

London  
Borough of  
Barnet

**The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order  
2022**

STATEMENT OF EVIDENCE OF MARTIN SMITH

February , 2023

PLANNING INSPECTORATE REF:

## Contents

1	Introduction .....	4
2.	The Need for Regeneration.....	9
3.	The Scheme.....	14
	The Council’s arrangements with the Developer.....	16
5.	Efforts to acquire and relocation strategy .....	17
6.	Other matters .....	19
7.	Justification for the Order .....	20
8.	Compliance with CPO Guidance.....	28
9.	Response to Objector .....	30
10.	Conclusion.....	31

# 1. Introduction

## Personal

- 1.1 My name is Martin Smith, and I am the Regeneration Manager for the Grahame Park Regeneration Programme. I am an employee of Re (a joint venture company between Capita Ltd and the London Borough of Barnet)
- 1.2 Re is a provider of regeneration services to the London Borough of Barnet ("the Council"). Set up in 2013, Re carries out a variety of services on behalf of London Borough of Barnet, including Planning, Highways and Regeneration. Employees of Re provide services similar to those usually carried out by Council officers in areas such as planning and regeneration, reporting to senior commissioning officers within LB Barnet and providing advice and recommendations to elected members.
- 1.3 As Regeneration Manager I have been lead officer on behalf of the Council for the Grahame Park Regeneration Project since October 2012 and undertake a series of functions delegated to me by the Council. I am authorized by the Council to give this evidence on its behalf
- 1.4 I have over 25 years' experience of devising and delivering regeneration schemes across the South - East. Previous work has included area-based regeneration initiatives in Milton Keynes, Islington, Hackney, and Southwark
- 1.5 My current role involves ensuring that the Council's regeneration objectives for the Grahame Park Estate ("the estate") are met and that the Council's development partner, Choices for Grahame Park (the Developer), which is a wholly owned subsidiary of Notting Hill Genesis (NHG), meet or go beyond the obligations set out in the Principal Development Agreement (PDA). Whilst employed by Re I am authorized to represent the authority on the Grahame Park Partnership Board which provides an opportunity for residents and Councillors to engage directly with senior officers from NHG and the Council to discuss the progress of the overall programme. I am also a member of the Project Board, a partnership between the Developer and the Council which includes senior representatives from NHG, LB Barnet and Barnet Homes - (which is the arms length management organisation (ALMO) which manages and maintains homes on behalf of the Council).

## The Council's Estate Regeneration

- 1.6 The Council's four largest Council-owned estates are Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley. When the Council was preparing the Housing Strategy 2000-2003, all four were failing post war estates. A key objective of the Council, which was first identified in the Housing Strategy 2000-2003, and continues to be the Council's policy is to replace

these with new mixed tenure estates that are well-designed places where people will want to live and stay, with homes that meet Building for Life Standard and provide a significant contribution to the supply of new housing in Barnet.

- 1.7 Stonegrove/Spur Road was the first estate to be completed and comprises 999 homes, 480 of which are affordable, built to modern standards, with high quality public open spaces and communal gardens. The good design and affordable housing provision have been recognised with an Architectural Award and being shortlisted for the Inside Housing “Best affordable Housing Development” in November 2017 and by ongoing positive feedback from residents.
- 1.8 Redevelopment of West Hendon is underway to replace existing poor-quality homes with over 2,000 high-quality houses, 25% of which will be affordable, surrounded by improved public space and transport links, thriving shops and businesses, a community centre and a new primary school. Construction started in 2011 with 851 new homes built to date, new shops along West Hendon Broadway and residents’ access to new community space until a permanent facility is delivered at a later stage.
- 1.9 Dollis Valley estate was in decline for many years, isolated from services and the surrounding area, poorly designed and with poor transport. The new ‘Brook Valley Gardens’ provides a new integrated community, with existing sub-standard properties being replaced with new mixed tenure homes built to modern standards. It has new green spaces, a community centre and pre-school nursery. When completed it will provide 631 new mixed tenure homes, 40% of which will be affordable.
- 1.10 Grahame Park is named after Claude Grahame-White, a motor engineer who became obsessed by aircraft and their possibilities when Blerriot made his triumphant crossing of the English Channel in 1909. He established an aircraft factory that would ultimately employ 3000 people, founded the first British flying club and, in 1910, created Hendon airfield on what had been several hundred acres of scrubby farmland. In the locality now named Grahame Park, aircraft were manufactured and flown from Hendon aerodrome until 1937. After that, its enclosure by suburban housing made aviation impractical, although it operated briefly as a fighter station during the Battle of Britain. From 1940 RAF Hendon became a communications and training base, finally ceasing operation in 1957. Ten years of negotiations resulted in its release from the Ministry of Defence and the GLC began construction of the Grahame Park estate on part of the former airfield in 1969,
- 1.11 The estate is located in North-West London in the Colindale Ward within the London Borough of Barnet). As shown on plan 1 of the Book of Plans it is generally bounded to the west by Lanacre Avenue, to the south by Grahame Park Way, to the east by Great Strand and Corner Mead and to the north by Field Mead. It was designed by the former Greater London Council in the late 1960s and construction was completed in the 1970s.
- 1.12 The Estate comprises mainly brick faced buildings, ranging in height from one to eight storeys and is laid out in accordance with Radburn principles, which separates vehicles and pedestrians and

creates pedestrian-only areas that can become threatening - especially after dark - and car access routes without pavements that are unsafe for pedestrians. Car parking is located around the edges of the estate. The Estate lacks legibility and is confusing and impermeable, with dead ends and blind alleys. Much of the green space and amenity land space is under-used and the relationship between public and private space unclear. The Estate is isolated from the surrounding areas.

- 1.13 In 1997, the Grahame Park Community Development Group was formed. Tenants participated in a survey in 1999, the results of which identified a number of issues with the Estate including:
- the poor physical environment and poor image.
  - unsafe and difficult circulation routes owing to the separation of vehicles and pedestrians;
  - overcrowding and inappropriate occupation for large families.
  - high stock turnover;
  - poorly placed and poorly integrated local facilities; and
  - poor levels of shopping choice
- 1.14 The Council identified a correlation between the highest deprivation levels in the Borough and its largest social housing estate. The Tenants Satisfaction Survey undertaken by the Council in 2001 highlighted the fact that tenants on the estate were the least satisfied (when compared with overall satisfaction levels for council housing in the borough), with barely half giving acceptable ratings for the area, stock condition, landlord performance and value for money.
- 1.15 In July 2001, the forerunner departments to Ministry of Housing, Communities and Local Governments (MCHLG) launched the Decent Homes Programme requiring local authorities to ensure that their social housing properties met the Decent Homes Standard. The Council identified the homes within the Estate as failing to meet the Decent Homes Standard but also recognised the funding shortfall and the necessity of an integrated programme to tackle the wider social and physical challenges.
- 1.16 By 2001, the regeneration needs of the Estate were central to the Council's housing strategy. A comprehensive regeneration scheme was considered to be the most appropriate way of addressing the problems suffered by the estate with a focus on sustainable development, improved open space and transport links, and better integration of the estate with surrounding neighbourhoods to create a strong and thriving community.
- 1.17 The council's cabinet meeting of 10<sup>th</sup> December 2001(CDD 4.01) outlined the community- based approach taken by the council to identify the best route forward; the council had identified 5 options for the estate ranging from little or no change to radical demolition and redevelopment.

