

**LONDON BOROUGH OF CAMDEN (PART OF AGAR  
GROVE ESTATE) COMPULSORY PURCHASE ORDER  
2019**

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**STATEMENT OF REASONS**

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## 1. INTRODUCTION

- 1.1 London Borough of Camden (the **Council**) has made the London Borough of Camden (Part of Agar Grove Estate) Compulsory Purchase Order 2019 (“the **Order**”) under section 226(1)(a) of the Town and Country Planning Act 1990 as amended (“the **Act**”) and the Acquisition of Land Act 1981. This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 22 and Section 11 of the Ministry of Housing, Communities and Local Government’s “Guidance on Compulsory Purchase Process and the Crichel Down Rules” 2018 (“the **CPO Guidance**”). It sets out the reasons why the Council believes the powers of compulsory purchase contained in the Order are necessary and sets out why there is a compelling case in the public interest for making the Order, which justifies the overriding of private rights. The Council considers that the tests within the CPO Guidance are met and there is a clear and compelling case for confirmation of the Order, as particularly set out in section 3 and 5 and generally in this Statement of Reasons.
- 1.2 The land proposed to be compulsory acquired under the Order (“the **Order Land**”) incorporates land and properties within the Agar Grove Estate (“the **Estate**”). The Order lists the lessees and occupiers of the Order Land in the schedule annexed to the Order (“the CPO Schedule”) and refers to a map accompanying the Order (“the **Order Map**”). The Order Land is described in more detail in Section 2 below.
- 1.3 The Council is undertaking an extensive programme of redevelopment and regeneration of a number of housing estates and sites across the Borough as part of its ‘Community Investment Programme’ (“CIP”), which aims to deliver new homes, regenerate neighbourhoods, improve the Borough’s schools and community facilities and to generate investment. To achieve this, CIP is bringing together a range of work focussed on ensuring best use of the Council’s property assets. This long term programme comprises 100+ projects that will either regenerate sites within the Borough or dispose of sites that are now surplus to requirements (subject to any necessary re-provision).
- 1.4 The proposed redevelopment of the Estate forms part of the CIP. The Estate regeneration scheme received Cabinet approval in December 2013 and planning consent was granted on 4 August 2014 and has been implemented. Further details of the scheme and its benefits can be found in section 3 below.
- 1.5 If confirmed by the Secretary of State for Housing, Communities and Local Government, the Order will enable the Council to acquire compulsorily the Order Land in order to facilitate Phases 1c and 2a of the proposed Estate

regeneration scheme.

- 1.6 Whilst the Order has been made to enable redevelopment of Phase 1c and 2a, these are the third and fourth phases of a wider scheme. A previous compulsory purchase order was confirmed on 20 October 2015 in respect of two leasehold properties required to deliver Phases 1a and 1b and a later phase may well require a further compulsory purchase order in order to deliver the whole scheme.
- 1.7 The Council is satisfied that the proposed acquisition is necessary to facilitate the redevelopment and improvement of the Order Land. It will enable the Council to assemble in its ownership the land and interests included in the Order so as to enable the redevelopment of Phases 1c and 2a of the proposed Estate regeneration scheme. This will deliver new homes, a community facility, business space, flexible retail/ restaurant/ cafe units, flexible retail/ business or non-residential institution units, and environmental improvements in a manner that will improve substantially the economic, social and environmental wellbeing of the area.

## **2. BACKGROUND AND DESCRIPTION OF THE ORDER LAND**

- 2.1 The Order Land incorporates those leasehold properties which have not already been acquired by agreement and form part of Phases 1c and 2a of the proposed redevelopment of the wider Estate, together with any associated interests and rights that may exist in and over the Estate's walkways, stairs, lifts, common areas, car parking spaces and garages.
- 2.2 The Order Map shows the entire estate and the various buildings which form (or formed) part of it, and the area covered by Phases 1c and 2a within which the eight leasehold properties are located. It is clear from this that development permitted as part of Phases 1c and 2a cannot proceed without possession of those properties.

### **The Wider Estate and Surrounding Area**

- 2.3 The Estate is a predominantly residential space built around open space in the 1960s. It originally comprised the following Council owned residential blocks: Manston, Broadstone, Sherborne, Sturminster, Ashmore, Nettlecombe, Frampton and Abbotsbury (all 1-4 storeys in height, but predominantly 4 storeys), and Lulworth tower (18 storeys) and a café and shop fronting onto Agar Grove. Each of the blocks was arranged within open space with associated car parking and access.
- 2.4 The Estate also comprises the Agar Children's Centre, which is to the south

of Lulworth tower. This was recently re-built having gained planning permission in 2006.

- 2.5 The Estate is also supplemented by a series of car parking spaces, garages, games areas, trees and grassed areas for informal recreation and play for the benefit of the Estate. It is located within the St Pancras and Somers Town ward.
- 2.6 The site has a total area of 2.75 hectares and the eastern boundary comprises a continuous high wall. Phases 1a and 1b included the demolition of Manston, Broadstone, Sherborne and Sturminster as well as the shop and café – all of these buildings have been demolished.
- 2.7 Also located within the Estate, on the eastern side of the site, are the Cranbourne and Ferndown (2- and 4-storey) residential blocks. These blocks are not included in the redevelopment proposals as they are outside the ownership of the Council, being built separately in the late 1990s and owned by L&Q Housing.
- 2.8 The character of the Estate is largely open with significant green space provision. The north-east and south-west edges of the Estate are within the strategic viewing corridors from Parliament Hill and Kenwood to St Paul's Cathedral. Parts of the Estate are within a slope stability constrained area, although outside of a floodplain. The Estate is not within a conservation area, nor does it include any listed buildings or structures. It is in close proximity to the designated Murray Street neighbourhood shopping centre (to the north-east).
- 2.9 The Estate is also within a highly accessible location in terms of public transport, with the public transport accessibility level ranging from 3 (moderate) to 6 (excellent) across the Estate. Bus stops are located adjacent to the site boundary on Agar Grove, with the nearest rail station being Camden Road (London Overground) to the west. King's Cross and St Pancras Stations are also a short distance further to the south of the Estate. The Estate is also located within the Camden Square Controlled Parking Zone (CPZ). Agar Grove, Agar Place and Camley Street have designated parking bays marked on the road directly adjacent to the Estate.
- 2.10 In terms of the surrounding area, it is seen to comprise a range of uses, albeit predominantly residential. To the north of the Estate is Agar Grove, beyond which are a series of residential terraces and villas, some of which have been converted into flats over time; the buildings date from the mid to late 19th century. Agar Grove marks the boundary to Camden Square

Conservation Area; hence the Estate is not within the conservation area, but forms part of its wider setting. The majority of residential properties along Agar Grove, opposite the Estate, are considered to make a positive contribution to the character and appearance of the conservation area. The exceptions are No.s 9-11, which are identified as making a neutral contribution. To the east of the Estate, beyond the continuous high wall is a cycle path and Camley Street, which at this point comprises a series of low-rise industrial units. Beyond these is the mainline railway leading into and out of St Pancras Station and the Maiden Lane Estate. To the south-east, beyond the Maiden Lane Estate is the King's Cross development site.

