protocol (above) and Article 8 of the Convention (below).

10.4 Relevant parts of **Article 6 of the Convention** provide that:-

"In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

- 10.5 The Order proposals have been extensively publicised and consultation has taken place with the communities that will be affected by the Order.
- 10.6 All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State. Those persons directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order.
- 10.7 Relevant parts of **Article 8 of the Convention** provide that:
- "(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*
- "(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others".*
- 10.8 Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2).
- 10.9 The Order has been made pursuant to section 226(1)(a) of the 1990 Act which authorises the Council to acquire land compulsorily subject to following the procedures laid down in the Acquisition of Land Act 1981. The Council considers that there is a compelling case in the public interest such that if the Order Land is acquired the public benefit will outweigh the private loss arising from that acquisition. In the circumstances, the compulsory acquisition of the Order Land will not conflict with the rights provided by Article 8(1) of the Convention as the qualifications in Article 8(2) apply.

Application of the principle that interference with Convention rights must be proportionate and justified in the public interest

- 10.10 In promoting this Order the Council has carefully considered the balance to be struck between individual rights and the wider public interest.
- 10.11 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate as very much needed affordable homes will be delivered. The Chippenham Gardens Scheme will also bring the other benefits described in this Statement at sections 5 and 6.
- 10.12 The impact of the compulsory purchase order on people affected by the Council's proposals have been considered by the Council, particularly those whose homes are to be purchased. The Council has secured alternative accommodation for its secure tenants affected by the proposals. It has secured one leaseholder interest by agreement and is in active negotiations with all interests affected, including the leaseholder objectors to the Order, for the purchase of their interests and the payment of compensation to them in accordance with the statutory compensation code. The Council's approach is to ensure, wherever possible, that affected residents are offered new accommodation on the Estate, should they wish to remain there. In relation to the objectors, the Council is providing Mr and Mrs Charles of 4 Stuart Road and Mr and Mrs O'Donnell of 26 Stuart Road with financial and practical assistance to enable them to secure new homes on the Estate, so that they may maintain links to friends and family in the area and access amenities together with those additional amenities to be provided as part of the wider South Kilburn Regeneration Scheme. Mr Aghamiri of 20 Stuart Road is an investor owner who does not reside at the property.
- 10.13 All of those persons whose rights under Article 8 of the Convention and under Article 1 of the First Protocol of the Convention would be affected by the Order will have an opportunity to

object to the Order and to have their objection considered at a fair and public hearing, in accordance with their rights under Article 6 of the Convention.

- 10.14 Appropriate compensation will be made available to all those entitled to claim it under the relevant provisions of the statutory Compensation Code.
- 10.15 In addition, having regard to the provisions of the 1990 Act and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will, for the reasons explained in this Statement, make a positive contribution to the promotion or achievement of the economic, social and environmental wellbeing of its area. The Council therefore has a clear idea of how it intends to use the land which it is proposing to acquire compulsorily. Further, the necessary resources are in place to achieve delivery of the Scheme within a reasonable timescale. Subject to confirmation of the Order (assuming the Order is to be confirmed by the Secretary of State) there are no impediments to its delivery.
- 10.16 The Council believes that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would be necessary, proportionate and would strike the appropriate balance between public and private interest. The Council is of the view that the Order would be lawful, in the public interest and proportionate as the Chippenham Gardens Scheme would will facilitate much needed housing and bring other benefits to the area. In the view of the Council, the public interest that is to be served by the development and the wider benefits it will bring outweigh the necessary interference with the private rights and interests in the Order land.
- 10.17 It is therefore considered that the Chippenham Gardens Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights. The Council is also satisfied that the requirements of the Guidance are met.

11. EQUALITY IMPACT ASSESSMENT

- 11.1 The Council has had regard to and complied with the advice in paragraph 2 of the Guidance regarding the duty it has under section 149 of the Equality Act 2010. The Council has also undertaken a comprehensive equality impact assessment to assess the impacts on groups with protected characteristics arising from its proposals and the Order. In addition, needs assessments have been undertaken by the Council and a bespoke allocation policy has been produced. The assessment confirmed that on balance positive impacts arise from the proposals for the Order Land. Some impacts were assessed as neutral. None were assessed as negative. South Kilburn is identified as a priority area for driving economic opportunity and regeneration within the policy document, Brent – Our Future 2010 - 2014 (Brent Borough Plan). The Regeneration Strategy for Brent 2010-2030 identifies the objective of delivering transformational change in South Kilburn within its Strategic Priority 1. As previously mentioned, the South Kilburn area was previously a New Deal for Communities area and as such, all interventions are specifically targeted at those people who suffer disadvantage in society. There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the Estate are developed and delivered.
- 11.2 The Council has also taken account of both human rights and equalities impact issues in formulating its strategies and proposals in relation to the impact of the scheme on the community and in meeting the requirements of residents. The Council has made reasonable endeavours to offer practical and financial assistance to assist those residents who have indicated that they wish to remain in the area. Where land needs to be acquired compensation for acquisition, payments of Home Loss, Disturbance and fees. Rent is charged at social rent rather than an affordable rent. Secure tenants are also provided with gifted white goods to ensure they have a comfortable start in their new home. The Council also provided offers of the Shared Equity Opportunity at Argo Site, where leaseholders could purchase a share of up to 50-60% share with rent not payable on the remainder share. Alternative accommodation for leaseholders is available at the Argo Site development, located along Kilburn Park Road, bordering Chippenham Gardens, which is adjacent to 4-26 Stuart Road (even numbers only),

and in very close proximity to where the existing leaseholders reside. This opportunity was first offered to leaseholders in 23 February 2015. The Council is also in negotiations with the 3 leaseholder objectors about other alternative housing opportunities nearby. The criteria to be applied in relation to alternative accommodation was explained to leaseholders in the Home Group presentation on 21/07/2015 and further information has been provided to them since that time.

12. SPECIAL CONSIDERATIONS AND SPECIAL CATEGORY LAND

- 12.1 The Order Land is located within the southern boundary of the South Kilburn Masterplan Area, there are considered to be no special considerations affecting the Order Land. There are no listed buildings or consecrated land within the Order Land.
- 12.2 The Order Land includes land in which statutory undertakers have an interest which has been acquired for the purpose of their undertaking. The details of such interests are set out in the Schedule to the Order, but in summary they comprise the following:
- 12.2.1 *Rights (the precise location of which is unknown) in respect of electricity transmission lines, cables, conduits and apparatus owned by UK Power Networks plc;*
 - 12.2.2 *Rights (the precise location of which is unknown) in respect of electricity transmission lines, cables, conduits and apparatus owned by South Eastern Power Networks plc;*
 - 12.2.3 *Rights (the precise location of which is unknown) in respect of gas mains, pipes and other apparatus owned by National Grid Gas plc; and*
 - 12.2.4 *Rights (the precise location of which is unknown) in respect of water mains, pipes and other apparatus owned by Thames Water Utilities Limited.*

13. DETAILS OF HOW THE AUTHORITY SEEKS TO OVERCOME ANY POTENTIAL IMPEDIMENTS TO THE IMPLEMENTATION OF THE ORDER

- 13.1 The Council believes that it has measures in place to manage and mitigate all the reasonably foreseeable risks that could potentially impede the implementation of the Order and the delivery of the Scheme.
- 13.2 The following table highlights these measures:

	Risk of Delivery	Strategic Action
1.	Need for a developer partner to deliver the Chippenham Gardens Scheme	In early 2017, the Council will be seeking approval of its disposal strategy for the Site and subsequently embarking upon the process of procuring a developer partner to build out the Scheme on the Order Land. Disposal options include, but are not limited to use of the GLA London Development Panel and other OJEU Compliant Frameworks such as the Southern Framework or the Council enter into a Joint Venture structure to act as developer.
2.	The status of public subsidy to deliver the Chippenham Gardens Scheme	The regeneration of the Estate is one of the Council's highest priority projects. The GLA (as successor body, in London, to the Homes and Communities Agency) are supportive of the Council's approach to regeneration of the Estate. The GLA retains a considerable equity stake that is reinvested through the South Kilburn Regeneration Programme. South Kilburn benefits from high sales and land values and as such the private elements of the development secure the delivery of new affordable homes by means of cross subsidy. To date, the Framework partners have demonstrated considerable financial strength and access to

	Risk of Delivery	Strategic Action
		considerable asset bases and income streams. The Council has funding to deliver this project as explained in this Statement.
3.	Lack of public support for the Proposals	There is a longstanding commitment by the Council to regenerate the Estate, which has met with considerable public support. Public consultation has been undertaken throughout the development process. Further public consultation was undertaken in connection with the planning application for the Chippenham Gardens Scheme, for which planning permission was granted on 14 July 2016.
4.	Need for vacant possession of Site for the delivery of the Chippenham Gardens Scheme	The phased approach to delivery allows the Council to offer new homes to tenants under a rolling programme of relocation, and to provide vacant possession on a phased basis to facilitate delivery of the Chippenham Gardens Scheme. The Council is confident that all secure tenants from 4-26 Stuart Road (even numbers only) will be re-housed by early 2017. The two resident leaseholders have been made alternative offers of homes in very close proximity to their existing properties. The investor landlord was also contacted about these opportunities but did not express an interest. The Council believes that its continuing negotiations with these parties will lead a successful outcome.
5	Availability of funding for re-housing tenants and purchasing freehold/leasehold properties	Land receipts from disposed development sites provide recycled funding for this purpose and provided the finance to bring the site forward for redevelopment. Funding is not therefore an impediment to implementation of the Chippenham Gardens Scheme.