It was the latter option (5) that proved most popular with the community [and formed the basis of the procurement exercise for Council's Development Partner].

- 1.18 In 2002 following a procurement process, the Council selected Choices for Grahame Park ("the developer") as its development partner to undertake the regeneration scheme. The developer is a special purpose delivery vehicle which, at that time, was a collaboration between Notting Hill Housing Group and Genesis Housing Group. In July 2005, the developer became a wholly owned subsidiary of Genesis Housing Association with Notting Hill Housing Association no longer playing a role in the Estate regeneration. However, following the merger of Notting Hill and Genesis Housing Associations on 10 April 2018, the developer became a special purpose delivery vehicle of Notting Hill Genesis ("NHG").
- 1.19 Following the development of regeneration proposals for Grahame Park, in July 2003, a ballot amongst residents of the Estate was undertaken to gauge the level of support for the redevelopment of the Estate. Of those eligible to vote, 68% took part, with 79% voting in favour of comprehensive regeneration of the Estate.
- 1.20 During the formation of the masterplan for the original 2007 permission, extensive consultation was undertaken and specifically a Design Group was set up which included residents as members. The members met regularly over the course of the masterplan development and were given training, took part in interactive exercises and they also visited other housing schemes.
- 1.21 On 31 January 2007 the Council granted Outline Planning permission for the comprehensive regeneration of the Grahame Park Estate (the Scheme), Further detail on this planning permission is set out in the evidence of Mr Dillon at section 2.5-2.6]. The masterplan included both demolition and refurbishment and infill development.
- 1.22 The Council and its development partner entered into a Principal Development Agreement dated 30 January 2007 ("the PDA"), with the aim of securing the delivery of the 2007 permission. Further detail is set out in the evidence of Ms Lavers at para 3.30 and 4.12-4.14 .
- 1.23 At its cabinet meeting in July 2006 the Council agreed to promote a Compulsory Purchase Order (CPO) to support the scheme (whilst also agreeing to promote approval by the Secretary of State on Ground 10A of Schedule 2 to the Housing Act 1985) to enable the acquisition of Council homes if necessary. The CPO order land comprised 3.2 hectares from a total within the red line of 37.4 hectares, and 213 homes. No objections were received, and the Secretary of State advised by

letter dated 21 December 2007 that the Council could confirm the CPO. This was confirmed on the 23 January 2008.

- 1.24 The Scheme is being delivered in two stages, Stage A and Stage B. The first Phase, Stage A has been completed and provides 685 new units, new commercial and community facilities as set out in paragraph 3.32 of Ms Lavers evidence.
- 1.25 On 14th December 2014, the Cabinet Resources Committee resolved in principle, to the making of up to three separate CPOs in order to safeguard the delivery of the Concourse plots in the event that the Council and CFGP are unable to acquire all third party proprietary interests and/or rights in the land through private negotiations within required timescales (CDD 1). Further to this on September 16 2016, the Council's Assets Regeneration and Growth committee agreed further CPO recommendations (CDD 2).
- 1.26 Whilst the Council and the developer were able to deliver the aims of the Grahame Park outline masterplan in Stage A, the outline masterplan had become dated due to the passage of time and policy changes and was no longer viable for Stage B of the redevelopment. Following a review of the approved masterplan, which was conducted in 2013, it was agreed between the Council and the developer that changes through the development of a Supplementary Planning Document (SPD) were required in order to consider the emerging viability and deliverability issues in the period since the comprehensive masterplan had been approved in 2004. The Grahame Park SPD breaks down Stage B into three phases (across plots 10-21) and was adopted in 2016.
- 1.27 This was subsequently followed by the submission of a hybrid planning application, for the phased redevelopment of Plots 10-12 of Stage B (The Next Phase), the 2017 application. This was refused on the 13th February 2018 by the Mayor of London, citing the under provision of homes for Social Rent and too low a contribution to transport infrastructure as the primary reasons. The Mayor invited a resubmission of a scheme which 'better optimises the site, providing a denser, high quality housing development with no net loss of affordable housing on a like for like basis; and is able to fully mitigate its impact on the transport network'. It was decided that it was not possible to amend the existing application to satisfy the Mayor's requirements, and so a new brief and masterplan were required.
- 1.28 A new masterplan for the redevelopment and regeneration of Plots 10-12 of Stage B (Next Phase) was developed by the developer for the 2019 planning application (the "2019 application",) CDB 1 with a design team led by Patel Taylor Architects, through consultation with officers at the Council, the Greater London Authority (GLA), Transport for London (TfL) and other statutory and non-statutory consultees.



- 1.29 The proposals for the Next Phase were subject to a Design Review by the Chartered Association of Building Engineers (CABE) and three stages of public consultation took place, feedback from which has informed the masterplan proposals. The revised masterplan for the Next Phase within CDB 1 seeks to create an inspiring place for people to live, work and play, and one which will integrate positively with the surrounding area. It seeks to create a high-quality place that is inviting, enjoyable, convenient, and accessible with increased access to well-integrated community facilities, green spaces, play spaces and improvements to Heybourne Park.
- 1.30 By addressing the reasons for refusal of the 2017 application in the revised planning application for Plots 10, 11 and 12 of Stage B, the 2019 Planning Application was approved on 31 July 2020 (“the 2020 Permission”) and forms the Next Phase which is the subject of the Order. For planning purposes, Plots 10-12 were broken down into 13 sub Plots – A to Q (see Plan 9 in BOOK OF PLAN).
- 1.31 The principle of the redevelopment of the Plots 10,11 and 12 of Stage B (the Next Phase) is strongly supported by the planning framework. The Core Strategy includes as a core objective the need to regenerate Grahame Park and the surrounding Colindale Regeneration Area as set out in the evidence of Mr Dillon at para 4.12.