- 2.11 Along the length of the southern boundary of the Estate is the North London Overground railway line, which at this point links Camden Road and Caledonian Road & Barnsbury mainline stations. An embankment leads up to the actual rail line, resulting in the application site being at a lower level than the rail line itself. Beyond the railway line are the 4-storey Barker Drive residential properties, which date from the 1980s. To the west of the Estate is Agar Place and Wrotham Road, which leads from St Pancras Way. This area is predominantly residential, with a series of 2-storey (e.g. 1-5 Agar Place) and 3-storey (e.g. 8-12 Wrotham Road) properties. The exception is the 2-storey 5a Agar Place (on the junction with Agar Grove), which comprises a car servicing use at ground floor level. This small area is a remnant of the area not demolished as part of the building of the Estate in the 1960s (Wrotham Road previously lay across the entire width of the Estate). Camden Broadway Conservation Area is to the west of the Estate, with its eastern boundary comprising the semi-detached pair of villas of 56 & 58 St Pancras Way and the grade II listed terrace of six houses (3 storeys and basement) at 111-121 St Pancras Way. The row of listed buildings are adjacent the junction with Wrotham Road, which leads to the southwest tip of the Estate. To the north-west of the Estate is the 7/8 storey St Pancras Way Estate.

### **The Order Land**

- 2.12 Phases 1c and 2a of the proposed Estate regeneration scheme cover the eastern half of the Estate and include the existing low-rise blocks of 1-32 Ashmore (31 homes, with two of the original flats combined into one larger home), 1-16 Nettlecombe (16 homes), 1-5 Abbotsbury (5 homes) and 1-12 Frampton (12 homes) as well as 11 garages, associated housing amenity land, car parking and access.
- 2.13 The Council owns the freehold to the entire Estate and since December 2013 when the Council began negotiating for the acquisition of leasehold and freehold properties in Phases 1c and 2a, 12 leasehold properties have been acquired as described in section 3 below. The Order Land incorporates the eight remaining

leasehold properties within Phases 1c and 2a as follows:

<b>Full postal address</b>	<b>Relevant Phase</b>
Flat 2, Abbotsbury, Wrotham Road, London, NW1 9SP	2a
Flat 3, Ashmore, Agar Grove, London, NW1 9SX	1c
Flat 12, Ashmore, Agar Grove, London, NW1 9SX	1c
Flat 13, Ashmore, Agar Grove, London, NW1 9SX	1c
Flat 23, Ashmore, Agar Grove, London, NW1 9SX	1c
Flat 31, Ashmore, Agar Grove, London, NW1 9SX	1c
Flat 3, Nettlecombe, Agar Grove, London, NW1 9SN	1c
Flat 11, Nettlecombe, Agar Grove, London, NW1 9SN	1c

2.14 Full details of the interests to be acquired are listed in the CPO Schedule and their location are shown on the Order Map.

2.15 It is believed that some of the flats forming part of the CPO are used as Houses in Multiple Occupation (HMOs) and occupied by individuals under a licence from the leaseholder or tenant. The Council has taken all reasonable steps to identify and notify current occupiers, including posting letters and Requisition for Information Notices addressed to the occupiers and door knocking. The Schedule to the Order identifies those of whom the Council is currently aware. If the Council becomes aware of any further details or subsequent changes in occupation, the Schedule can be modified prior to confirmation of the Order.

### **3. PROJECT BACKGROUND AND PURPOSE OF USING COMPULSORY PURCHASE POWERS**

3.1 The Estate regeneration scheme forms part of Camden's 'Community Investment Programme' (CIP) which aims to deliver new homes, regenerate neighbourhoods and to generate investment. The CIP is a long term plan and forms a central part of the Council's strategy which seeks to ensure that investment in schools, homes and community infrastructure can be realised despite wider economic circumstances. The Council's Cabinet agreed to proceed with the redevelopment of the entire Estate in December 2013 and the Council's Development Control Committee resolved to grant planning permission on 3 April 2014, with the final planning permission being issued on 4 August 2014. Owing to the size of the proposed redevelopment, works shall take place over six separate phases. The first four of which are shown in the drawing at 3.14. Phase 1a of the approved scheme has been completed and Phase 1b is currently being built.

3.2 As described in section 2 above, the Estate was constructed by the London Borough of Camden in the 1960s and comprised some 249 existing homes,

of which 210 were let to Council tenants with 36 owned by leaseholders and 3 by freeholders. The Estate consists of a series of low / medium rise blocks and an 18 storey tower (Lulworth).

- 3.3 The Estate is home to a stable and cohesive community including many householders who have lived there for a number of years and are established in the area. However, despite being a popular place to live, the existing stock suffers from a number of problems ranging from physical defects to the size, type and quality of the accommodation relative to modern housing needs. Furthermore, the existing configuration of the Estate represents an inefficient use of land given its accessible and sustainable location. All 249 homes on the Estate have very significant investment needs.
- 3.4 The Estate currently comprises a series of free-standing blocks surrounded by areas of open space which were laid out in response to solar orientation but do not measure well against today's principles of good urban design and place-making. As a result the Estate comprises a series of objects in space with a lack of definition between buildings and spaces; poor resolution of fronts and backs; poor legibility with expanses of green space with no clear programme of use; and an urban form which is detached from the wider area.
- 3.5 The redevelopment scheme has been the subject of extensive consultation with existing residents and the application proposals have been developed in response to the views of the community and other key stakeholders. This consultation has helped to establish the overarching brief for the project which comprises:
- Demolition of the existing low-rise blocks and comprehensive refurbishment / extension of Lulworth
  - Creation of new homes to re-house existing Camden tenants in response to their current housing needs and to current design / space standards, including a single decant for the majority of tenants
  - Creation of additional new homes including private, intermediate and social rented to foster a mixed community and inclusive community
  - Replacement community and retail facility and creation of new small-scale business space
  - Appropriate open and amenity space to support the development and contribute towards the creation of a high-quality environment.
- 3.6 The redevelopment scheme has been sensitively designed in response to a detailed analysis of the site and local context taking into account the character of the area and the Council's objective of delivering a high-quality development. It will transform the 1960s estate and make a major and very visible



improvement to the architecture and landscape of Agar Grove and its relationship with the surrounding area, reinstating a traditional street pattern, community spaces and gardens.