- 13.3 Subject to confirmation of the Order to enable site assembly to be achieved, the Council considers there are no impediments to implementation of the Chippenham Gardens Scheme.

14. THE VIEWS OF GOVERNMENT DEPARTMENTS

- 14.1 The GLA are supportive of the Council's overall approach to regeneration of the Estate, and to its specific delivery strategy of incremental development, supported by a recycling of capital receipts. The GLA has an equity stake invested in the delivery programme that is recycled and reinvested into the South Kilburn Regeneration Programme, including the Chippenham Gardens Scheme.
- 14.2 On 8 February 2016 the Council applied to the Secretary of State's consent to rely on Ground 10A of Schedule 2 to the Housing Act 1985 to enable the Council to apply for a court order to obtain vacant possession of the residential dwellings let under secure tenancies in relation to 4-26 Stuart Road (even numbers only) of the South Kilburn Regeneration Programme.
- 14.3 On 21 June 2016, the Council received notification from the Secretary of State that, having considered the Council's application and taken into account the matters set out in paragraph 3(1) in Part V of Schedule 2 to the Housing Act 1985, he considered that the Chippenham Gardens Scheme proposed by the Council will enhance the housing accommodation in the neighbourhood, that the disposal and redevelopment would take place in an acceptable time-scale and that, as a result, he had decided to approve the scheme.
- 14.4 As noted above, the Secretary of State also confirmed the compulsory purchase order for Gloucester House and Durham Court in February 2015 and was content, there being no objections, for the Council itself to confirm the order for Bronte House and Fielding House in 2013.

15. PROPOSED MODIFICATION OF THE ORDER

- 15.1 Following the making of the Order, it has come to the Council's attention that the Order Map does not record the correct boundaries of Plot 5, owned by Woodville Properties Limited ("Woodville") and occupied by Mohammed Harsini as lessee. The extent of the land owned by Woodville is actually greater than is shown on the Order Map for plot 5, and actually extends further south westwards, affecting an area within plot 3 of the Order which the Council previously believed was in part highway land. A plan showing the additional area of land owned by Woodville is attached (*Appendix 6*).
- 15.2 The Council is proposing to request the Secretary of State to correct this minor error on confirmation of the Order (assuming the Order is to be confirmed). This is considered to be a minor administrative change which the Secretary of State would be able to make, should the Order be confirmed. The corrections required would involve modification of the plan to record the true extent of Woodville's ownership, affecting both plots 3 and 5 on the map. In addition, the plot descriptions for plots 3 and 5 will need to be amended accordingly.
- 15.3 The Council is taking steps to notify the National Planning Casework Unit of the amendment required and will make reference to it in its evidence at any public inquiry that may be held to consider the Order. Further, the Council is notifying the objectors and other interested persons of the changes required to the Order. No party will be prejudiced by this change since the effect of it is simply to reflect the true position with regard to the extent of the land actually owned by Woodville within the Order and make corresponding changes to the Order Map and Order Schedule.
- 15.4 At the time of making the Order, the Council had intended to proceed with the making of a stopping up order in relation to the extent of highway within plot 3. After it came to light that this land was not highway but part of the land owned by Woodville, the highway land within plot 3 was excluded from the stopping up procedure. The stopping up order which the Council is proposing to introduce therefore now only affects an area of highway situate in the northern part of the Order Land (see map at *Appendix 5* and map showing the original proposal at *Appendix 4*).

16. RELATED ORDERS

- 16.1 As explained at section 15 above, the Council is seeking powers to stop-up highway land under the Town and Country Planning Act 1990, pursuant to the planning permission for the Chippenham Gardens Scheme, to enable the development to proceed. As explained at section 15.4 above, originally the extent of highway proposed to be stopped was that shown on the map at *Appendix 4*. However, it came to light that part of the land concerned was not highway but part of land owned by Woodville. The land concerned was therefore omitted from the draft Order when notice of it was given by the Council. The stopping up order which the Council is proposing to introduce now only affects the area situate in the northern part of the Order land, as shown on the map at *Appendix 5*. No objections were made to the Order. The Order is therefore to be made by the Council in early 2017.

17. COUNCIL'S RESPONSE TO OBJECTIONS TO THE ORDER

- 17.1 A summary of the objections made to the Order and of the Council's responses to them appears below.

Edward Payne and Veness, Chartered Surveyors on behalf of Mr and Mrs J Charles, Mr S Aghamiri and Mr and Mrs P O'Donnell, with separate letters of objection from Mr Charles and Mr and Mrs O'Donnell, and a letter from Ewan & Co Solicitors on behalf of Mr Aghamiri

Not provided with sufficient information to fully understand the impacts of the scheme nor seen arrangements entered into between the Council and its intended development partner.

Council's Response

- 17.2 This is incorrect. The Council has fully engaged with all of the objectors throughout the project, providing detailed information about the Chippenham Gardens Scheme and its impacts at each and every stage, from the initial first public consultation about the Council's proposals and later in relation to the making of the proposed compulsory purchase order. A total of three public exhibitions were held over the course of the project and Mr Charles was the only leaseholder who attended the public exhibitions. An invitation to workshops regarding the proposals was hand-delivered to all objectors. Contact information for the Project Manager running the project was provided to them and they were advised that the Project Manager was available to answer any questions or queries the objectors had regarding the proposals. Information regarding the proposal for the redevelopment together with contact details for the Council were also available on the Council's website and will remain there for the duration of the project (www.brent.gov.uk/southkilburn). The leaseholders were also written to as part of the planning application process for the Chippenham Gardens Scheme. Information regarding the project was also available in the local press, Brent Magazine and South Kilburn Connect and other methods of communication. Council Officers have also given presentations to residents at public forum meetings concerning the Chippenham Gardens Scheme, including up-dates on progress, which Mr Charles regularly attends. The Senior Project Manager for the Estate Regeneration Team, as well as the wider consultant team, also met with Mr Charles at the public exhibitions and talked through the consultation boards regarding the scheme and answered queries that were raised. Mr Charles and Mr Aghamiri both attended the leaseholder consultations and were provided with details of the process for the purchase of their interests and the Argo opportunity was also presented to them at one of these sessions. The Council has not as yet entered into appropriate arrangements with the developer for the delivery of the scheme, but will look to do so in the coming months.

Mr and Mrs O'Donnell and Mr and Mrs Charles are owner occupiers and have lived in their properties for a number of years. Both are in a low rise blocks and in good condition. As the Council has not offered a replacement property in the area they will be forced to buy another property outside the area. In the case of the owner occupiers this will break long term links with friends and family and will cause them to move away from local hospitals and GP's together with local schools.

COUNCIL'S RESPONSE.

- 17.3 The Council's preference is to acquire land by agreement wherever possible and for the use of compulsory purchase process as a last resort, in the event attempts to acquire by agreement fail, in accordance with the advice provided in the Guidance. The Council has been committed to providing information and support to affected leaseholders well in advance of the use of compulsory purchase process on all its schemes under the South Kilburn Regeneration. Most of the leaseholders (approximately 90% - approximately 50 interests) on previous schemes have sold their properties back to the Council by agreement, which is testament to the Council's efforts to negotiate.
- 17.4 In addition, to assist leaseholders who wish to sell their property earlier than we would normally seek to acquire the interests, the Council has also successfully implemented an advance acquisition pilot project. This allows leaseholders on the estate to sell their property to the Council by agreement ahead of the scheduled regeneration programme when otherwise their homes may well be blighted by the difficulty in selling their properties on the open market.
- 17.5 The steps the Council has taken is as follows:
- The Council has held consultation meetings to explain the options available to affected residents to reiterate the Council's preference to negotiate and acquire interests by agreement, and to explain the compensation on offer and additional support;
 - The Council has produced a leaseholder booklet for residents which explains in detail the process the Council is following and where they can go for help and support;

- The Council has appointed First Call Housing who are an independent leaseholder and tenant advisory service to give to engage with residents and provide them with independent advice ;
- The Council has provided the option to leaseholder residents of selling to the Council by agreement well in advance of compulsory purchase through its advance acquisition scheme.
- The Council has provided a shared equity option to residents.
- The Council has offered, in addition to market value, compensation, for disturbance and loss payments (equivalent to that which would be receivable under the compulsory purchase compensation code) and fees;
- The Council has offered flexible payment terms such as lump sum disturbance payments to assist residents with moving and relocation expenses;
- The Council has offered tenancy at will arrangements to leaseholder residents to enable them to remain within their homes on a rent free basis for a limited period of time (6 months to one year) after the Council has acquired their interests, to give them time to find a suitable alternative property and make the transition of relocating easier.
- The Council relies on independent valuation advice from the District Valuation Service for the offer of compensation to leaseholders.