## 2. The Need for Regeneration

- 2.1 The regeneration of the Grahame Park Estate (the Scheme?) has been a key component of the Council’s Housing Strategy since 2000 (Appendix 1). The original estate (plan 1 of Book of Plans) was built according to the Radburn principles of separating vehicles and pedestrians. As a result, the estate is set out on a north-south alignment, fronting onto a central pedestrian walkway, with open parking courtyards on the periphery. A central pedestrianised shopping precinct, known as the Concourse, was created in the centre of the estate, where the majority of the remaining retail and community facilities are currently situated. The main area of open space is known as Heybourne Park (formerly known as Grahame Park Open Space) which is located to the west of the Concourse, whilst other areas of informal green space and amenity land open space exist between buildings.
- 2.2 This layout and the poor design of the Estate created the following issues;
- confusion between public and private areas;
  - dead-ends and disconnectedness;

- general use areas which give rise to anti-social behaviour;
- difficulties with effective management and maintenance due to design layout;
- poorly maintained neighbourhoods perceived by residents as being unsafe.
- Flats with concealed side entrances, insecure doors, impersonal entrance lobbies and long institutional corridors, which fail to provide a safe and secure environment for residents.
- The Concourse, which is at the centre of the Next Phase, is not successful, with a significant number of units being empty and the majority of previous retail units in use being used for non-retail, storage or charitable uses.
- Although there are play areas and green spaces on the Estate, there remains a lack of facilities for children and young people. The existing community facilities are generally perceived to be inflexible, poorly located and are inadequate.

2.3 Structural defects and management problems with the Estate were identified soon after it was completed. In the early 1990s significant sums of Government funded Estate Action monies, along with finance from the Council's own housing capital programme, were invested in a number of blocks on the Estate. However, the positive impact was marginal.

2.4 Therefore, to address the issues identified above, the decision was made in 2001 to regenerate the estate following a vote by residents for comprehensive redevelopment of the estate.

2.5 The Scheme emerged as a result of a number of key factors including the Council's corporate priorities, the Decent Homes programme and the need to address the problems suffered by the Estate including:

- the poor physical environment and poor image.
- unsafe and difficult circulation routes owing to the separation of vehicles and pedestrians;
- overcrowding and inappropriate occupation for large families.
- high stock turnover;
- poorly placed and poorly integrated local facilities; and
- poor levels of shopping choice
- the lack of legibility across the Estate
- the under-used green and amenity space
- the unclear relationship between public and private space

- 2.6 The Council recognised that comprehensive redevelopment represents the only feasible solution to resolve the Estate's inherent failings, provide local infrastructure and meet the Council's wider objectives
- 2.7 Residents have participated in the redevelopment process from the start with the formation of the Grahame Park Community Development Group, where tenants participated in a survey in 1999, where they identified the issues itemised in paragraph 1.10 above.
- 2.8 The Developer and the Council have been committed to extensive consultation and engagement with local residents and community stakeholders as set out in paragraphs 3.15 to 3.39 of the Statement of Case. With regard to the Next Phase (plots 10-12 of Stage B), this has included consultation events prior to submission of the hybrid planning application for the Next Phase and the Reserved Matters Applications, consultation with secure tenants as part of the Ground 10a application and a quarterly newsletter and a website where consultation material can be viewed.
- 2.9 The Next Phase will continue to create a balanced, mixed, inclusive community and will significantly enhance the physical environment of the Estate through the provision of new roads, open spaces and community facilities such as a Nursery and Childrens centre and a health centre in addition to new homes. . This will bring about improvements to the quality of life for existing residents and the wider community through the provision of enhanced social and environmental infrastructure.
- 2.10 The Next Phase will provide approximately 2,100 new high-quality homes of which 50% will be affordable housing, set in distinct neighbourhoods with a clear hierarchy of streets to improve legibility across the Estate. The new central 'spine road' will improve connections to Mill Hill Broadway Station and the surrounding network of streets and spaces. New commercial, retail and flexible workspace and replacement community facilities in accessible locations will be provided. Heybourne Park will be enhanced to create a family-friendly place with activities to suit all ages and abilities.
- 2.11 Overall, the Next Phase accords with the Council's corporate objectives and adopted policy. It represents the continuing delivery of the Council's objectives, as set out in policy documents which, in addition to the planning documents referred to by Mr Dillon in section 4, include Barnet's Sustainable Community Strategy 2010-2020, the Council's Corporate Plan 2015-2020 and the Barnet Corporate Plan 2021-2025, the Council's Housing Strategy 2015-2025 and the Council's Growth Strategy 2020-2030. . :

2.12 The Sustainable Community Strategy for Barnet 2010-20 (CDF.13) is the 'umbrella strategy' for all the plans and strategies of the Council and the partners with which it works. It sets out a strategic vision for Barnet as a place.

2.13 The vision for Barnet identified what the strategy aimed to achieve:

*"It is 2020. Barnet is known as a successful London suburb. It has successfully ridden difficult times to emerge as resilient as ever. The public service is smaller than before but the organizations within it, through effective partnerships, work together to deliver good services and there is a healthy relationship between them and residents who do things for themselves and their families.*

- o *Established and new residents value living here for the borough's excellent schools, strong retail offer, clean streets, low levels of crime and fear of crime, easy access to green open spaces and access to good quality healthcare.*
- o *Barnet is an economically and socially successful place. With high levels of educational qualifications and access to good transport networks, residents continue to have access locally, in other parts of London and beyond to jobs in a wide variety of different industries.*
- o *Barnet's success is founded on its residents, in particular through strong civic society, including its diverse faith communities, founded on an ethos of self-help for those that can, and support through a wide range of volunteering activities for others. Different communities get on well together with each other".*

2.14 The Next Phase is an important step to delivering this vision for the Borough by contributing to the transformation of the Colindale area. It will create a balanced, mixed and inclusive community with the provision of new local community facilities, open space and infrastructure. This will significantly enhance the physical environment and prosperity of the area bringing about improvements to the quality of life for existing residents and the wider neighbourhood.

#### ***The Council's Corporate Plan 2015 – 2020***

2.15 The Corporate Plan was the plan under which the scheme was developed and expresses the principles of fairness, responsibility and opportunity in the following manner;

*The Council, working with local, regional and national partners will strive to ensure that Barnet is the place;*

- *of opportunity, where people can further their quality of life*
- *where people are helped to help themselves*
- *where responsibility is shared, fairly*
- *where services are delivered efficiently to get value for money for the taxpayer*

2.16 By enhancing employment opportunities, building local community capacity and by involving people in shaping the development of the new neighbourhood the Next Phase is already contributing, and will continue to contribute, very significantly towards meeting these priorities.

### ***The Barnet Corporate Plan 2021-2025***

2.17 The Barnet Corporate Plan continues to support the Scheme. The Scheme assists in delivering priorities including

- delivering more homes people can afford, including a mix of tenures across the Next Phase;
- providing more opportunities for people to be active, including the improvement works to Heybourne Park and other leisure facilities across the Scheme; and
- safe and secure homes and communities for families and young children.