- 3.7 The redevelopment scheme will also deliver highly sustainable dwellings which will substantially reduce heating costs for residents improving long term maintenance and management of building services as well as substantial environmental benefits.
- 3.8 The scheme has been developed in close consultation with local people, the local planning authority and other key stakeholders who have helped to inform the scheme design. There has been consistently high support amongst residents and the wider community.
- 3.9 Planning consent was granted on 4 August 2014 for demolition of all existing buildings and structures except Lulworth and Agar Children's Centre (249 existing Class C3 residential units and 2 retail units), and erection of new buildings ranging between 4 and 18 storeys in height along with the refurbishment and extension of Lulworth (extending from 18 to 20 storeys in total) to provide a total of 493 Class C3 residential units, comprising 240 market, 37 intermediate and 216 social rent units; a community facility (Class D1); 2 flexible retail shop (Class A1) or restaurant and cafe (Class A3) units; business space (Class B1(a)); 2 flexible retail shop (Class A1), business (Class B1) or non-residential institution (Class D1) units; refuse and recycling facilities; car and cycle parking facilities; landscaping / amenity space; and associated works. No changes are proposed to the Agar Children's Centre building. The only alteration is to the boundary of the centre, with additional open space being given over to the centre as a result of the reconfiguration of the space / residential blocks adjacent to the centre.
- 3.10 Overall the proposed scheme (all phases) will deliver the following:
- Demolition of the existing low-rise blocks (with the exception of the children's centre) and comprehensive refurbishment of Lulworth
  - Creation of 493 new or replacement homes (net increase of 244 homes)
  - A mix of social rent, intermediate and private units designed to meet current housing needs and space standards (including a single decant for the majority of existing tenants)
  - 216 new social rented homes (65 of them being 3 bed plus) and 37 new intermediate homes
  - 51.5% affordable provision on a unit basis or 56% on a habitable room basis or 52% on a floor space basis
  - 240 new market sale homes – the introduction of intermediate and market units to enhance tenure diversity and cross-subsidise the new affordable

homes

- Replacement community and flexible retail facilities along with new small scale business space which will be partly used by occupiers displaced from other CIP / Council employment sites
- Landscaped open and amenity spaces to support the development and contribute towards the creation of a high quality environment
- The sustainability credentials of the scheme are welcomed by the planning authority and in particular, the Passivhaus approach adopted will make it the largest scheme of this nature built in the country to date
- All new homes bar Lulworth will be built to Code for Sustainable Homes Level 4 and to the Passivhaus Standard and Lulworth will be built to achieve BREEAM domestic refurbishment Excellent rating
- Transport improvements including contributions to cycle hire scheme, new signage to improve way-finding, pedestrian, cycling and environmental improvements in the area
- Brown roofs and green roofs to support biodiversity and an increase in the number of trees.

### 3.11 Phases 1c and 2a will deliver the following:

- Demolition of the existing low-rise blocks of Ashmore, Nettlecombe, Frampton and Abbotsbury as well as 11 garages
- Phase 1c includes the creation of 111 new or replacement homes (net increase of 64 homes) including 73 private sale homes, 33 intermediate homes and 5 social rented homes designed to meet current housing needs and space standards (including a single decant for the existing tenants) as well as a replacement shop
- Phase 2a includes the creation of 105 new or replacement homes (net increase of 88 homes) including 105 social rented homes designed to meet current housing needs and space standards (including a single decant for the existing tenants) as well as community space, office space for the Tenant Management Organisation currently in Lulworth and B1a employment space
- Landscaped open and amenity spaces to support the development and contribute towards the creation of a high-quality environment
- All new homes will be built to Code for Sustainable Homes Level 4 and to the Passivhaus Standard
- Brown roofs and green roofs to support biodiversity and an increase in the number of trees
- Phase 1c will need the land where existing blocks of Phase 2a sit in order to facilitate construction logistics including site cabins, material storage, etc. It will also allow the Council the opportunity to accelerate Phase 2a in order to rehouse existing residents in Lulworth should it wish to do so and subject to governance.

3.12 This project recently won two awards at the 2019 London Planning Awards - The Mayor's Award for Sustainable and Environmental Planning and The Mayor's Award for Good Growth<sup>1</sup>.

### Consultation with Stakeholders

3.13 The Estate was included in the CIP programme in July 2011, as agreed by Cabinet, as a site with potential for development and one with investment needs. Following positive initial consultation with residents in March and June 2012 more detailed proposals were formulated. These proposals have been developed in close consultation with residents, where there has consistently been high support. Eight consultation events took place in advance of the submission of the planning application. These took place in March 2012, June 2012, April 2013, June 2013, August 2013, two in October 2013 (including a Development Management Forum on 8 October 2013 organised by the planning department) and December 2013. In December 2013 Cabinet approval was resolved for the submission of this planning application, amongst other matters associated with this project. Further consultation took place in July 2014, October 2014, December 2014, May 2015, February 2016, September 2016, November 2016, October 2017, January 2018, February 2018, March 2018, July 2018 and November 2018. Please see below a table which summarises all of the consultation done to date.

No	Month Year	Dates	Times	Consultation subjects
1	March 2012	13 March	1pm – 4pm	What do you like and dislike about your estate, your block, your home? Establish design and development principals.
		14 March	4pm – 7pm	
		15 March	11am – 2pm	
2	June 2012	12 June	10am – 1pm	Development options ranging from comprehensive redevelopment to infill development with no demolition.
		13 June	4pm – 7pm	
		14 June	1pm – 4 pm	
3	April 2013	16 April	4pm – 7pm	Introduction of the Architectural Design Team and revised design for comprehensive redevelopment, which was preferred by the majority of residents.
		17 April	10am – 1pm	
		14 June	1pm – 4pm	
4	June 2013	4 June	4pm – 8pm	Lulworth residents only consultation on the existing building condition for Lulworth and how Lulworth could benefit from the regeneration project.
		6 June	10am – 2pm	
		11 June	4pm – 8pm	
5	August 2013	6 August	5pm – 8pm	Revised scheme layout and design development of the new homes, streets and spaces in the scheme. Also an updated phasing programme that included the refurbishment of Lulworth which was preferred by the majority of residents. Also key sustainability aspects of the scheme along with detailed information about the landscaping of the scheme.
		7 August	2pm – 5pm	
		13 August	5pm – 8pm	
		14 August	10am – 1pm	
		20 August	10 am – 1pm	