17.6 In connection with the three flats occupied by the objectors at Stuart Road, the Council has been in active negotiations to acquire their interests by agreement since April 2015. Currently, there are three leasehold properties that remain to be acquired at Stuart Road. One interest at Stuart Road (number 18) was acquired by agreement in May 2014 under the Council's advance acquisition pilot project.

17.7 Of the three remaining interests, Mr and Mrs Charles of 4 Stuart Road and Mr and Mrs O'Donnell of 26 Stuart Road are owner occupiers, whilst the third (Mr Aghamiri) is an investor-owner. Details of the negotiations conducted with the three leasehold objectors appears below.

Objector: Mr Seyed Ali Seyed Aghamiri in relation to 20 Stuart Road

17.8 Mr Seyed Ali Seyed Aghamiri is an investor-owner who acquired his property on 13th October 2003. It appears that the property was acquired as an investment and was, for a period, sub-let. The Council first engaged with Mr Aghamiri in April 2015 in connection with the purchase of his property by agreement.

17.9 Mr Aghamiri lives at 51 Stuart Road, South Kilburn, NW6, which is located on the same road as the subject property. He was first contacted by the Council's Property Team on 2nd April 2015 which is the date the Council delivered the leaseholder information booklet and to request permission for the Council to instruct the District Valuer to carry out a market value of his property. Following contact, the Council had engaged the District Valuer to prepare an independent valuation of the subject property to ascertain the market value of the property. The Council received the valuation report on 7th July 2015. Number 20 Stuart Road is a three bed flat located on the 2nd floor of a 4 storey block of flats which contains a total of 11 units comprising a mix of 2 and 3 bed properties.

17.10 On 13th July 2015 a verbal offer of compensation was made by the Council to Mr Aghamiri. The offer was equivalent to that which would be payable under a compulsory purchase, including compensation for the value of the property, a basic loss payment, disturbance payment and fees. This offer was rejected. Mr Aghamiri indicated that he was not interested in selling his interest unless the Council provided a like for like replacement thereby enabling

him to continue to receive the same rental income. Mr Aghamiri was seeking a sum in excess of the DV's market value assessment.

- 17.11 Recently (December 2016) the Council re-instructed the District Valuer to provide an updated valuation of the subject property and to negotiate an open market value with the leaseholder's agent. These negotiations are on-going between the District Valuer, acting on behalf of the Council, and Mr Aghamiri's agent. However, the Council has made a revised offer on 13th December 2016 to acquire the Mr Aghamiri's property by agreement. The offer is based on the updated valuation of December 2016 and is subject to Mr Aghamiri managing his sub-tenancy and providing vacant possession of his flat to the Council on completion should he wish to accept the offer.
- 17.12 The Council has acted in accordance with the Guidance in seeking to acquire this property by agreement and pay compensation in accordance with the statutory compensation code. Although the Council has actively negotiated with Mr Aghamiri's agent, no agreement on market value has yet been achieved to date. The Council will, however, continue to negotiate in the hope that an agreement on compensation can be achieved.
- 17.13 To provide further support, the Council has recently acquired a number of properties under its Private Rented Sector Programme. A number of these properties might be suitable for the Mr Aghamiri under a property swap arrangement with the Council. Some of these properties are within the South Kilburn area and there are also a number of properties that might be suitable which are in other parts of the borough, such as Wembley. If Mr Aghamiri would like to consider this option the Council will arrange for a meeting to take place so that the Council can provide further details of the available properties, and for those that are soon to be acquired, and also arrange viewings on shortlisted properties that are currently available. The property swap would be subject to an up to date valuation of both the Council's property and the leaseholder's property to ensure that this option is affordable. In other words, the Council would purchase the leaseholder's property at an agreed market value and the leaseholder would purchase the Council's property at an agreed market value. An initial assessment of the available properties that the Council owns shows that this option would be an affordable option. This option was offered to Mr Aghamiri's agent on 14th December 2016.

Objector: Joseph Charles and Merle Charles of 4 Stuart

- 17.14 Mr and Mrs Charles are leasehold owner-occupiers who have resided in their property since 2nd February 1987 and acquired their property under the RTB legislation direct from the Council. The Council had instructed the District Valuer to provide an independent valuation of the subject property in June 2015. The property is a two bed ground floor flat.
- 17.15 An offer was made to Mr and Mrs Charles on 6th August 2015 following receipt of the valuation report. The offer made included market value plus compensation for home loss and disturbance and fees assessed in accordance with the statutory compensation code. This offer was rejected by Mr and Mrs Charles who were seeking a higher market value above that assessed by the DVS. At this time it is understood that no agent was involved, other than First Call Housing who were assisting both parties with the negotiations.
- 17.16 Prior to this, Mr and Mrs Charles were offered the opportunity to acquire a shared equity unit in the adjoining new build development (known as Argo House) off plan. Mr and Mrs Charles registered an interest in taking a property at Argo House at that time and paid a deposit. The Council was pleased that they registered their interest in the scheme as the new home was very similar to their current property and provided the same number of bedrooms. The alternative property was a ground floor unit located in very close proximity to their current property. This would have enabled them to remain in the area, maintain links to friends and family and access amenities including those to be provided as part of the wider South Kilburn Regeneration Scheme. The Argo flat is 160 meters away from Mr and Mrs Charles' current home and therefore Mr and Mrs Charles would have access to the same amenities they currently have the benefit of.

- 17.17 The Argo House scheme is a small private scheme comprising approximately 96 residential units and some ground floor commercial space. Of these units 5 have been secured by Brent Council as shared equity units to be made available exclusively for South Kilburn leaseholders. The Council had also successfully managed to fix the sale price of the new shared equity units with the developer 6 months prior to completion which provided reassurance to the leaseholders that prices would remain affordable within a then rising market.
- 17.18 On 18th February 2016, Mr Charles attended a presentation by Brent Council and the developer Home Group to explain the shared equity opportunity. Effectively, this provides leaseholders with the opportunity to be able to acquire a property within the South Kilburn area without the need to purchase an alternative property in competition with others on the open market.
- 17.19 Shared Equity is an offer which enables the leaseholder to acquire a replacement new property in the local area. The price paid by the leaseholder will be between 50% and 60% of the open market value of the new unit. This ensures that it is within the reach of the leaseholder in terms of affordability. The current market value of this property based on an initial 50% initial acquisition cost of the new shared equity unit would be affordable for Mr and Mrs Charles as this would represent approximately 58% of the total compensation offered by the Council. Unlike other discount schemes the leaseholder is not required to pay any rent or other contribution on the balance. The leaseholder can increase their stake in the property by acquiring an additional percentage or the leaseholder can simply leave their stake at 50% for the duration of their ownership of the property. At the time of sale the leaseholder would then receive an equivalent 50% of the then market value of the property with the other 50%, similar to a mortgaged property, returning to the holder of the charge.
- 17.20 The shared equity unit which Mr and Mrs Charles had placed a deposit on is a ground floor unit, comprising two bedrooms. This is similar to their current home. The new unit has an external patio space and is fully carpeted and the kitchen will be fitted with white goods so as to minimise the disruption to the ingoing leaseholder; these are gifted to the ingoing leaseholder as part of the overall package on offer.
- 17.21 In December 2016 Mr and Mrs Charles withdrew their interest in the shared equity offer at the Argo development. The Council has therefore proposed an alternative shared equity offer at Kilburn Quarter, which is also close to Mr and Mrs Charles' current property, and the offer has been made to Mr and Mrs Charles' agent on 13th December 2016.
- 17.22 The District Valuer is currently in negotiation with the leaseholder's agent on the market value of this property. The Council has acted in accordance with the Guidance, in seeking to acquire this property by agreement in accordance with the statutory compensation code. Although the Council has actively negotiated with Mr and Mrs Charles and their agent, no agreement on market value has yet been agreed to date. The Council will, however, continue to negotiate in the hope that an agreement on compensation can be achieved. As at 13th December 2016 the Council has made a revised offer to Mr and Mrs Charles' agent, this includes an enhanced disturbance package and also the option of a property swap as detailed in the next paragraph.
- 17.23 To provide further support, the Council has recently acquired a number of properties under its Private Rented Sector Programme. A number of these properties might be suitable for the leaseholder under a property swap arrangement with the Council. Some of these properties are within the South Kilburn area and there are also a number of properties that might be suitable which are in other parts of the borough, such as Wembley. If Mr and Mrs Charles would like to consider this option we will arrange for a meeting to take place so that the Council can provide further details of the available properties, and for those that are soon to be acquired, and also arrange viewings on shortlisted properties that are currently available. The property swap would be subject to an up to date valuation of both the Council's property and the leaseholder's property to ensure that this option is affordable. In other words, the Council would purchase Mr and Mrs Charles' property at an agreed market value and the leaseholder would purchase the Council's property at an agreed market value. Compensation would be payable assessed in accordance with the statutory compensation code, including land value, home loss, disturbance and fees. An initial assessment of the available properties

that the Council owns shows that this option would be an affordable option. Furthermore, to assist the Mr and Mrs Charles with the transition under this option (being owner-occupiers), the Council will refurbish the property under the swap, up to a certain value, to bring it up to a good condition and also provide a standard suite of white goods. This option was offered to Mr and Mrs Charles' agent on 13th December 2016.