### ***The Council's Housing Strategy***

2.18 The Council's regeneration plans continue to be a key element of the current Housing Strategy, (CDF.12) agreed in 2019. In particular, the Housing Strategy restates the opportunities for significant transformation and regeneration in some areas of the Borough, including Colindale and other regeneration estates as indicated in the Housing Strategy 2000,

2.19 The overarching objective of the Council's Housing Strategy is the provision of housing choices that meet the needs and aspirations of Barnet residents. The policy also sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and potential threats to the qualities that make the Borough attractive.

2.20 The Council's Housing Strategy 2015-2025 (CDF.12) includes the following core objectives:

- *Increasing Housing Supply (Page 11);*
- *Delivery of Homes that people can afford (Page 19);*
- *Sustaining quality in the Private Rented Sector (Page 23);*

- *Tackling Homelessness (Page 26);*
- *Providing suitable housing to support vulnerable people (Page 32);*
- *Deliver efficient and effective services to residents (Page 41).*

2.21 Housing is a key driver for growth in the Borough. The Next Phase makes a significant contribution towards the delivery of the Council's Housing Strategy.

***The Council's Growth Strategy (2020-2030)***

2.22 The Council Growth Strategy emphasizes the importance of housing regeneration projects in supporting the Council's ambition to become London's most family friendly borough and to improve health & life expectancy through the creation of healthier and more resilient neighbourhoods

***Local Planning Policy***

2.23 The Scheme remains a key planning policy objective of the Council as set out in Paragraph 5.15 to 5.17 of the Statement of Case and the purpose for which the land is required fits with the adopted planning framework. The evidence of Mr Dillon at section 4 explains the relevant local, regional and national planning policy considerations underlying the Next Phase and the 2020 Planning Permission.

## The Next Phase

2.24 The Scheme is the masterplanned incremental redevelopment of the Estate to provide a high-quality residential area with associated infrastructure, community facilities and public realm improvements, and new retail and employment uses. The Next Phase of the Scheme, to be delivered on the Order Land, is part of the Scheme that has been an aim of the Council since 2003.

2.25 The Council's proposals for the Scheme overall and the Next Phase (plots 10-12) particularly is set out below;

- Creating a successful place in which people will want to live, work and visit;
- Creating a clear hierarchy of streets and open spaces, with landscape and building typologies creating distinct character areas and neighbourhoods;
- Responding to residents' key needs by enhancing Heybourne Park open space as a safe, inviting family-friendly place filled with choices of activity for all ages and abilities;

- Improving legibility and access to walking, cycling and public transport in line with 'Healthy Streets', including the creation of a central 'spine' road running from Colindale station in the south to the north, to create new connections towards Mill Hill Broadway station and also to the surrounding network of streets and spaces.
- Creating an inclusive and accessible place designed to be enjoyable in use for everyone;
- Optimising the site's potential by replacing 630 existing homes with almost 2,100 new high-quality homes of which 50% will be affordable housing – with no net loss of social housing;
- Delivering new commercial, retail and flexible workspace in accessible locations, maximising employment opportunities;
- Replacing community facilities in easily accessible locations for existing and future residents, including a community centre, children's day nurse, health centre (if required) and a housing management office;
- Delivering an environmentally sustainable scheme – including 3 energy centres housing environmentally friendly Air Source Heat Pumps;
- Prioritising existing secure tenants and those on the housing waiting list by delivering affordable housing early, thereby enabling a decant for all secure tenants in one move;
- Delivering at least 1,000 new homes within the next 10 years.

2.26 The Council as Local Planning Authority granted permission for a hybrid planning application ("the 2020 Planning Permission") on 31 July 2020 for the Next Phase for the demolition of 630 residential units and existing commercial, retail and community floorspace to provide 2,088 new residential units with 50% affordable and up to 5,950sqm of flexible non-residential floorspace as detailed in Paragraph 4.4 and Paragraphs 5.158 to 5.162 of the Statement of Case and the evidence of Ms Lavers at para 3.35.

2.27 Due to the scale of the regeneration of the Next Phase, the significant infrastructure requirements and the aspiration for all secure tenants to be rehoused on the Estate with only one move, it is necessary to phase the regeneration of the Estate. The details of the Phasing, Timeline and need for the Order over the Next Phase are set out in Ms Laver's evidence at section 4. The phasing strategy has been designed to minimise impact on the existing residents in the later phases, as set out in para 4.2-4.3 of Ms Laver's evidence.

2.28 Plots 10,11 and 12 of Stage B (Next Phase) is the subject of the Order Land for which compulsory purchase powers are being sought. Vacant possession of part of Plot 10 has been achieved by agreement and development of the first Plot, Plot A, has commenced as set out in para 3.38 of Ms Lavers statement.

### 3. The Council's arrangements with the Developer

#### *Selection and Appointment of the Developer*

3.1 Consultation on proposals for the regeneration of the Estate has been an on-going process of engagement with residents and local stakeholders since 1999 this included identification of the need to bring in a partner to achieve the regeneration.

3.2 In June 2002, following a procurement process, the Council selected Choices for Grahame Park as its development partner to undertake regeneration proposals for Grahame Park.

3.3 The Council entered into a Principal Development Agreement (PDA) with the Developer in January 2007 to secure the delivery of the regeneration of the Estate. It has been varied on a number of occasions as the Scheme has evolved. The detailed terms of the PDA are commercially confidential, but in summary the overarching principles of the PDA are that:

- The Council provides the land for the development in return for a deferred consideration;
- The developer signs a nominations agreement that secures 100% nomination rights for the Council on all the new affordable homes
- The Developer funds and undertakes the Regeneration Project, including funding of Council costs and holding of project risk.
- The Developer designs and delivers a Regeneration Project which accords with the adopted planning framework, regeneration objectives of the PDA, and releases land value through sale of private dwellings and creation of regenerative uplift;
- The released land value funds the deferred consideration payable to the Council which includes re-provision of the social housing, new local infrastructure and any CIL or overage payment;
- Although the Council does not guarantee that the Developer will receive a return on its investment, it is expected that the Developer will make a commercial return. The opportunity for the Developer to make a commercial return provides a significant incentive for the Developer to deliver a successful project.



### ***Delivery to Date***

- 3.4 The Developer has delivered Stage A of the Scheme as described in para 3.32 of Ms Lavers statement an. Vacant possession of part of Plot 10 has been achieved by agreement and development on this area has commenced as set out in Ms Lavers evidence at para 3.38.
- 3.5 The Council and CfGP have made significant progress on bringing forward the Next Phase. Including:-
- Successful site assembly by agreement for Plot A of the Next Phase and commencement of construction. This will deliver 100% affordable homes with a GDV of £89.88m;
  - Rehousing of the majority of secure tenants within the Order Land and continuing to work on rehousing the remainder in line with the resident commitments;
  - By the acquisition of a significant number of the third-party residential interests – with 54 residential leaseholders successfully acquired through private treaty, leaving just 9 residential leaseholders. Further details of this are set out in section 4 below.
  - Approval by planning committee on 15 December 2022 of RMA for plots K & H, the next plots to come forward in the Next Phase
  - Progression of an RMA for plots L, G and J and procurement of a specialist contractor to undertake strategic infrastructure and demolition works to enable timely delivery of Plts K, H, K, G, J to the south of the Concourse area.
- 3.6 The Council remains committed to delivering the project as well as maintaining and improving good relations with affected parties and ensuring wherever reasonably possible that the impact on those affected is mitigated.
- 3.7 Although significant progress has been made in securing property interests by private treaty there remains no certainty that all interests can be assembled by agreement within a reasonable timeframe or at all. To provide certainty that the site can be assembled and the project delivered within a reasonable timeframe the Order remains necessary to enable the compulsory acquisition of land or rights if agreement cannot reasonably be reached.