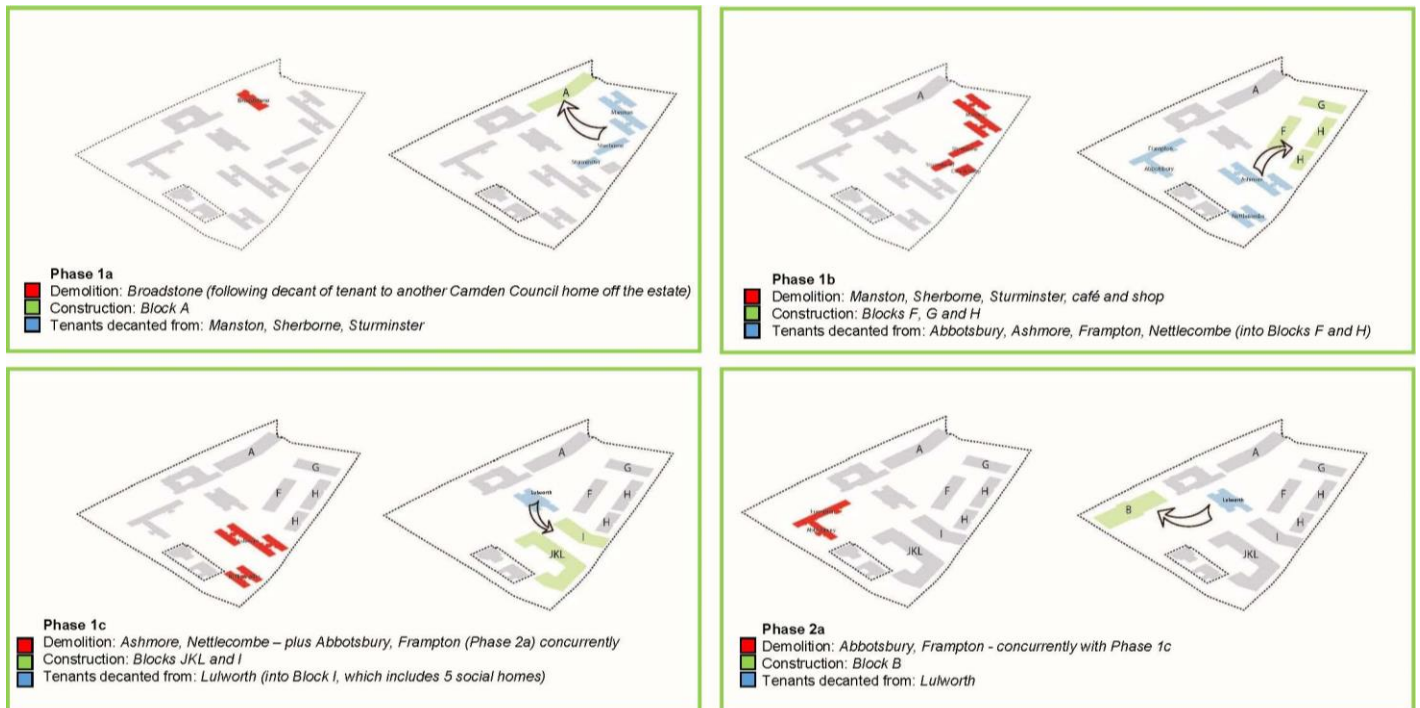
<sup>1</sup> <https://www.londonfirst.co.uk/news-publications/news/only-half-of-londoners-now-open-to-more-homes-being-built-despite-housing>

6	October 2013	2 October	5.30pm – 7.30pm	New and updated images of the proposed development, updated landscaping plan and information about the trees across the scheme. Event of 8 October was the Development Management Forum – statutory planning consultation chaired by the Planning Authority.
		8 October	7pm – 9pm	
7	December 2013	10 December	4pm – 7pm	Informed residents that Cabinet has resolved to take the scheme forward and final scheme design before planning application submission.
		11 December	5pm – 8pm	
8	July 2014	1 July	4pm – 7pm	Display of details and images of the internal specification of the new homes along with information about how we were choosing a contractor to build the first two phases of the development.
		2 July	10am – 1pm	
9	October 2014	15 October	4pm - 7pm	Meet the Demolition Contractor for Phase 1a.
10	December 2014	17 December	6pm – 8pm	Lulworth residents only consultation on the future of their existing block as Lulworth residents move in Phase 2b.
11	May 2015	12 May	10am – 1pm	Meet the Main Works Contractor for Phases 1a and 1b, and possibly 1c.
		13 May	4pm – 7pm	
12	February 2016	17 – 29 February	Letter	Block naming for all phases.
13	September 2016	21 September	3pm-6.30pm	Family Fun Day - information giving on construction programme and celebration of the scheme.
14	November 2016	9 – 16 November	Letter and appointment	Allocation of homes in first new block - information giving and collection of preferences.
15	October 2017	16 – 30 October	Letter	Street naming for all phases after Phase 1a.
16	January and February 2018	24 January – 22 February	3:30pm-6:15pm	Show flat viewings – all the estate’s residents invited to view show flat.
17	March 2018	5– 9 March	Appointments all day	Allocation of homes in first new block - information giving and collection concerning home moves, and tenancy sign-ups.
18	July 2018	19 July	4pm – 7pm	Family Fun Day - information giving on construction programme, public art and celebration of the scheme.
19	November 2018	28 November	4pm – 7pm	Public Art – exhibition of 5 proposals for public art on the estate.

### Phasing/Relocation and Rehousing

3.14 All tenants have the option to move to a replacement home within the development if they choose to. Owing to the size of the proposed redevelopment, works shall take place over six separate phases. The underlying principle of the phasing is to allow, as far as possible, a single decant for tenants from their existing property to their newly built replacement home on the site. This is shown in map form below. The decant of tenants of all the existing low-rise blocks occurs in the initial phases (1a and 1b) of the redevelopment. The decant of the majority of Lulworth tenants (137 properties) takes place later in the scheme (Phase 2a), owing to the desire for existing tenants to stay within the same plots and hence the need to build the high number

of the total units planned to enable this to occur.



3.15 Leaseholders also have options for moving home. The options for leaseholders (as described in the Cabinet report setting the Council's policy offer to leaseholders dated 26 February 2014) are as follows:

#### Open market purchase

This option is where the Council will buy the leasehold property based upon an open market valuation which is conducted by a chartered surveyor plus compensation of +10% if a residential occupier capped at £63K or +7.5% for non-resident owner capped at £75K in addition to sundry costs and expenses as per the Government's guidance.

#### Shared equity

This option is open to owner occupier leaseholders and is where the leaseholder buys a given equity share in a Camden Council home built for sale with the aid of a mortgage – for example 75%; however, the Council own the remaining share and the leaseholder does not pay rent on the share owned by the Council. The offer of shared equity would be conditional on a detailed assessment of financial circumstances. This is to ensure that individual leaseholders are investing the maximum they can (buy-out receipt, home loss, mortgage borrowing) without creating hardship.

### Leaseholders who wish to become social rented tenants

In some circumstances where leaseholders are unable to purchase another property they may be eligible to become a social housing tenant. Leaseholders could choose to become a social housing tenant either in this regeneration scheme or in another part of the Borough. This would only apply where the leaseholder is experiencing severe hardship. The Council will continue to offer 25% of the full property value to the leaseholder in return for facilitating the swap to tenancy.