Objector: Patrick John O'Donnell and Natasha O'Donnell of 26 Stuart Road.

- 17.24 Mr Patrick John O'Donnell and Mrs Natasha O'Donnell acquired their property on 19th May 2003 and are leasehold owner-occupiers. The Council first made contact with them on 2nd April 2015 to provide the leaseholder information booklet and to request permission for the Council to instruct the District Valuer to carry out an open market value of their property. The valuation report was received on 17th July 2015 and an offer was made to them on 22nd July 2015. The offer made included market value as assessed by the DV plus compensation for home loss and disturbance and fees as assessed in accordance with the statutory compensation code. This offer was rejected by Mr and Mrs O'Donnell who were seeking market value in excess of that assessed by the DV. At that time it is understood that their current agent was not involved. However, First Call Housing were involved in the negotiations and were acting for both parties.
- 17.25 Mr and Mrs O'Donnell were also offered a two bedroom flat on the ARGO House development but as they have three young children and their current property is a three bedroom flat the offer was rejected by Mr and Mrs O'Donnell. Unfortunately, no three bedroom flats are available at the Argo House development.
- 17.26 Recently, therefore, the Council has approached Network Housing Association who are bringing forward another new development on the South Kilburn Estate. Although this was not part of the original development agreement between Brent Council and Network Housing, the Council has been able to negotiate that a three bedroom unit will be made available to Mr O'Donnell on a shared equity basis. This offer has been made to Mr O' Donnell via his agent on the 17th November 2016.
- 17.27 The shared equity property offered to Mr and Mrs O'Donnell is approximately 300 meters away. The unit will comprise three bedrooms located on the ground floor. The current market value of this property, based on an initial 50% initial acquisition cost of the new shared equity unit, would be affordable for Mr and Mrs O'Donnell because this would represent approximately 73% of the total compensation offered by the Council. They would own the entire unit with the remaining 50% hold as a charge but with no additional payments required to be made against this charge.
- 17.28 Mr and Mrs O'Donnell have said that they are not interested in the offer but that the Council should put the offer in writing to his agent. The Council has since made the offer to the agent to discuss with Mr and Mrs O'Donnell. As yet the Council has not received a response from the agent acting for them. However, the Council remains hopeful that they will accept this offer as it will enable them to remain in the area and maintain links to friends and family in the area and access amenities they currently have the benefit of, including those to be provided as part of the wider South Kilburn Regeneration Scheme.
- 17.29 The Council has recently (in December 2016) instructed the District Valuer to provide an updated valuation of the subject property and to negotiate an open market value with the leaseholder's agent. These negotiations are on-going. As at 13th December 2016 the Council has made a revised offer to Mr and Mrs O'Donnell's agent, this includes an enhanced disturbance package and also the option of a property swap as detailed in the next paragraph.
- 17.30 To provide further support, the Council has recently acquired a number of properties under its Private Rented Sector Programme. A number of these properties might be suitable for the leaseholder under a property swap arrangement with the Council. Some of these properties are within the South Kilburn area and there are also a number of properties that might be suitable which are in other parts of the borough, such as Wembley. If Mr and Mrs O'Donnell would like to consider this option the Council will arrange for a meeting to take place at which

the Council can provide further details of the available properties, and for those that are soon to be acquired, and also arrange viewings on shortlisted properties that are currently available. The property swap would be subject to an up to date valuation of both the Council's property and the leaseholder's property to ensure that this option is affordable. In other words, the Council would purchase the leaseholder's property at an agreed market value and the leaseholder would purchase the Council's property at an agreed market value. Compensation would be payable assessed in accordance with the statutory compensation code, including land value, home loss, disturbance and fees. An initial assessment of the available properties that the Council owns shows that this option would be an affordable option. Furthermore, to assist Mr and Mrs O'Donnell with the transition under this option, the Council will refurbish the property under the swap, up to a certain value, to bring it up to a good condition and also provide a standard suite of white goods. This option has been offered to Mr and Mrs O'Donnell's agent on 13th December 2016.

- 17.31 The Council is keen to acquire the remaining interests by agreement. The Council has appointed the District Valuation Service to negotiate on the Council's behalf directly with the surveyor acting for the leaseholder objectors and these discussions are ongoing. It is hoped that the surveyors will come to an agreement with the Council on the market value of the interests to avoid a compulsory purchase. The Council also wishes to ensure that these residents remain within the area if they wish to do so and with this objective in mind is actively engaging with the leaseholder objectors and their agent to achieve this.

Mr and Mrs O'Donnell and Mr and Mrs Charles are on modest incomes and would not be able to raise a mortgage or buy another property or support a service charge or equity share in the area. The Council's CPO represents an unjustifiable interference with their human rights under Article 8 of the European Convention on Human Rights.

Council's response

- 17.32 The Council has worked with the objectors and their agent in order to understand their financial circumstances and requirements in relation to a replacement property should they wish to remain in the area. This has led to them being offered replacement properties tailored to their financial circumstances and requirements. Given the efforts the Council is making to assist them both practically and financially to enable a move to appropriate alternative premises within the development to be achieved, the Council believes that there is a good prospect of securing alternative housing accommodation in the area, should they wish to remain in the locality. As explained in this Statement, the Council has carefully considered the impact of the Council's proposals upon the objectors and considers that the Order would be lawful, in the public interest and proportionate, as the Council's Chippenham Gardens scheme would facilitate much needed new housing as well as bringing the wider benefits described.

Mr Aghamiri is an investment owner and relies on the income from the property and is unable to replace his investment in the area at the valuation offer.

Council's response

- 17.33 The Council is in discussions with Mr Aghamiri about the purchase of his interest. Compensation will be paid to him in accordance with the compulsory purchase compensation code. The position with regard to negotiations with Mr Aghamiri is explained above.

The Council's proposals will involve the wholesale demolition of all of the objectors properties which would not contribute to the social well-being of those on the Estate, but would instead destroy and scatter that community

Council's Response

- 17.34 In formulating its proposals, the Council has had regard to the social well-being of the inhabitants of the estate and also the people of the Borough who are in desperate need of suitable new housing accommodation. It is imperative that the Council delivers urgently needed new homes in the Borough in line with both national, regional and local planning

policy. The South Kilburn Programme has a target to deliver approximately 2,400 new homes of which 1,200 are made available to existing secure tenants of South Kilburn, a new high quality urban park, new health centre, new retail facilities, a new school for primary age provision, improved environmental standards and an enhanced public realm. A total of 943 new high quality homes will be completed in early 2017 and of these approximately 509 new homes have been or will be made available to existing secure tenants as part of the South Kilburn Regeneration Programme. Homes are also adapted to meet the occupational requirements of residents. Secure tenants have a choice with regard to some of the finishes (i.e. kitchen worktop colours, flooring colours, paint) for their new homes and are also gifted with white goods to help them have a more comfortable start. Leaseholders are also an important part of the community and offers of alternative housing have been made, as explained above. The Council recognises that achieving the delivery of new homes must be balanced against the potential adverse impacts and displacement of inhabitants of the estate may cause. It has therefore taken great steps to ensure that human rights and community impacts considerations are taken into account in formulating strategies and proposals to assist those members of the local community who wish to remain in the area to do so. All South Kilburn secure tenants who wish to stay in South Kilburn can do. All secure tenants in 4-26 Stuart Road (even numbers only) have been allocated a new home with some tenants having already moved to Queen's Park Place, with the remainder of secure tenants due to move early 2017. Leaseholders have also been made offers of alternative accommodation on the Estate.