## **4. Efforts to acquire and relocation strategy**

- 4.1 The Council and the Developer have achieved by negotiation vacant possession of Noel, Nimrod, Nicholson, Nighthawk and Nisbet which have been demolished (See Plan 11 in Book of Plans) and enabled the commencement of construction of Plot A. Of the 517 residential properties in the Next Phase remaining within the Council ownership, 23 are occupied by secure council tenants, 9 are held on long leasehold interests, and 367 are occupied by non-secure tenants. Plan 6 of the Book of Plans shows the location of the remaining residential long leaseholders. They are included in the CPO to provide certainty that vacant possession of all necessary property will be available within the project programme as set out in Ms Laver's evidence at section 4.
- 4.2 The 23 remaining secure tenants will have the opportunity to move to new homes being constructed on Plot A, with one move only, or moving off the estate to either a NHG or Council managed property (see Ms Laver's evidence at section 5-6 to 5.10 for the details of the commitments to residents).
- 4.3 For the 367 non-secure tenants on the estate, the Council's preferred course is that vacant possession will be obtained through the service of notices to quit served approximately 6-12 months before the property is due to be demolished in line with the programme. If the tenants meet the criteria in the Housing Allocations Scheme, they will be provided with suitable alternative accommodation to meet their needs. They are included in the CPO to provide certainty that vacant possession of all necessary property will be available within the project programme. See Ms Laver's evidence at section 5.11 onwards for further details .
- 4.4 The 16 commercial units currently occupied on the concourse are all on leases contracted out of the security of tenure provisions of the Landlord & Tenant Act 1954 with break clauses. They are included in the CPO to ensure vacant possession can be obtained when required for the project programme, although it is anticipated that Landlord & Tenant powers will be used to obtain vacant possession when required.
- 4.5 Significant progress has been made in securing property interests by private treaty (See Sections 5 of Ms Laver's evidence) with only 9 leaseholders remaining from an original number of 63 in addition to the Council residential and commercial tenants. However, there is no certainty that all interests can be assembled by agreement within a reasonable timeframe or at all.
- 4.6 For interests to be included in Table 2, which for this Order is predominantly those outside of the red line who may have a potential right of light claim, letters were sent to them advising them of why they would be included in the CPO and setting out their entitlement to statutory compensation if they do have a claim under Section 10 of the Compulsory Purchase Act 1965, following appropriation of the land within the Order Land.

- 4.7 Negotiations have been undertaken with the one Objector to the Order to try to reach an agreement. It is not anticipated that an agreement will be reached. The details of the objection and negotiations are set out in Ms Lavers evidence at section 7.7-7.21 and appendix 1.
- 4.8 To provide certainty that the site can be assembled and the all the project objectives can be delivered within a reasonable timeframe the Order remains necessary to enable the compulsory acquisition of land or rights if agreement cannot reasonably be reached.

## 5. Other matters

### *Highway Orders*

- 5.1 It is necessary to stop up a number of highways within the Next Phase. A phased programme of highway orders will be implemented between the Council and the Developer. This programme ensures that rights will only be stopped up when they are no longer required, or an alternative access has been provided. Further details of these SUO and how they will be delivered in line with the project programme are set out in the evidence of Ms Lavers at section 4.
- 5.2 The implementation of the highways works will enable the redevelopment of the Order Land and delivery of a new pattern of buildings and streets identified in the evidence of Andrew Dillon and necessary to deliver the Next Phase.

### *Impediments*

- 5.3 The Council is satisfied that there are no impediments to the delivery of the development on the Order Land.
- 5.4 Outline Planning permission has been achieved for the Next Phase overall, and the developer has planning committee approval for the RMA for the next plots proposed, K & H (Ms Lavers para 3.39 and Mr Dillon para 2.21).
- 5.5 The Developer is progressing Plot A, a 100% affordable phase which provides rehousing options consistent with the resident commitments for all Council secure tenants and resident leaseholders (Ms Lavers para 3.37 -3.38).
- 5.6 The Developer is progressing the RMA for plots L, G and J, the following plots, as well as the demolition and infrastructure works that will enable the delivery of Plots K, H, L, G, J to the area south of the Concourse (Ms Lavers para 3.40-3.41).
- 5.7 The Developer has set out a programme to deliver phased SUO on the roads across the Order Land consistent with the overall phasing programme for the development (Ms Lavers section 6).

- 5.8 The Scheme is funded (para 4.18-4.22) of Ms Lavers evidence) and the Next Phase meets NHG parameters for viability, and is supported by committed internal NHG subsidies from reserves to aid delivery of 50% social housing across the Next Phase (Ms Lavers para 4.20).

## 6. Justification for the Order

- 6.1 The Council is committed to securing the regeneration of the Estate. The need for regeneration is supported in key planning policy documents including the NPPF, the London Plan and the Barnet Core Strategy as detailed in Mr Dillon's evidence at para 4.1 and 4.2 .
- 6.2 The Council has followed a transparent and objective decision-making process leading up to the decision to exercise its compulsory purchase powers to secure delivery of the regeneration. CDD is the committee report prepared for the Housing and Growth committee meeting 13 September 2021. The report to Committee sets out the key decision making at the Assets Regeneration and Growth committee in December 2014 (CDD 1) and the Assets Regeneration and Growth meeting in September 2016 (CDD 2).
- 6.3 CDD 3 updated elected members on the progress of the CPO, confirm the future programme and agree an amendment to the boundary of the CPO boundary, primarily to reduce the Order Land where interests have been acquired by agreement.
- 6.4 The Scheme has been split into 2 stages, Stage A and B. Stage A has been completed and the Order will deliver the redevelopment of Plots 10 to 12 of Stage B. The Council remains committed to assembling the land interests for the remainder of the Next Phase by agreement where possible. However, the Order remains necessary to ensure all the land interests are delivered within a reasonable timeframe and at a reasonable cost.
- 6.5 The extent of the land required for the Next Phase has been a product of careful consideration by the Council, the Developer and their' professional teams. There has been a process of refining the extent of the land required which has included a series of meetings and site visits to ensure that only such land as is necessary for the delivery of the Next Phase have been included in the Order.
- 6.6 Accordingly, confirmation of this Order as submitted is necessary to ensure that the Next Phase can be delivered.
- 6.7 In deciding to exercise its powers under section 226(1)(a) of the Town and Country Planning Act 1990 explained in committee report ref (HAG September 30 2021) Council believes that the

compulsory acquisition of the Order Land will facilitate its redevelopment, and in relation to the requirements of section 226(1A)) will result in very significant improvements to the economic, social and environmental well-being of its area. The Council considers that the redevelopment of the Order Land will significantly improve the overall quality of the housing accommodation available locally, as well as the overall appearance of the area, with current and future residents enjoying a greatly improved quality of life from living in the proposed new homes.