### Negotiations with Leaseholders

3.16 In accordance with the CPO Guidance, Officers have been in ongoing negotiations for the voluntary acquisition of the leasehold properties within Phases 1c and 2a of the regeneration scheme since December 2013. Of the 20 residential leaseholds on the estate in Phases 1c and 2a, 12 leaseholders have sold their properties to the Council on the basis of market value plus compensation of +10% if a residential occupier or +7.5% for non-resident owner in addition to sundry costs and expenses in accordance with statutory levels of compensation to ensure a fair and consistent approach to compensation, and one which rewards early agreement. In relation to the eight remaining leaseholders, the Council is trying to negotiate vacant possession on a voluntary basis on offers which meet the statutory levels of compensation. These negotiations will continue although the properties have been included within the Order Land to ensure vacant possession in a timely manner. Seeking a compulsory purchase order in parallel with informal negotiations will enable the regeneration scheme to be carried out in a reasonable timeframe. Failure to do so runs the risk that one or more owners will hold out for unjustified ransom payments leading to delays, significantly increased costs and loss of grant funding which could hinder the regeneration proposals. A summary table is provided below:

<b>Full postal address</b>	<b>Phase</b>	<b>Current Status</b>
Flat 2, Abbotsbury, Wrotham Road, London, NW1 9SP	2a	Under negotiation
Flat 3, Abbotsbury, Wrotham Road, London, NW1 9SP	2a	Completed
Flat 5, Abbotsbury, Wrotham Road, London, NW1 9SP	2a	Completed
Flat 3, Ashmore, Agar Grove, London, NW1 9SX	1c	Under negotiation
Flat 9, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed
Flat 10, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed
Flat 12, Ashmore, Agar Grove, London, NW1 9SX	1c	Under negotiation
Flat 13, Ashmore, Agar Grove, London, NW1 9SX	1c	Under negotiation
Flat 15, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed
Flat 20, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed
Flat 21, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed

Flat 22, Ashmore, Agar Grove, London, NW1 9SX	1c	Completed
Flat 23, Ashmore, Agar Grove, London, NW1 9SX	1c	Under negotiation, interim agreement in place
Flat 31, Ashmore, Agar Grove, London, NW1 9SX	1c	Under negotiation
Flat 10, Frampton, Wrotham Road, London, NW1 9SR	2a	Completed
Flat 3, Nettlecombe, Agar Grove, London, NW1 9SN	1c	Under negotiation
Flat 7, Nettlecombe, Agar Grove, London, NW1 9SN	1c	Completed
Flat 8, Nettlecombe, Agar Grove, London, NW1 9SN	1c	Completed
Flat 11, Nettlecombe, Agar Grove, London, NW1 9SN	1c	Under negotiation
Flat 13, Nettlecombe, Agar Grove, London, NW1 9SN	1c	Completed

#### 4. EXPLANATION OF USE OF ENABLING POWER

- 4.1 Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended) enables the Council to acquire land compulsorily if it thinks it is required to facilitate the carrying out of development, redevelopment or improvement on or in relation to land being acquired.
- 4.2 Section 226 (1) (a) is subject to Section 226 (1A) which states that the acquiring authority must not exercise the power unless it thinks the development, redevelopment or improvement is likely to contribute to the improvement of the economic, social or environmental well-being of the area.
- 4.3 The Council is satisfied that the requirements of s226(1)(a) and (1A) have been satisfied and that the proposed use of compulsory purchase powers will result in the redevelopment of the Order Land in a manner which will bring about social, economic and environmental improvements through the provision of residential dwellings and ancillary development and improvements to the public realm as described in Section 3.
- 4.4 The Acquisition of Land Act 1981 (as amended by the 2004 Act) sets out the process for compulsory acquisition and so applies to the Order.
- 4.5 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to acquire rights under compulsory purchase powers. The Council is satisfied that these powers are required to implement the proposed development.
- 4.6 The CPO Guidance recognises the use of Section 226 power as a positive tool to help acquiring authorities to assemble land where this is necessary to implement proposals in their Local Plans or where strong planning justifications for the use of the power exists, and provides guidance to acquiring authorities on the use of the Section 226 power and compulsory purchase powers generally. In making of the Order the Council has had regard to CPO Guidance.

4.7 The Council has appropriated Phases 1c and 2a of the regeneration scheme for planning purposes pursuant to Section 122 of the Local Government Act 1972.

## 5. **JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS**

5.1 Paragraph 106 of the Guidance stipulates that where a compulsory purchase order (“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 grant compulsory purchase powers:

- Whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or core strategy;
- 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;
- Whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means;
- The potential financial viability of the scheme for which the land is being acquired.

5.2 The proposals for the Order Land have the benefit of planning permission and comply with the policies of the adopted planning framework as described in Section 6 below.

5.3 The proposals will deliver significant economic, social and environmental benefits to the area as described in Section 3.

5.4 The Council considers that, in line with the requirements of the enabling power, the land proposed to be compulsorily acquired will facilitate the redevelopment of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental wellbeing of the Borough. This can be evidenced by considering the current status of the Order Land as described in section 2 and 3 of this Statement and the benefits that the scheme will deliver for the Borough as explained in section 3.

5.5 In order to achieve the full benefits of redevelopment and meet the sustainability and quality standards required by the Council it is essential that all of the existing buildings in Phases 1c and 2a are demolished and the whole site is made available for redevelopment.

5.6. The Council has given careful consideration to the need for each parcel of land included in the Order Land. All of the land included in the Order is required to deliver the scheme. Without ownership and control of the entire Order Land it



is not possible to deliver the comprehensive redevelopment scheme as proposed and permitted.

5.7 The Order is therefore needed to ensure the regeneration scheme can be delivered in a timely fashion in the event that voluntary purchase cannot be agreed to enable the redevelopment to take place in accordance with a managed programme of decanting, demolition and construction. At the same time officers will continue to negotiate vacant possession on a voluntary basis in order that compulsory purchase can be avoided if possible and remain a last resort. Uncertainty as to this timescale would hinder the regeneration proposals.

5.8 For the reasons set out above there is considered to be a compelling case in the public interest to proceed with the Order to facilitate Phases 1c and 2a of the Estate regeneration scheme.

## 6. PLANNING POSITION AND POLICY

6.1 The proposed regeneration of the Order Land is in line with Camden Local Plan objectives and local, regional and national planning policy, and there is no impediment in planning terms to the scheme being carried out. The Council's Development Control Committee resolved to grant planning permission on 3 April 2014, with the final planning permission being issued on 4 August 2014 under reference 2013/8088/P. Non material amendments have been approved under reference 2014/5730/P, 2015/3396/P, 2017/6482/P and 2018/0548/P.

### Camden Plan 2025

6.2 The Order is in accordance with Camden Plan objectives through the following:

<b>Home and housing</b>	The scheme will contribute to the Council's priority of building more genuinely affordable homes, and supporting mixed communities through the Community Investment Programme.
<b>Strong growth and access to jobs</b>	The scheme will create new jobs, apprenticeships on the construction site and create conditions for economic growth by increasing employment density and creating new and upgrading existing business and retail spaces.
<b>Safe, strong and open communities</b>	The project will produce environmentally sustainable, future proofed and efficient buildings including Council homes and fit for purpose community spaces, creative and smart design will improve community safety and contribute to creating a sustainable and balanced community.
<b>Clean, vibrant and sustainable places</b>	
<b>Healthy, independent lives</b>	

**National guidance: *National Planning Policy Framework 2018 (“NPPF”)***

- 6.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and summarises the object of sustainable development as being able to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.4 Paragraph 8 defines the three overarching objectives of the planning system in seeking to achieve sustainable development, which are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.5 Paragraphs 10 and 11 state that at the heart of the Framework is a ‘presumption in favour of sustainable development’, which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay, or where there are no development plan policies, or the relevant policies are out-of-date, granting permission unless the policies in the NPPF provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 6.6 Paragraphs 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that local planning authorities (LPAs) may take decisions that depart from an up-to-date development plan where material considerations in a particular case indicate that the plan should not be followed.