No up-to-date valuation has been provided despite numerous requests and provision of the objectors valuation over 7 months ago. The Council has not exhausted negotiations in fact it has not attempted to negotiate a value. It appears they are using the CPO to further their own ends.

Council's Response

- 17.35 The Council has sought to negotiate with the agent acting for the objectors but without success. As noted above, valuations have been provided to the agent acting for the objectors and the Council is actively involved in negotiations with their agent for purchase of their interests. Further information regarding the current position on negotiations and offers of alternative accommodation is provided above. Paragraph 2 of the Guidance makes clear that it is perfectly acceptable to proceed with compulsory purchase processes at the same time as conducting negotiations. The Council has followed this advice in making the Order. The Order is not being pursued by the Council to further its own ends but to achieve the regeneration of the estate, for the overall benefit of the community and to deliver much needed new housing.

The proposed provision of ancillary leisure and recreational and religious facilities appears inadequate for the objectors' needs and residents affected by the scheme. The piecemeal approach to the development of the Estate which appears to allow a developer or developers to build housing without ensuring schools, public transport provisions and other community needs are met. The level of parking proposed is inadequate and would lead to problems of parking and congestion in roads through the area.

Council's Response

- 17.36 The Council has had regard to community needs in formulating its proposals for the Chippenham Gardens Scheme and the wider South Kilburn Regeneration Programme, so that existing public amenities and services and new ones to be provided as part of the proposals for the South Kilburn area may be accessed by the public. The Chippenham Gardens Scheme is part of the South Kilburn Regeneration Programme, involving the provision of 52 new high quality homes with an enhanced public realm and associated parking. The Chippenham Gardens Scheme does not itself give rise to the need for "ancillary leisure and recreational and religious facilities" as asserted by the objectors as it is merely part of the Council's wider proposals for the South Kilburn area, and is not of sufficient size to accommodate such facilities within the development. However, such community needs are met by existing facilities and new facilities to be provided as part of the South Kilburn Regeneration

Programme. A transport statement has been prepared which shows that Stuart Road will be adopted and a controlled parking zone will be introduced. Public transport is readily accessible in the area. A traffic survey was also completed to assess the need for parking and was included as part of the planning application considered by the Council. The Council believes that adequate parking provision is made, having regard to the development proposed. Chippenham Gardens sits within the wider Masterplan area and the programme has delivered and will continue to deliver alternative community facilities together with other necessary infrastructure. There are also a number of existing facilities which are in close proximity. The Masterplan has delivered new amenities, including a Marks and Spencer Simply Food which is opposite Queen's Park Station, Best Way has also opened on Albert Road which is part of Phase 1b in Falconbrook Court (Albert Road) and will be adjacent to the new Woodhouse Urban Park. The Peel project, for which a planning application has just been submitted, will deliver a new 2340m² health centre that will house three GP practices, and will have a commercial and community offer as well as affordable housing and intermediate tenure. Queen's Park/Cullen House, which is due to come forward for redevelopment in 2017, has a retail offering of 985m² which is also located adjacent to Queen's Park Station.

- 17.37 The proposed redevelopment of the Carlton and Granville site will include an Enterprise Hub and Community Space.
- 17.38 As part of the wider Masterplan Review 2016/17, which has now concluded, the Council proposes to deliver further commercial and retail space along Carlton Vale which is part of Gateway South Kilburn.

No opportunities have been offered for relocation within the development, nor any evidence given by the Council of an intention to comply with their duty to offer suitable opportunity for accommodation within the Estate, suitable for the objectors' reasonable requirements and on terms that they can afford. It scatters communities which they have built up over a period of time and makes no provision for their continuance in the area and discriminates unfairly against the objectors and their ethnic community.

Council's response

- 17.39 As explained above, the Council has worked with the objectors and their agent in order to understand their circumstances and requirements in relation to a replacement property should they wish to remain in the area. This has led to them being offered replacement properties tailored to their financial circumstances and requirements which in the Council's opinion they can reasonably afford. Given the efforts the Council is making to assist them both practically and financially to enable a move to appropriate alternative premises to be achieved, the Council believes that there is a good prospect of securing alternative housing accommodation in the area, should they wish to remain in the locality. The Council recognises that achieving the delivery of new homes, though vitally important, must be balanced against the potential adverse impacts displacement of inhabitants of the estate may cause. It has therefore taken great steps to ensure that human rights and community impacts considerations are taken into account in formulating strategies and proposals to assist those members of the local community who wish to remain in the area to do so, including the leaseholder objectors.

The likelihood is that the developer will seek to maximise profits from the residential development, resulting in a take-up by more affluent people who want easy access to the City, to the detriment of the present inhabitants. It is doubtful if many of the present owners would be able to acquire or even rent the accommodation being built. The consequence, far from being a diversification of housing types and tenures as envisaged by the Government, would be a "gentrification" of the area alien to the present community.

Council's Response

- 17.40 As mentioned above, the Council has formulated strategies and proposals to assist those residents who wish to remain in the area to do so. All secure tenants have been allocated a new home in the new Queen's Park Place development and the new Bronte and Fielding Development as part of the South Kilburn Regeneration Programme, many of whom have

already moved. Leaseholders have been made an offer of shared equity and other arrangements in relation to alternative accommodation in South Kilburn and within close proximity to their existing properties, should they wish to remain in the area. A key objective of the Chippenham Gardens Scheme and in deed the wider South Kilburn Regeneration Programme is to provide much needed new housing for the residents of the area in particular and to ensure that residents of the Estate who wish to remain are able to do so on an affordable basis.

The way the CPO powers are proposed to be used would involve a breach of the objectors' right to respect for their private and family life under Article 8 of the Convention on Human Rights and the protection of their private property under Article 1 of the First Protocol. The balance to be struck between the public interest and private interests should in this case be tilted in favour of doing everything possible to preserve the existing community. This is not incompatible with introducing more varied housing types and tenures but would be achieved by the displacement proposed by the Council. The apparent proposals to implement the CPO in an isolated fashion will contravene the objectors' human rights leaving them vulnerable in insecure accommodation,

Council's Response

- 17.41 As explained above, the Council has had regard to human rights and equalities impacts considerations in formulating its proposals for the Chippenham Gardens Scheme and the infrastructure and facilities to be provided. These have also been taken into account in formulating its strategies and proposals for ensuring that those residents who wish to remain in the area, including the objectors, are able to do so. Also, as mentioned above, the Council has made considerable efforts to ensure that Mr and Mr Charles and Mr and Mrs O'Donnell can remain within the locality if they wish.

The objectors economic and social well-being will be detrimentally affected as there are no offers of equity share or rehousing in the new scheme which accordingly adversely affects the schooling of their children, work prospects, transport and leisure and community involvement.

Council's Response

- 17.42 As explained above, the Council has taken considerable steps to offer replacement properties to all residents who wish to remain in the area on terms they can afford, including the objectors so that they may stay in close proximity to friends family, local hospitals, GP's and local schools and other infrastructure and amenities. The Council believes that satisfactory arrangements can be made with them should they decide that they wish to continue to reside in the area.

In addition to the above grounds, the separate letter from Ewan & Co on behalf of Mr Aghamiri also contains a specific objection regarding the loss of the Post Office which is valued by the residents of the area.

Council's Response

- 17.43 Woodville Properties Limited ("Woodville"), the freehold owners of 5-9 Chippenham Gardens and the Kilburn Park Post Office site (together the "Woodville Land") were interested in working with the Council to bring forward the comprehensive redevelopment of the Site and the Woodville Land. On 11 November 2013, the Executive delegated authority to the Strategic Director of Regeneration and Growth in conjunction with the Borough Solicitor and the Chief Finance Officer to enter into a collaboration agreement with Woodville. That collaboration agreement was entered into by the Council and Woodville on 19 December 2014 (the "Collaboration Agreement").
- 17.44 The current tenant of the Kilburn Park Post Office has negotiated an agreement to surrender their lease under which Woodville can require their tenant to complete the surrender and

vacate the Woodville Land within a reasonable timescale. The Council has advised Woodville that they will provide advance notice of when vacant possession is required in order to provide the Post Office enough time to be able to relocate and also to allow the local community to be made aware of the closure of the Post Office. The current tenant of the Kilburn Park Post Office has confirmed to the Council that they did not want to return to the new development due to the timescales of development coming forward and their intention to expand their business at much larger premises. The Council is working and has continued to work with Woodville to help support their current tenant to find alternative premises for the Post Office within the local vicinity. The Argo Development which is now completed and offering units for occupation is adjacent to the Site and has capacity to cater for B1 use, which could be a suitable location for the new Post Office. The Council has also provided further support to Woodville and the current tenant by providing information on other empty properties that maybe of interest such as the vacant commercial premises on Malvern Road opposite the Post Office. Through various means including the most recent Masterplan Review the Council have kept the community fully informed of the process and closure of the Post Office. There are also a number of alternative Post Offices in close proximity to Order Land which can be used by residents of the area (see *Appendix 2*). Alternative Post Offices are located at:

- 297 Kilburn Lane W9
- 24 Mozart Street W10
- 377 Harrow Road W9
- Sutherland Avenue W9
- Kilburn High Road NW6

South Kilburn Residents Association – Non-Statutory objection

Object to proposals made by the developers to acquire Chippenham Gardens under a CPO. Large areas of public land have been lost. There is an ugly red building occupying an expanse of land on which two buildings previously stood. Small areas of land that have not been built upon are now fenced off segregating people from each other and causing feelings of resentment. During the development of Argo House which is partially completed the roads, pavements and grass verges have been damaged rendering them unsafe particularly during bad weather conditions. Street lighting on Stuart Road has not been restored which with other services, was interrupted whilst building works were undertaken. As long term residents the objectors are not averse to improvements within the local community but these should not be at the expense of losing facilities like the Post Office or having vast buildings imposed upon the objectors which deplete the green open spaces and obscure natural daylight. In an area that already has a number of local shops which more than adequately caters for the objectors needs, we understand that there are plans to open a new supermarket. Having already lost our local pub, "The Chippenham", the Secretary of State is asked to reconsider and address the objectors concerns in having the plans revised to help save the Post Office.

Council's Response

- 17.45 The Council has discussed these concerns with local residents and the objectors previously. The Chippenham Gardens Scheme includes a high provision of replacement amenity land for residents who reside at the new development and the wider community to enjoy. Improvements to amenity land are being made in response to feedback received from residents as part of the Council's consultation process. The Masterplan Review (2016) also proposes increased provision of amenity land by the provision of 7 new pocket parks across the South Kilburn Regeneration programme and expansion, to a high standard, of the Kilburn Park open space located nearby. The introduction of new pocket parks represents an enhancement of that envisaged by the earlier 2005 Masterplan and provides additional

and shrubs, irrigation and an sustainable urban drainage system, sustainable infrastructure and increased bio-diversity, all of which will improve the environment in the longer term.

- 17.46 During construction works on site temporary fencing has been erected around work-sites in the interests of health and safety. This fencing will be removed upon completion of works. The damage caused to roads, pavements and grass verges as part of the Argo House development is the responsibility of the developer and will be remedied. Street lighting and other services will be restored once works are completed. Although the Post Office is to be closed, other Post Offices are available in the area. The Council has responded to this point in its response to the leaseholder objectors above. The Chippenham Gardens Scheme has planning permission. The development complies with local and national planning policy and the heights and densities are in accordance with those policies. Green infrastructure and trees are important consideration in the design and the Chippenham Gardens Scheme makes appropriate provision, which is complemented by other provision to be made available by the Council to residents of South Kilburn as part of the wider South Kilburn Regeneration Programme. Issues of interference with daylight and sunlight were considered and taken into account when planning permission for the Chippenham Gardens Scheme was granted. Impact on surrounding properties in terms of both daylight and sunlight was considered to be minimal. Parties who benefit from rights to light, who suffer any interference arising from the Chippenham Gardens Scheme, may be entitled to compensation under section 10 of the Compulsory Purchase Act 1965. Prior to the making of the objection, the Council was unaware of a body known as the South Kilburn Residents Association.

**Mr D Walton, Vice Chair of South Kilburn New Deal for Communities Partnership Board
- Non-statutory objection**

This 29 page letter of objection raises a number of grounds of objection including the loss of public amenity land to make way for the development, failure to provide adequate replacement land and community facilities, that the scheme is being taken forward to facilitate developer gain and not with the interests of the community in mind, adverse impacts on community life; interference with human rights and failure to address adverse equalities impacts, failure to comply with local planning policies, failure to comply with former planning policies (particularly the 2004 Masterplan), failure to invest in the estate previously leading to its neglect and neglect of the community, loss of trees and adverse environmental impacts; failure to have regard to community wishes in relation to the development of the estate; loss of rights of way,

Council's Response

- 17.47 The Council has previously had many discussions with the author of the objection, Mr Walton. Mr Walton was known by the Council to be the Vice Chair of this organisation some years ago. However, the Council had understood that this body was now defunct. The objection raises issues beyond the scope of the Council's compulsory purchase order, which are not addressed in this response. Appropriate replacement public amenity land is being provided as part of the development and wider Masterplan (2016) proposals as outlined in the response to the objection made by the South Kilburn Residents Association above. There will be a new planting and landscape strategy as part of the Chippenham Gardens Scheme. The Masterplan Review concluded in December 2016. The Council is adopting a strategic approach to the delivery of open spaces and green infrastructure, new housing, energy solutions, community facilities, school and retail, and highway and transport issues as part of the wider South Kilburn Regeneration Programme so as to ensure that appropriate and sustainable infrastructure and facilities are provided to serve the local community. Mr Walton has attended all workshops relating to the review, which started in July of this year and has spent considerable time speaking to officers. He also submitted a Freedom of Information Request (FOI) regarding information on the Masterplan Consultant Brief and was provided with this information he requested.
- 17.48 The Chippenham Gardens Scheme is being taken forward for the reasons explained in this Statement, and not with a view to achieving developer gain. This development will provide much needed housing on the Order Land as well as delivering the other benefits described in this Statement, including enhancement of the environment and improvements to public realm.

- 17.49 In the Council's view, although the Chippenham Gardens Scheme will have some adverse community impacts, the overall benefits to the community are such that it is clearly in the public interest and outweighs the necessary interference with the private rights and interests in the Order Land. The Chippenham Gardens Scheme is very much needed and forms part of the wider South Kilburn Programme. There are considerable problems with anti-social behaviour around Chippenham Gardens and blank facades do not create any natural surveillance. The Chippenham Gardens Scheme has been designed in a way which will introduce a positive impact to the area, provide natural surveillance on every façade with front doors leading onto the public realm and balconies overlooking these areas. The project will deliver the very much needed housing for decant. The Chippenham Gardens Scheme has the benefit of planning consent and is in line with national, regional and local planning policy, as explained above.
- 17.50 With the passage of time, the 2004 Masterplan became out-dated and needed to be replaced to reflect planning policy and other material changes. The 2016 Masterplan review, undertaken in collaboration with the community, involved reviewing current phasing proposals, timescales, public realm and other issues to ensure that the revised Masterplan addresses current community needs, programme requirements, new phasing policies and latest standards set by institutions including the Greater London Authority. The proposals emerging from the Masterplan review represent an improvement on the earlier proposals and will lead to the introduction of an up-dated South Kilburn Supplementary Planning Document to be adopted by the Council in mid 2017.
- 17.51 An important element of the South Kilburn Regeneration Programme has been the continued community participation to help shape its evolution and the Council strongly believes that engaging the community throughout this process will help to make South Kilburn a better place to live.
- 17.52 As explained in this Statement, South Kilburn is an amalgam of Council housing from the 1950's and 60's including a number of different post-war social housing typologies in poorly designed and low-quality physical environment. The neighbourhood 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 Overground and Underground stations of Queen's Park, Kilburn High Road and Kilburn Park lie close to South Kilburn's borders.
- 17.53 The neighbourhood 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 while the relationships between buildings, streets and spaces are also poor and indeterminate. The area is not amenable for maintenance or improvement and as a whole the estate presents significant management challenges. These physical conditions manifest themselves in some of the highest levels of social and economic exclusion in the borough (and are amongst the highest in the country); through regeneration of the Estate the Council looks to improve these issues.
- 17.54 The Chippenham Gardens Scheme is very much needed and forms part of the wider South Kilburn Programme. It represents a significant improvement over the existing situation and will deliver very much needed housing including housing required for decant. The Chippenham Gardens Scheme is in line with national, regional and local planning policy and has the benefit of planning permission.
- 17.55 The Estate has deteriorated over time and the Council has looked at options for its regeneration. In the Council's view, the Chippenham Gardens Scheme represents the best option since it will provide an increase in housing provision on the Order Land as well as bringing other benefits described in this Statement. Refurbishment was considered by the Council not to be economically viable and in any event would not achieve the Council's objectives for the Order Land.

- 17.56 No significant rights of way are lost as part of the Chippenham Gardens Scheme. As explained in this Statement, a small area of existing highway is to be stopped up to facilitate the Scheme. The provision of appropriate vehicular and pedestrian access is a key feature of development to ensure accessibility and permeability.

18. **CONCLUSION**

- 18.1 The Council believes there is a compelling case in the public interest that decisively justifies the proposed compulsory acquisition of the Order Land and the Council respectfully requests the Secretary of State to confirm the Order accordingly.