- 6.8 The regeneration of the Estate is of crucial importance for the Council. The regeneration of the Council's largest housing estates (including Grahame Park) has remained a key aspect of the Council's Housing Strategy since 2000. Delivery of the Next Phase represents a key step in delivering the Council's Housing Strategy (**CDF.12**).

### **Wellbeing**

- 6.9 The Next Phase will create a more attractive, vibrant and sustainable neighbourhood. The key social, economic and environmental well-being benefits which will be achieved by the Regeneration Project are summarised below:

- *The provision of high-quality sustainable homes with an improved tenure mix of private and affordable housing units as set out in Paragraph 4.9 of the Statement of Case, including the re-provision of social housing that are 'accessible and adaptable' dwellings in line with Part M Volume 1 of the Building Regulations and will comply with the Mayor's Housing SPG (2016);*
- *Improvements to pedestrian and cycle connections throughout the local area, especially with the realignment of Lanacre Avenue (the extended Bristol Avenue) to provide a central 'spine' running north to south and better connections to adjacent neighbourhoods.*
- *An increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space; new master plan for the completion of Heybourne park*
- *An increase in biodiversity on the Estate and in Heybourne ;*
- *A new network of open spaces to be delivered*

- *The replacement of out-dated community facilities with new community facilities comprising the Nursery and Children's Nursery and the Community Centre.*
- *A contribution of £2,762,792 (which is index linked) towards the provision of a new health centre off-site or in the event this cannot be delivered off-site there is provision within the S.106 for this to be provided as part of the Next Phase.*
- *New and improved retail and commercial uses; building on the completed facilities in Stage A (; new Sainsburys and pharmacy in southern square) and construction underway for new retail facility in stage A*
- *Improvements to the overall townscape to provide clearly defined public realm and landscaped areas by enhancing green assets and mature trees to create useable, attractive, safe and active routes, public spaces and parks, well positioned for the immediate and wider community*
- *The Scheme will be designed to help design out anti-social and criminal activities, which are a major problem on the Estate at present, due to the out-dated nature of the common areas, external areas and general layout.*
- *Delivery of Next Phase will deliver **economic wellbeing** benefits in the area. Construction will create new jobs for the time period of construction*
- *New jobs will be created within the new commercial and community facilities within the Next Phase.*
- *Overall the Next Phase will significantly contribute to the improvement of the economic, social and environmental wellbeing of the area.*

### ***Planning policy***

- 6.10 The purpose for which the land is being acquired fits in with the adopted Local Plan. The Next Phase has the benefit of planning permission and the Developer is implementing the 2020 Planning Permission.

### ***Human Rights***

- 6.11 The council's Housing and Growth Committee in September 2021 (CDD 3) gave careful consideration to the interference with the individual rights of those directly affected by the

Order that are protected by the Human Rights Act 1998. These include in particular Article 8 (respect for private and family life and home) and Article 1 (the right to peaceful enjoyment of possessions) of the Convention. The decision to make or confirm the CPO must strike a fair balance between the public interest in delivering the regeneration project and the interference with private property rights.

- 6.12 Confirmation of the Order will enable the Next Phase to proceed and allow the wider benefits to be delivered.
- 6.13 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedules will be necessary only if the Council or the Developer has been unable to acquire those interests by agreement on reasonable terms within the timescales required to complete the scheme. As explained above, efforts to acquire the relevant interests are ongoing, and section 5 of Ms Laver's evidence outlines aspects of offers made in excess of statutory compensation entitlements for the residential leasehold interests. Such offers have been made to mitigate the impact of the Scheme on the affected resident landowners. If agreement cannot be reached and interests are acquired compulsorily, statutory compensation can be independently determined by the Upper Tribunal (Lands Chamber) to ensure fairness.
- 6.14 The Council is therefore firmly of the view that there is a compelling case in the public interest for the confirmation of the Order in respect of each and every parcel of land comprised in the Order schedule. It is also satisfied that the public interest that will result from delivering the Next Phase outweighs the interference with existing private rights and interests in the Order Land on account of the far reaching social, environmental and economic benefits. The Council therefore believes that a fair and proportionate balance has been struck between the interests of those whose human rights will be affected and the community as a whole.

### ***Equality Act considerations***

- 6.15 The public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender re-assignment.
- 6.16 The Council is committed to improving the quality of life for all and to encouraging wider participation in the economic, educational, cultural, social and community life in the Borough.

The Council has considered the likely impacts of the Order by reference to the requirements of this legislation, most recently at CDD 3. The Council considers that the Next Phase will deliver an attractive neighbourhood in this part of West Hendon and will be fully integrated with the wider community. The Next Phase will make a significant contribution to the provision of high quality private and affordable housing units in the Borough as well as providing community and recreational facilities.

- 6.17 Physical accessibility and legibility of the area will be improved for pedestrians and vehicle users on an Estate where this is currently poor.
- 6.18 All new dwellings will be built to 'Lifetime Homes' standards. 10% of new housing stock will be wheelchair accessible or adaptable units. Designated disabled car parking spaces will be provided. Those non secure tenants not accommodated within the new development will be re-housed by the Council in alternative accommodation based on an assessment of their needs or offered alternative assistance in finding housing.
- 6.19 The Next Phase will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages, a range of housing tenures, community and recreational facilities as well as public spaces which are accessible to all. The promotion of social cohesion, health and well-being along with the reduction of dependency are fundamental principles guiding the Next Phase.
- 6.20 As part of the 2019 planning application, an *equalities impact assessment* (EQIA) was undertaken CDB.2.04 for Plots 10-12. For each reserved matters application ("RMA") an updated EQIA will be provided (most recently for the RMA for Plots H and K).
- 6.21 The EQIA in respect of the 2019 planning application concluded that, whilst there is a risk that the regeneration of the Estate could, potentially, have a disproportionate adverse impact on those existing residents who share the protected characteristics of age and disability, this was mainly temporary impacts due to short term displacement of some residents, and construction impacts.
- 6.22 In these circumstances, the Council's housing team will provide assistance with finding other suitable accommodation and the phasing of the development will mean that no part of the Estate will be affected for the entire construction period, with most impacts confined to the areas directly adjacent to the construction site for that particular phase. Potential construction impacts such as noise, vibration and dust will be minimised and mitigated through the implementation of a Construction Environment Management Plan.
- 6.23 The majority of the impacts on protected groups in the long term are positive, owing to the proposed development providing high quality housing, new community facilities, new commercial space and associated employment, new public realm, high quality new and



improved play spaces, open space and improved movement/permeability. Overall, the EQIA considered these effects will benefit local people and businesses including those with protected characteristics.