- 6.7 Subsequent sections of the NPPF set out how sustainable development should be interpreted for planning purposes. Section 5 promotes increases and improvements in the quantity and quality and variety of housing, where appropriate mixed with other land uses. There is a demonstrable need for new housing in the London Borough of Camden and the redevelopment scheme therefore provides a significant opportunity to address a serious housing shortage, especially family housing, in the area.
- 6.8 Other relevant sections of the NPPF include Sections: 8: Promoting Healthy and Safe Communities; 12: Achieving Well-designed Places; and 15: Conserving and Enhancing the Natural Environment. The Scheme (both the overall Estate regeneration and, as part of it, Phases 1c and 2a) is in line with these policy requirements and will deliver them.

**Regional Policy Guidance: *The London Plan 2016***

- 6.9 The London Plan Consolidated with Alterations Since 2011 (March 2016) is the strategic plan setting out an integrated social, economic and environmental framework for the future development of London. Paragraph 3.13 of the London Plan states that the Mayor is clear that London desperately needs more homes in order to promote opportunity and real choice for all Londoners, with a range of tenures that meets their diverse and changing needs and at prices they can afford. To support this observation, Policies 3.3, 3.4 and 3.5 promote improvement in the physical quality of housing, increasing and optimizing the density of housing (according to public transport accessibility) and the building of new housing to improved standards, and Policies 3.9 and 3.11 promote mixed and balanced communities and affordable housing targets respectively. Having regard to the above policies of the London Plan, the regeneration scheme provides significant new housing of much improved quality and deliver a choice of housing types including significant affordable housing to promote the regeneration of this part of the borough.
- 6.10 Compliance with the London Plan was considered during the determination of the planning application and the Greater London Authority (GLA) has confirmed that it considers that the proposed redevelopment represents a comprehensive intervention to promote the regeneration of this part of borough and the principle of this development is strongly supported in strategic planning terms.
- 6.11 It is relevant to note that a Draft Replacement London Plan is being prepared, which was subject to public consultation between December 2017 and March 2018 and is being tested at an Examination in Public between January and May 2019. Whilst the Draft Replacement London Plan is a material consideration for planning, as the Plan has yet to be adopted the policies therein can only be afforded limited weight in the determination of planning applications.

**Local Planning Policy: Camden Local Plan (adopted July 2017)**

- 6.12 This document replaces the Camden Core Strategy and Development Policies. The policies within the Camden Local Plan take into account the particular characteristics of Camden, which is a borough of diversity and contrasts. It contains wide inequalities in household income health and other characteristics and every part of the borough has areas of relative affluence alongside areas of relative poverty. Camden is one of the most polarised boroughs in London with some of the wealthiest areas in England as well as some of the most deprived.
- 6.13 Camden is a very popular place to live, which is reflected in the average house price, which is the third highest in London. The demand for affordable housing far outstrips supply and continues to increase. Camden has a small average household size (2.18 persons per household) compared to England and Wales as a whole (2.3) and the number of single person households is growing among both younger and older people.
- 6.14 One third of Camden's households are overcrowded, so there is also a high demand for larger properties, particularly for social housing.
- 6.15 The Council's over-arching objective is to create the conditions for growth to provide the homes, jobs and other facilities needed to support it, while ensuring that growth delivers opportunities and benefits for residents and businesses. The Camden Local Plan aims to deliver sustainable growth while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit.
- 6.16 Housing is the priority land use of the Camden Local Plan and increasing the supply of housing is a priority due to the significant housing demand pressures the borough faces. Amongst other matters Policy G1 (Delivery and Location of Growth) supports development that makes best use of sites and seeks to focus the most significant growth in a key areas across the borough, including sites in highly accessible locations. Policy H1 (Maximising Housing Supply) identifies new self-contained housing as the priority land use of the Local Plan and seeks to ensure that the supply of new homes is maximised and exceeds the Council's housing targets.
- 6.17 In terms of the mix of uses proposed, Policy H2 (Maximising the Supply of Self-Contained Housing from Mixed-Use Schemes) builds on Policy G1 and encourages a mix of uses that includes self-contained homes in development where appropriate in all parts of the borough.
- 6.18 Other relevant policies include Policies T1 (Prioritising Walking, Cycling and Public Transport) and T2 (Parking and Car-free development), which promote sustainable transport by prioritising walking, cycling and public transport, seek

to limit the availability for private car parking in new developments and require all developments to be car free. Policy CC1 (Climate Change Mitigation) requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policies D1 (Design) and D2 (Heritage) seek to secure high quality design in development, and for development to preserve, and where appropriate, enhance the borough's heritage assets and their settings. Policy C5 (Safety and Security) promotes the Council's aim of making Camden a safer place and requires developments to demonstrate that they have incorporated design principles which contribute to community safety and security.

- 6.19 The regeneration scheme was found to be compliant with the relevant policies at the time during the determination of the planning application as well as the updated policies described above.

**Other Council Strategies: *Housing Strategy 2011-2016***

- 6.20 The Council's policies on housing are informed by and are in accordance with the objectives set out in the Council's Housing Strategy 2011-2016. This strategy recognises that there is an increasing need for housing in the borough and that there will be limited opportunities to meet this demand through new-build schemes. Therefore, opportunities to make the best use of existing housing stock and consolidating land need be maximised. It highlights that the CIP and estate regeneration schemes will be a key source of new supply. The Estate regeneration scheme has received planning permission so is a deliverable scheme, which will support this strategy.

**The need for housing in Camden**

- 6.21 The London Plan Consolidated with Alterations Since 2011 (March 2016) includes a monitoring benchmark for housing delivery in Camden between 2015-2025. Within this total delivery number, 889 additional self-contained homes (newly built or converted / subdivided) are required each year.
- 6.22 As set out in the Camden Authority Monitoring Report (AMR) 2016/17 (the most recent version currently available), both the number of affordable homes delivered, and the proportion of affordable homes within overall housing delivery, has fallen over the five year period from 2012/13 to 2016/17. Specifically, the AMR shows that in 2012/13 a total of 377 affordable homes were delivered (45% of total housing completions), whereas in 2016/17 a total of just 150 affordable homes were delivered (11% of total housing completions).
- 6.23 Housing affordability is one of the most significant issues in London. Work carried out to inform the Mayor's London Housing Strategy found that in 2017 the average house price in London was 98% above the average for England. For London as a whole, the average house price to earnings ratio is 12.4 (i.e.

average house prices are 12.4 times average earnings); however, the gulf between house prices and earnings is particularly acute in Camden, where the price to earnings ratio currently stands at 20. When considering that the typical first time buyer in London was able to borrow 4.04 times their income in 2017<sup>2</sup>, the significance of the affordability issues facing the both the Capital and the Borough becomes self-evident.