19. **INQUIRIES PROCEDURE RULES**

- 19.1 This Statement of Case is in discharge of the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

20. **INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**

- 20.1 A copy of the Order, Order Map and Schedule and this Statement of Case and the documents referred to in the attached list can be inspected during normal office hours at Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ; and at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, London, NW6 5DE.

- 20.2 Individuals seeking advice regarding the Order should in the first instance contact one or other of the persons listed below, depending on the nature of the query:

20.2.1 **For general queries about re-housing issues** contact the Estate Regeneration Team on 020 8937 6140 or by email: ERSK@brent.gov.uk

20.2.2 **For queries about legal issues** contact Debra Norman on 020 8937 1578 or by email: Debra.Norman@brent.gov.uk

20.2.3 **For queries about planning issues** contact Angus Saunders by email: Angus.Saunders@brent.gov.uk

20.2.4 **For queries relating to Leaseholders' interests** contact Denish Patel or Joao Da Silva by email: Denish.Patel@brent.gov.uk or Joao.DaSilva@brent.gov.uk

20.2.5 **For queries relating to Secure Tenants' interests** contact the Estate Regeneration Re-housing Team by email: ERSK@brent.gov.uk

21. **RELEVANT DOCUMENTS FOR INQUIRY**

- 21.1 The Council intends to refer to, or to put in evidence, the documents (or relevant extracts from those documents) which are listed below and which are referred to in this Statement of Case.

Planning and Policy Documents

- 21.2 The National Planning Policy Framework ("NPPF") paragraphs 7-10, 17, 32, section 6, section 7 and paragraphs 69 and 70

21.2.1 paragraphs 7-10

21.2.2 paragraphs 17

21.2.3 paragraphs 32

21.2.4 section 6

- 21.2.5 section 7
- 21.2.6 paragraphs 69 and 70
- 21.3 South Kilburn Supplementary Planning Document (2005)
- 21.4 London Housing Supplementary Planning Guidance November 2012
- 21.5 Supplementary Planning Guidance Note (SPG) 17 "Design Guidance for New Development"
- 21.6 Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction and Pollution Control"
- 21.7 Brent Core Strategy (Local Development Framework) (2010)
 - 21.7.1 Policy CP1: Spatial Development Strategy
 - 21.7.2 21.5.1 Policy CP2: Population and Housing Growth
 - 21.7.3 21.5.2 Policy CP5: Placemaking
 - 21.7.4 21.5.2 Policy CP6: Design & Density and Place Shaping
 - 21.7.5 Policy CP9: South Kilburn Growth Area
 - 21.7.6 Policy CP15: Infrastructure to Support Development
 - 21.7.7 Policy CP21: A Balanced Housing Stock
- 21.8 Brent Borough Plan "Brent: Our Future 2010 – 2014"
- 21.9 Brent Borough Plan "Brent: Building a Better Brent Together 2015-2019"
- 21.10 Regeneration Strategy for Brent 2010-2030
- 21.11 The London Plan 2011 consolidated with, 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.
 - 21.11.1 Policy 2.14: and Map 2.5
 - 21.11.2 Policy 3.3: Increasing Housing Supply
 - 21.11.3 Policy 3.4: Optimising Housing Potential
 - 21.11.4 Policy 3.8: Housing Choice
 - 21.11.5 Policy 5.2: Minimising Carbon Dioxide Emissions
 - 21.11.6 Policy 5.5: Decentralised Energy Networks
- 21.12 Planning Obligations Supplementary Planning Document (2007)
- 21.13 Planning Obligations Supplementary Planning Document (2013)
- 21.14 Executive Decisions dated 11 November 2013, 26 January 2015 and 1 June 2015 approving the making of the CPO and Land Disposal

- 21.15 Mayor of London CIL Charging Schedule 1 April 2012
- 21.16 Council's CIL Charging Schedule 1 July 2013
- 21.17 Decision Notice – Planning Application No: 16/1191
- 21.18 South Kilburn Masterplan 2004 (2009 Revisions)

Legal documents/excerpts

- 21.19 Town and Country Planning Act 1990 – s.226(1)(a) and s.226(1A)
- 21.20 Acquisition of Land Act 1981
- 21.21 European Convention on Human Rights, Article 1 to the First Protocol and Article 6 and Article 8 of the Convention
- 21.22 Local Government (Miscellaneous Provisions) Act 1976, s.16
- 21.23 Housing Act 1985, s.32 and Schedule 2, Ground 10A
- 21.24 Human Rights Act 1998, s.6
- 21.25 Secretary of State's Consent on Ground 10A of Schedule 2 of the Housing Act 1985
- 21.26 Local Government Act 1988, s.25
- 21.27 Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007 No.3617)
- 21.28 Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion

Other Relevant Documents

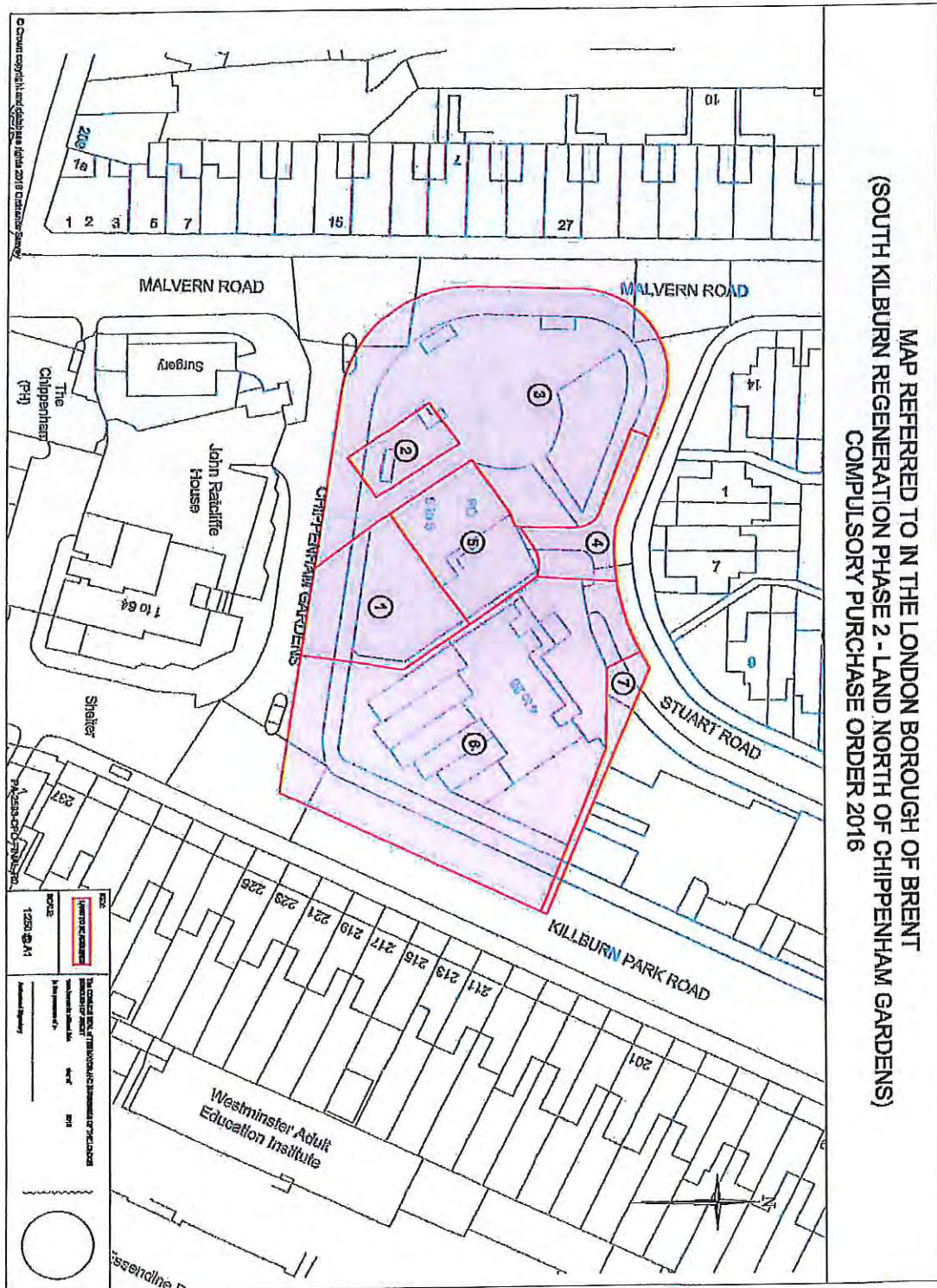
- 21.29 Ground 10A Secretary of State Consent
- 21.30 Indices of Multiple Deprivation 2007
- 21.31 South Kilburn Developer Framework
- 21.32 South Kilburn Masterplan Review 2016 – Exhibition Boards
- 21.33 Equalities Impact Analysis
- 21.34 Leaseholder Booklet