- 6.24 All remaining 23 existing secure tenants within the Order Land have and will be assessed and will be offered a replacement property based on their household needs. They will be offered disturbance costs, statutory home loss payment and assistance with relocating if required. The Next Phase of the Scheme will deliver an inclusive place for people of all ages, a range of housing tenures, community and recreational facilities and public spaces which are accessible to all.
- 6.25 The redevelopment is being phased to ensure that existing secure tenants and eligible resident homeowners are able to be relocated into Development Plot A and only need to move once - thereby reducing stress and anxiety. Further details are set out at para 5.4 of Ms Lavers evidence. Ms Lavers at para 5.7 of her evidence sets out the assistance available to elderly or disabled residents that require their homes to be adapted.
- 6.26 The Council intends to continue to mitigate any potential adverse impact on the protected characteristics of age and disability through its decant policy by providing for removal and support services. In addition, feedback from consultation events shall be considered on an ongoing basis.
- 6.27 When granting the 2020 Permission for Plots 10-12, the Council, in its role as statutory planning authority, complied with the Public Sector Equality Duty (PSED). (Section 4 of the Committee Report) and concluded "that a decision to grant planning permission for the proposed development will comply with the Council's statutory duty under the above legislation" (Section 149 of the Equality Act 2010).
- 6.28 The Council's Assets, Regeneration & Growth Committee on 5<sup>th</sup> September 2016, (CDD 2) when making the decision to make up to 3 CPOS to implement Plots 10-12 of Stage B, concluded at Paragraph 5.6.6 that "having had due regard to its duty under the Equality Act 2010, the Council is confident that the delivery of the Scheme will contribute towards the social, economic, educational and cultural improvements for existing and future residents. It will also increase levels of social inclusion within a mixed and diverse community.
- 6.29 The Housing and Growth Committee on 13<sup>th</sup> September 2021, (CDD 3) when reviewing the progress made to date on these plots, the CPO programme going forward and an amendment to the redline for the proposed CPO, concluded at Para graph 5.7.6 that " Having had due regard to its duty under the Equality Act 2010, the Council is confident that the delivery of the Scheme will contribute towards the social, economic, educational and cultural improvements

for existing and future residents. It will also increase levels of social inclusion within a mixed and diverse community.

6.30 The EQIA was updated by the Council and Developer in early 2022 as part of the RMA and reached the same overall findings as the EQIA prepared for the 2019 Planning Application.

6.31 In promoting the next Phase of the Scheme, the Council is committed to improving the quality of life for all and to encouraging wider participation in the economic, educational, cultural, social and community life in the Borough. The Council has considered the likely impacts of the Order by reference to the requirements of Section 149. The Council considers the Next Phase of the Scheme will deliver an attractive neighbourhood and will be fully integrated with the wider community. It will make a significant contribution to the provision of high quality private and affordable housing units in the Borough as well as providing supporting infrastructure, educational and recreational facilities.

6.32 Throughout the project lifecycle the Council has had due regard to its equality duty. It has sought to ensure any disproportionate impact is understood and mitigated. In particular the impact affected parties within the CPO has been mitigated in a number of ways:

***Residential Leaseholders*** (Ms Lavers evidence at para 5.15 onwards):

- *Provision of a shared equity scheme accessible to residents which is in addition to the statutory compensation entitlement (see Shared Equity Offer CDC.13]*
- *Assistance in locating and securing alternative suitable accommodation where parties wish to relocate away from the estate.*
- *Provision of or compensation for special adaptations required for elderly or disabled leaseholders*
- *In undertaking negotiations to acquire leasehold interests an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's PSED's obligations.*

***Secure tenants*** (Ms Lavers evidence at para 5.4 ):

- *All secure tenants are assessed in accordance with the Council's Housing allocation policy and offered a new home suitable for their needs on the estate.*
- *Rehousing policy was prepared having regard to the Councils PSED obligations.*

- *Rehousing includes taking account of any protected characteristics, for example elderly or disabled secure tenants requiring special adaptations will be eligible to claim for these costs or the adaptations will be made to the new dwelling.*

**Non secure tenants** (Ms Lavers evidence at para 5.11 onwards):

- *All non-secure tenants are assessed in accordance with the Council's Housing allocation policy (CDF.11).*
- *The Housing Allocations Policy was prepared having regard to the Council's PSED obligations and is applied not only to the Next Phase but also across the Council's wider housing obligations.*

**Private tenants :**

- *Private tenants requiring and requesting assistance will be assessed in accordance with the Council's Housing policy.*
- *The Housing Allocations Policy was prepared having regard to the Council's PSED obligations and is applied not only to the Next Phase but also across the Council's wider homelessness obligations.*
- *Housing assistance has been offered to some private tenants with particular difficulties relocating who are not technically eligible for assistance as defined by the Compensation Code or Housing Allocations Policy.*

6.33 I believe that confirmation of the Order would be consistent with the Secretary of State's duties under the Equality Act 2010. On account of the steps taken by the Council and Developer in delivering the Next Phase there will be no disproportionate impact on any protected groups.

6.34 The Estate Regeneration National Strategy Resident Engagement and Protection (DCLG (now MCHLG), December 2016 (CDC.8)) and the Mayor's Estate Regeneration Guidance "Better Homes for Local People" (2018) (CDC.9) were published after the commencement of the Regeneration Project. However, the developer and the Council have adopted the recommendations in these documents as good practice.

**Compelling Case in the Public Interest**

- 6.35 The Order will secure the completion of the comprehensive redevelopment of the Next Phase. There is a compelling case in the public interest for, the delivery of the comprehensive redevelopment of the Next Phase. This Order should therefore be confirmed.