6.24 As set out in the 2017 London Strategic Housing Market Assessment (SHMA), when taking into account London's high housing costs, approximately 27% of households are considered to be living in poverty<sup>3</sup>. Almost 15,000 households were accepted as statutorily homeless in London in 2012/13, whilst overcrowding rates have risen rapidly in recently years, most notably in the social housing sector, where 12.9% of households are categorised as being overcrowded. The 2017 SHMA identifies a need for 42,841 additional affordable dwellings (intermediate and low cost rent) per year, which represents 65% of the total housing need.

6.25 The London Chamber of Commerce and Industry cites rising housing costs as a key threat to the competitiveness and resilience of London's economy. They are concerned that whilst 'the resilience of the capital's transport and energy networks is regularly assessed for risk, housing does not appear to figure prominently in the various resilience management and business continuity strategies that are regularly exercised by governmental agencies<sup>4</sup>. Research by Savills has identified that the mainstream (non-luxury) housing market, and particularly its more affordable element, is undersupplied and will remain so as the development pipeline fails to meet demand<sup>5</sup>.

6.26 Camden is a high value, high demand area, home to some of the wealthiest people in the country living in some of the most desirable neighbourhoods in the capital. The property market in Camden is extremely buoyant which is reflected in recent development trends and high property values. House prices in Camden have increased more than six-fold in the last 20 years, with current average values now 40% higher than the peak in prices in 2008 that preceded the downturn of 2008/9.

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<sup>2</sup> GLA, Housing in London 2018: The evidence base for the Mayor's Housing Strategy (July 2018):

<https://data.london.gov.uk/dataset/housing-london>

<sup>3</sup> GLA, The 2017 London Strategic Housing Market Assessment: Part of the London Plan evidence base (November 2017): [https://www.london.gov.uk/sites/default/files/london\\_shma\\_2017.pdf](https://www.london.gov.uk/sites/default/files/london_shma_2017.pdf)

<sup>4</sup> London Chamber of Commerce and Industry, Getting our House in Order: The Impact of Housing Undersupply on London Businesses (May 2014):

<https://www.londonchamber.co.uk/LCCI/media/media/Policy%20and%20Campaigning/Getting-our-house-in-order-The-impact-of-housing-undersupply-on-London-businesses.pdf?ext=.pdf>

<sup>5</sup> Savills, Regenerating London to meet demand (May 2014):

[http://www.savills.co.uk/research\\_articles/141274/176325-0](http://www.savills.co.uk/research_articles/141274/176325-0)

- 6.27 Residential values have increased at a particularly high rate in recent years. Figures from the Land Registry for Camden indicate that average residential house prices have increased by 41% over the five-year period from December 2012 to December 2017. As of December 2017, the Land Registry indicates that the average price paid for a home in Camden was £1,099,876, compared with £620,074 for Greater London and £299,037 for England.
- 6.28 At the same time, whilst average prices are significantly above the London average, the borough is also home to areas of significant deprivation, with areas in the borough experiencing lower household income than the poorest London Borough, Newham. More than a third of children in Camden live in poverty (Camden Plan 2012). For many of Camden's households, the high cost of housing is not matched by high incomes. Almost a quarter of households in Camden (23.5%) have overall incomes of less than £20,000 per year, a figure close to the average of 24% across London Boroughs (CACI PayCheck 2014), but significant in the context of Camden's high market housing costs.
- 6.29 It is evident that the need for affordable housing, predominantly at social/target rent levels, is particularly high.
- 6.30 As at 26 February 2019, 5,617 households were registered for housing on Camden's Housing Register.
- 6.31 The latest detailed affordable housing need data for the London Borough of Camden was published as part of the Camden Strategic Housing Market Assessment (SHMA) in 2016. The Camden SHMA estimated that 9,951 additional affordable homes will be needed in Camden from 2016-2031 (approximately 663 per year) (page 117, Figure 95). As the ratio of median house price to residence-based median income has increased from 12:1 in 2008 to 19:1 in 2017 (ONS 2018), indications are that the need for affordable housing will continue to increase.
- 6.32 The 2016 Strategic Housing Market Assessment estimated that over 7,600 households in Camden were overcrowded, including 4,825 households in social rented accommodation (page 56, Figure 47, based on the bedroom standard adopted by the English Housing Survey). According to the Census 2011, some 12% of all the borough's households are overcrowded, rising to 19% of households in social rented accommodation (SHMA page 54, Figure 45, based on bedroom occupancy rating).
- 6.33 Of that number 1,765 households were considered overcrowded or severely overcrowded, i.e. lacking one bedroom or more.
- 6.34 As a consequence, maximising affordable housing provision has been a top

priority for the Council for many years. That priority is enshrined in Camden's Local Plan 2017, which seeks to ensure that up to 50% of all new housing built in the borough over the plan period be affordable.

6.35 Given the level of need in the borough for affordable housing, the Council's CIP is key to delivering additional affordable homes, replacement homes of poor quality council stock and remodelling existing council estates. Of 721 sites with planning permission contributing to projected delivery in Camden's current housing trajectory, only 36 include any affordable housing. This number includes nine schemes forming part of Council's own CIP, which includes this scheme. Through the CIP, the Council is committed to building a total of 3,050 homes, which will include 650 replacement council homes, but also include 450 additional council homes for social rent, 300 additional intermediate affordable homes (predominantly affordable rented homes let through Camden Living, the Council's wholly owned company), and 1,650 additional homes for market sale. In addition to building new homes, CIP has helped to fund improvements to 16,724 existing council homes through the Better Homes Programme. In the three years 2015/16 to 2017/18 the Council was responsible for 15% of additional new homes completed in Camden. Without CIP the borough would not have met its nationally set housebuilding targets.

6.36 While this is a significant achievement, particularly in the context of wider economic challenges, even this rate of delivery is still well below that which is necessary to come close to meeting need, and demonstrates the valuable contribution this scheme makes to the provision of much needed affordable housing.

## **7 ANY SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

7.1 No part of the Order Land is within a conservation area and it does not include any listed buildings or scheduled ancient monuments.

7.2 No part of the Order Land comprises Green Belt, Metropolitan Open Land nor common land or open space within the meaning of Section 19 of the Acquisition of Land Act 1981.

7.3 There are therefore no known special considerations associated with the compulsory purchase of the Order Land.

## **8 IMPLEMENTATION OF THE SCHEME AND ANY OTHER CONSENTS OR PRIOR APPROVAL NEEDED**

8.1 The entire scheme has planning consent and demolition of the existing blocks in Phases 1a and 1b have already taken place. Phase 1a is complete and



Phase 1b is on site now. No further consents are required in order to carry out the development.