Dated: 16 December 2016

Signed Pinsent Masons LLP
Pinsent Masons LLP

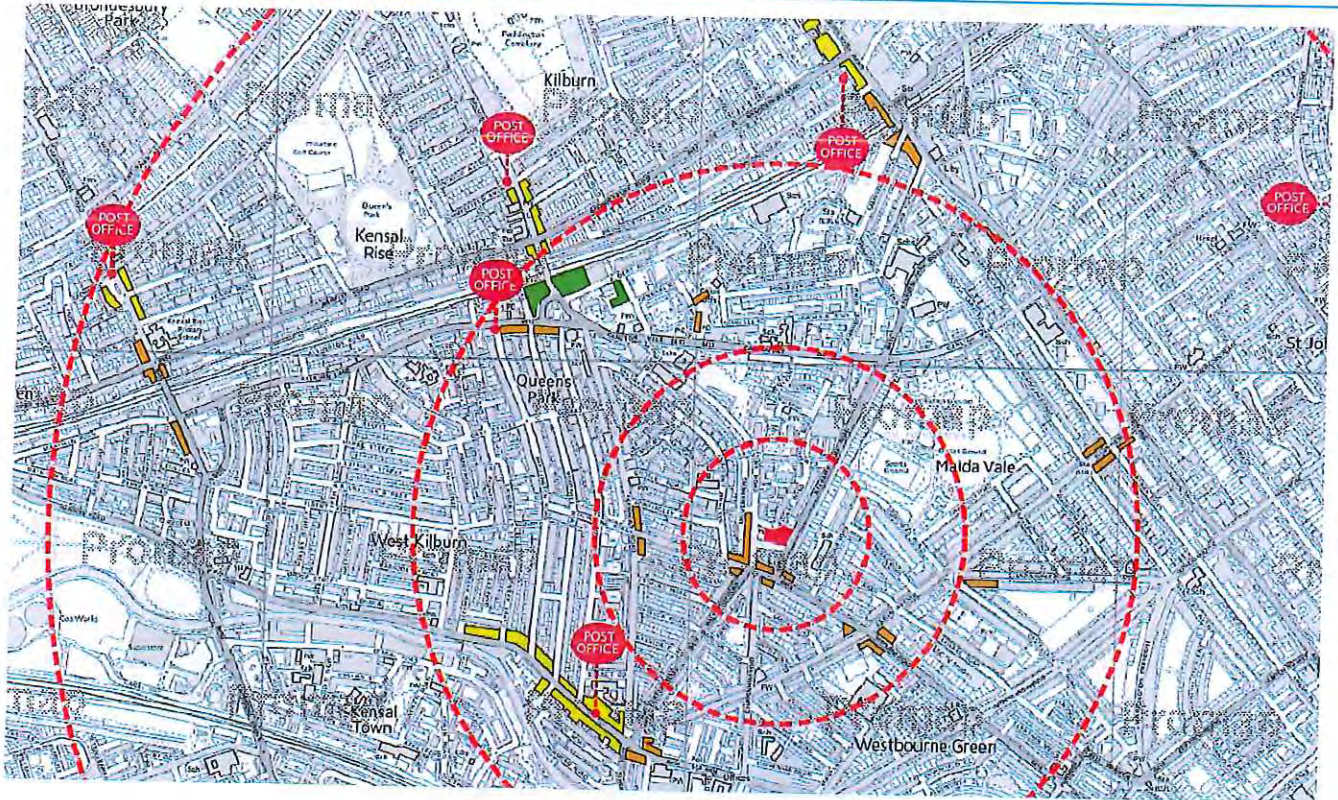
APPENDIX 1

MAP REFERRED TO IN THE ORDER



APPENDIX 2

PLAN SHOWING ALTERNATIVE POST OFFICES

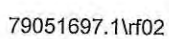


APPENDIX 3

PLAN SHOWING PROPOSED ADOPTION

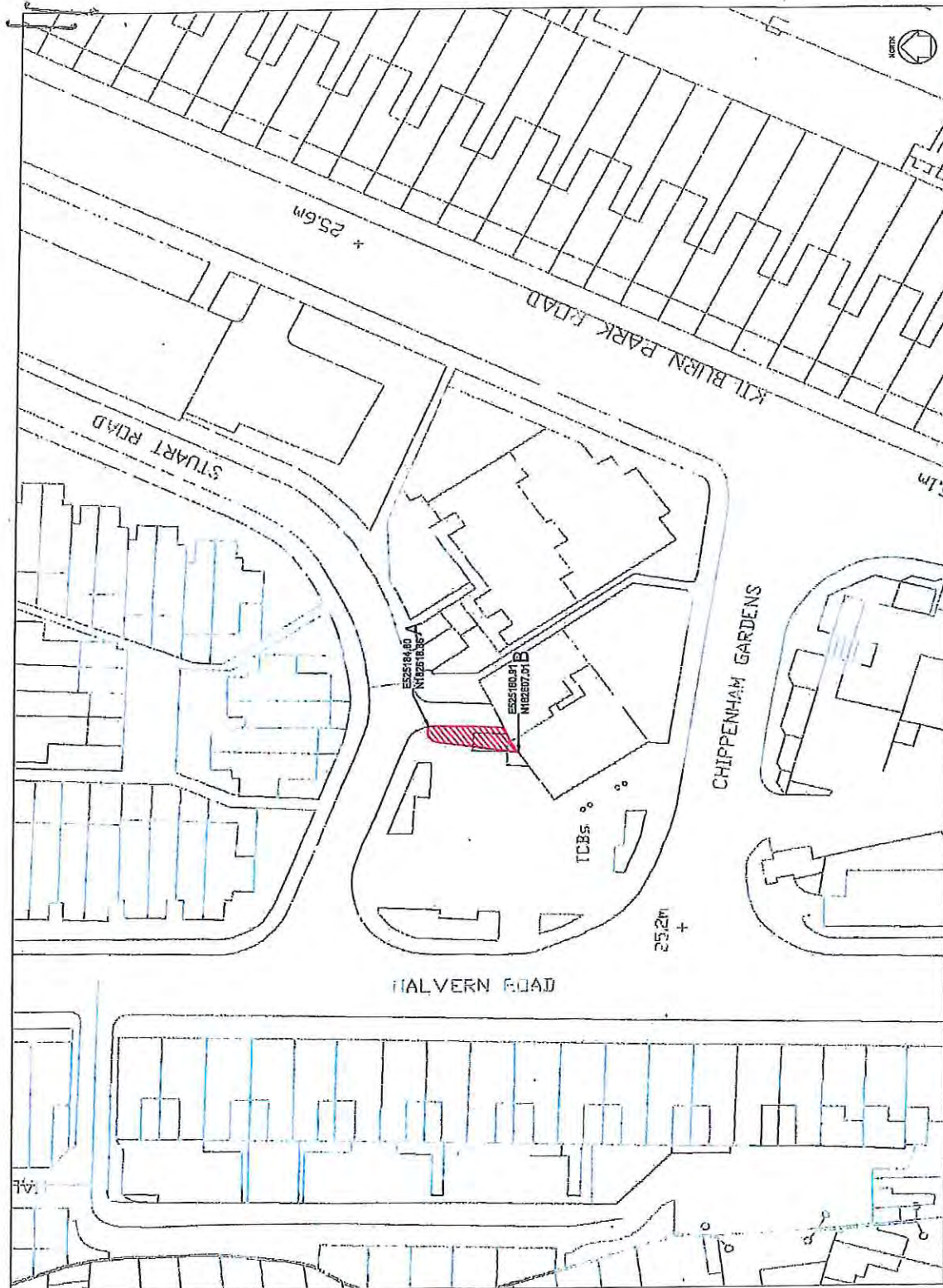


PLAN SHOWING ORIGINAL STOPPING UP PROPOSAL



APPENDIX 5

PLAN SHOWING 'AS PUBLISHED' STOPPING UP PROPOSAL



PLAN REF : AV4466 SU 001

AREA TO BE STOPPED UP

LONDON BOROUGH OF BRENT
STOPPING UP OF HIGHWAYS (NOT ORDER 201*)
LAND NORTH CHIPPENHAM GARDENS
(KILBURN PARK POST OFFICE)

Drawn	LO
Checked	CU
Date	02/16
Scale	1:500

The proposed stopping up of the highway shown on this plan is subject to the provisions of the Highways Act 1980 and the Highways (Amendment) Act 2001. The proposed stopping up of the highway shown on this plan is subject to the provisions of the Highways Act 1980 and the Highways (Amendment) Act 2001. The proposed stopping up of the highway shown on this plan is subject to the provisions of the Highways Act 1980 and the Highways (Amendment) Act 2001.

APPENDIX 6

PLAN SHOWING THE PROPOSED MODIFICATIONS TO THE ORDER