## 7. Compliance with CPO Guidance

- 7.1 In July 2019, the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on the Compulsory Purchase Process and the Crichel Down Rules, ('the 2019 Guidance'). In preparing and making the Order, the Council and the Developer have ensured that the 2019 Guidance has been followed.
- 7.2 The Guidance includes policy advice in respect of attempts to acquire all third-party property included within the Order by agreement.
- 7.3 Section 2 (second paragraph) of the Guidance states that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land included in the Order by agreement. Where land is being acquired by agreement, compensation should be paid as if it has been compulsorily purchased, unless the land is already on offer on the open market.
- 7.4 Section 3 (last paragraph), states that in order to reach early settlements, public sector organisations should make reasonable initial offers and be prepared to engage constructively with claimants about relocation issues and mitigation works and accommodation works where relevant.
- 7.5 Section 17 (first paragraph) sets out the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order. It advises that Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued except where land ownership is unknown or in question.
- 7.6 As set out at para 5.1 the Council and Developer achieved vacant possession of Noel, Nimrod, Nicholson, Nighthawk and Nisbet by negotiation which has enabled commencement on construction of Plot. Of the 517 residential properties within Council ownership, 23 are occupied by secure council tenants, 9 are held on long leasehold interests and approximately 367 are occupied by non-secure tenants. 54 long leasehold interests have been acquired by agreement and 14 council secure tenants have agreed relocation to a new home within Plot A (with the remaining having chosen to remain with Barnet Homes). At section 5 of her evidence, Ms Lavers sets out a summary of negotiations to date, and confirms that these will continue.

- 7.7 At section 5.2 I set out the process by which secure tenants are rehoused, and at para 5.3 I set out how non-secure tenants are rehoused. At para 5.7 I set out how resident leaseholders are assisted in remaining in home ownership and within the area. Further information is provided in the evidence of Ms Lavers at para 5.15 onwards. This demonstrates the Council's compliance with this element of the Guidance.
- 7.8 At para 5.4 I set out how the Council as freeholder has ensured that the 16 commercial units within the Order Land are let on tenancies with a six- month break clause to ensure that vacant possession of the properties can be achieved using landlord and tenant powers.
- 7.9 This demonstrates that the Council and Developer have taken reasonable steps to acquire the Order Land by agreement and been successful in doing so, demonstrating compliance with this element of the guidance.
- 7.10 Section 19 states that Acquiring Authorities should consider;
- offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead including the right to refer the matter to the Upper Tribunal (Lands Chamber) if an agreement cannot be reached.
  - offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate.
  - providing a "not before" date, confirming that acquisition will not take place before a certain time
  - where appropriate, consideration should be given to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition.
- 7.11 Residents have been provided with regular updates on Scheme progress, including the dates on which their property will be required, providing certainty and the ability to plan moves.
- 7.12 I am content that the Council's approach has been consistent with the Guidance in respect of efforts to acquire by agreement and assistance provided to residents to mitigate the impact of the Order.

## 8. Response to Objector

- 8.1 Only one objection has been made to the Order. It is from Mr Hamish Kay and Ms Miastkowska, who are the owners of 5 Hampden, Broadhead Strand. The objection CDC 8.01 firstly states that the planned redevelopment will destroy their right to light and that the development will affect their health, their property value and their garden. They consider that having a garden will become pointless as nothing will grow and dampness will affect their property rendering it almost uninhabitable.
- 8.2 The objection states that this impact is unacceptable to them unless considerable compensation is given. They would be uncomfortable selling their home, and consider it would be very difficult to sell, without this compensation.
- 8.3 The objector is not part of the land required to deliver plots 10-12. The property is not to be acquired or demolished as part of the Next Phase or included in the later phase of the Scheme. Furthermore this location was not raised as a concern during the planning process
- 8.4 As set out in the evidence of Ms Lavers at section 5.27 the Council and Developer has taken expert advice at various stages of the scheme design on the potential impact on light to neighbouring properties., In addition, (para 7.19 of Ms Lavers evidence) specific work was carried out in November 2022 to assess any right to light impact on 5 Hampden. This specific work showed that the interference in the right of light was minimal and would not justify a right to light claim.
- 8.5 Following this expert advice the Council is content that the evidence shows that the impact on the objector's right to light would be minimal.
- 8.6 Details of negotiations carried out by Avison Young on behalf of CfGP and the Council with this Objector are set out at Appendix 1 of Ms Lavers' evidence.
- 8.7 As set out in the evidence of Ms Lavers at 5.33 the objector will be entitled to statutory compensation following appropriation of the land for planning purposes if the impact on their right to light creates a reduction in the market value of their property.
- 8.8 The objector will receive statutory compensation for any reduction in the market value of their property due to the impact on rights of light. Furthermore, I am satisfied that the objector has been provided with further information on the potential right of light impact on their property, has

had their potential compensation entitlement explained to them and has been offered an independent surveyor to advise them on this matter.

- 8.9 Given the statement in his original objection that he considers the impact of the Scheme on his property to be unacceptable unless considerable compensation is paid (CDC.16), and his further conversations with Avison Young as set out in the evidence of Ms Lavers at para 7.18 and 7.21 I am satisfied that this ground of objection relates mainly to compensation rather than the principle of the Order itself.
- 8.10 I do not consider that this objection should prevent the confirmation of the Order.
- 8.11 In addition to Rights of Light, the Objector in his objection (CDC 8.01) stated that ‘... the full regeneration of Grahame Park should be completed rather than doing part of the estate which means their property will look out of sync with the part of the estate being redeveloped making it harder to sell their property’.
- 8.12 As set out in 1.17 above, the Original Scheme was designed in consultation with residents and did not include the Objector’s property. The Scheme boundary was not expanded to include the Objector property within the 2017 application or the 2020 permission.
- 8.13 Further I understand that in telephone conversations with Avison Young the freeholder has raised that he considers the whole Estate should be redeveloped at the same time and not as a phased redevelopment. Ms Lavers sets out at para 4.5 of her evidence and I have set out above at para 2.27 why that is not possible or beneficial to the residents of the estate or the wider area.
- 8.14 I do not think that either of these grounds of objection should prevent confirmation of the Order.

## 9. Conclusion

- 9.1 Having regard to the very significant public benefits to be achieved from the Next Phase, the significant progress made and the poor quality of the existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers to be necessary, justified and proportionate. The Council considers there to be a compelling case in the public interest for the confirmation of the Order to facilitate delivery of the Next Phase.

It is my opinion that If the Order is not confirmed, the Scheme is likely to be delayed, and may not be able to proceed. Attempts to assemble all of the land interests by agreement have been extensive but unsuccessful to date for the remaining interests and without certainty of an assembled site within the project programme it will not be possible to complete the Next Phase. Furthermore there is a danger that pockets of new development (plot A) would remain set within a severely out-dated housing estate. In such a scenario the full range of the wider social, environmental and economic benefits of the Next Phase would not be realised.

- 9.2 Confirmation of the Order remains essential not only for the regeneration of the estate but also delivery of a significant amount of new housing. The regeneration of Grahame Park has been a fundamental component of the Council's Housing Strategy since 2000 and remains a key objective in the adopted Local Plan. It is a major provider of affordable housing in the Colindale area.
- 9.3 Confirmation of the Order is therefore necessary if the Council is to achieve its planning, housing and other policy objectives outlined at para 7.7 above

#### **Declaration**

I believe that the facts stated in this proof of evidence are true.



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Martin Smith [date] 28th February 2023