- 8.2 The Council has selected a contractor in accordance with the EU procurement process. The contractor has built Phase 1a and carried out demolition and is building Phase 1b. Phase 1a completed in April 2018 and Phase 1b is due for completion in Spring / Summer 2020. There is an option in the existing building contract to extend the contract to include Phase 1c. The land in Phase 2a is needed for site logistics and storage to build Phase 1c.
- 8.3 The Council is committed to the development and will be funding the project through use of its own funding and borrowing. The Council's Cabinet has approved a budget for the Agar Grove redevelopment scheme, which includes the costs of leasehold and other land acquisition. The Council therefore has funds to acquire the interests within the Order Land and has agreed funding to demolish the buildings once vacated and as per the contractor's programme. The Council also has the funds to redevelop the Order Land and carry out the redevelopment.
- 8.4 The Council is therefore satisfied that there are no fundamental impediments to the implementation of the scheme and that the scheme will proceed if the Order is confirmed. There are no other alternative proposals for achieving the purpose for which the land is required.
- 8.5 The Council has the necessary internal authority to make the Order, and submit it to the Secretary of State for confirmation. Cabinet gave 'in principle' approval for the Order in December 2013 and delegated the power to proceed with the Order, in line with the approved CIP project delegation scheme, to the relevant Service Director (in consultation in consultation with the relevant Cabinet Members, the Director of Finance and the Borough Solicitor), should it be considered appropriate having regard, inter alia, to updated reports on circumstances of negotiations and detailed financial estimates of costs arising from purchase. The Executive Director of Supporting Communities made the decision to proceed with the Order in accordance with this consultation process on 29 January 2019.

## 9. HUMAN RIGHTS

- 9.1 The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest, and that the use of such powers is proportionate to the ends

being pursued.

- 9.2 It is acknowledged that the compulsory acquisition of the Order Land or the creation of new rights will amount to an interference with the human rights of those with an interest in the Order Land. These include rights under article 1 of the first protocol of the European Convention on Human Rights (“ECHR”) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law) and article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence and there is to be “no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.... in the interest of... the economic well-being of the country...”).
- 9.3 In applying these Convention rights it should also be noted that most Convention rights are not absolute and provide for circumstances when an interference with a person’s rights is permitted or considered proportionate. Thus for example Article 8 states that “there shall be no interference by a public authority with the exercise of rights under that Article 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 freedoms of others” and Article 1 of the First Protocol states that the provisions of the Article “shall not, however, in any way impair the right to a state of enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”.
- 9.4 In respect of the right to a proper hearing under Article 6, landowners have had the opportunity to make representations and comment on the Council’s plans and strategies for the Estate, including the opportunity to take part in consultations on the redevelopment proposals and comment on the planning application. The remaining leaseholders have also had the opportunity to engage in extensive negotiations for voluntary acquisitions prior to the CPO process being initiated. Objections can also be made to a CPO, which would be considered by an Inspector at a Public Inquiry (though possibly through a hearing or through written representations). If an Order were to be confirmed but an error of law or defect in procedure were to justify such an application, an aggrieved person can apply to the High Court for a quashing order.
- 9.5 If dissatisfied with the Council’s offer of compensation, affected persons also have the right to present a case at the Upper Tribunal (Lands Chamber), which is an independent judicial body, established by law under the Lands

Tribunal Act 1949. Questions of compensation are distinct from and form no part of the Secretary of State's decision whether or not to confirm the Order itself.

9.6 In balancing competing interests, officers consider that there is a compelling case in the public interest to proceed with the Order to facilitate the redevelopment of the Order Land and wider Estate. This is considered sufficient to justify interfering with the human rights of those with an interest in the Order Land and those who occupy the Order land as their home.

9.7 It is therefore considered appropriate and proportionate to make such an Order. Without the use of these powers, the much needed regeneration and redevelopment of the Order Land may not be achievable. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

## 10. EQUALITIES

10.1 In making the Order the Council has also had regard to its public sector equality duty (PSED) under s.149 of the Equality Act 2010.

10.2 The Council has given consideration to all the protected characteristics in the Equality Act 2010 to ensure that any potential impacts of the proposed Order on any people with these characteristics have been considered and where possible mitigated.

## 11. CONCLUSIONS

11.1 The Council believes that the Order is necessary to facilitate the redevelopment and improvement of the Order Land, and that the proposals for the redevelopment of Order Land accord with the Development Plan for the area. In view of this and the grant of Planning Permission for the development of the Order Land, the Council believes that there is no planning impediment or other impediment to the implementation of the redevelopment proposals that underlie the Order and there is a compelling case in the public interest that supports the compulsory acquisition of the Order Land.

## 12. CONTACT INFORMATION AND DEPOSIT OF DOCUMENTS

12.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

Michelle Christensen, Senior Development Manager  
London Borough of Camden, 5 Pancras Square, London, N1C 4AG  
Tel: 020 7974 1445      Mob: 07932 955 911  
Email: [michelle.christensen@camden.gov.uk](mailto:michelle.christensen@camden.gov.uk)

The Royal Institution of Chartered Surveyors (RICS) operates a Compulsory Purchase helpline that provides initial free advice. Those parties wishing to make use of that service should contact the RICS on 02476 868 555 or via its website:

<https://www.rics.org/uk/news-insight/latest-news/news-opinion/compulsory-purchase-guide/>

## 12.2 Inspection of the Order:

Copies of the Order and Order Map can be inspected on request between 9.30am-5.00pm Monday to Friday at the Council's offices at 5 Pancras Square, London N1C 4AG. Appointments can be made by contacting Jennifer Lunn, Lawyer, on 020 7946 6007 (email: [jennifer.lunn@camden.gov.uk](mailto:jennifer.lunn@camden.gov.uk)) and can be viewed and downloaded from the Council website at: [www.camden.gov.uk/agargrove](http://www.camden.gov.uk/agargrove)

## 13. DOCUMENTS

13.1 In the event of a public inquiry, the Council would intend to refer to or put in evidence the following documents:

- Compulsory Purchase Order, the Schedule and the Order Map
- Ministry of Housing, Communities and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Down Rules" 2018
- National Planning Policy Framework 2018
- London Plan 2016
- Camden's Housing Strategy 2011-2016
- Camden Local Plan 2017
- Camden Community Investment programme (2010-25)
- Cabinet report, minutes and decision approving the policy buy back offer to residential leaseholders dated February 2014
- Cabinet report, minutes and decision endorsing the redevelopment scheme dated 4 December 2013
- Executive Director's delegated authority dated 29 January 2019 and associated report approving the making of the compulsory purchase order dated 3 December 2018
- Planning Consent dated 4 August 2014 and referenced 2013/8088/P together with the approved plans and other submission documents shown on this web link:

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:2013/8088/P>, including:

- Application Form

- Site Plan
- Proposed ground floor plan
- Planning Statement (CMA Planning)
- Officer's report to Planning Sub-Committee recommending grant of planning permission
- Non material amendments approved under reference 2014/5730/P, 2015/3396/P, 2017/6482/P, 2018/0548/P
- The approved phasing plan submitted in support of Condition 34 of planning consent references 2013/8088/P.

The Council reserve the right to add to and amend this list as may be relevant in the light of any objections to the Order and/or any public inquiry in respect of the Order.

**London Borough of Camden Dated: 7 May 2019**