

**The London Borough of  
Barnet (Grahame Park  
Regeneration Area)  
Compulsory Purchase  
Order (No. 2) 2022**

**Acquiring Authority  
Statement of Case**

Rule 7 of the Compulsory Purchase Order (Inquiries Procedure) Rules 2007

PCU reference; APP/PCU/CPOP/N5090/3301439

## Contents

1.	INTRODUCTION.....	3
2.	DESCRIPTION OF THE ORDER LAND AND SURROUNDINGS.....	9
3.	BACKGROUND.....	18
4.	DESCRIPTION OF THE SCHEME.....	26
5.	PLANNING POLICY CONSIDERATIONS.....	30
6.	DELIVERY STRUCTURE AND FUNDING.....	66
7.	EXPLANATION OF THE USE OF THE ENABLING POWERS.....	72
8.	PURPOSE AND JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS.....	75
9.	HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY.....	83
10.	EFFORTS TO ACQUIRE AND RELOCATION STRATEGY.....	88
11.	COUNCIL'S RESPONSE TO OBJECTIONS TO THE ORDER.....	93
12.	SPECIAL CONSIDERATIONS.....	95
13.	ASSOCIATED ORDERS.....	96
14.	CONCLUSION.....	97
15.	OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER.....	98
16.	INSPECTION OF THE ORDER AND ORDER DOCUMENTS.....	99

# 1. INTRODUCTION

- 1.1 This is the Statement of Case of the acquiring authority; the London Borough of Barnet ("the Council")
  - 1.2 The Council made The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order (No.2) 2022 ("the Order") on 12 May 2022.
  - 1.3 The Order was made pursuant to section 226(1) (a) of the Town and Country Planning Act 1990 ("the 1990 Act"), the Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").
  - 1.4 The Order was submitted to the National Planning Casework Unit for confirmation on 9 June 2022. The Secretary of State for Levelling Up, Housing and Communities (the **Secretary of State**), by way of a letter dated 28 September 2022, has decided (pursuant to section 14D of the Acquisition of Land Act 1981 and the "*Guidance on Compulsory Purchase Process and The Crichel Down Rules<sup>1</sup>*" (the **Guidance**)) to appoint an Inspector to act instead of him, to decide whether or not to confirm the Order.
  - 1.5 This Statement of Case summarises the Council's case for the making of the Order and addresses the one objection raised to the confirmation of the Order. It supplements the Council's Statement of Reasons which should be read alongside this Statement of Case.
  - 1.6 The regeneration of the Grahame Park estate is to provide new high quality residential units with infrastructure upgrades, improved transport links and a range of high-quality community and retail facilities. It is divided into two stages; Stage A for which the first CPO was made to acquire part of the land required, has been completed; Stage B is divided into plots numbered from 10 to 21. The Council's purpose in making the Order, and seeking its confirmation by the Secretary of State, is to enable the Council to acquire compulsorily the land included in Plots 10, 11 and 12 of Stage B which form the Order Land ("the Order Land") in order to facilitate the delivery of the next phase of the comprehensive regeneration of the Grahame Park Estate and its immediate environs ('the Scheme'). The Order land comprises approximately 630 residential units in 17 residential blocks and 25 commercial and community units known as the Concourse. The redevelopment of plots 10-12 ("the Next Phase"), will deliver 2,088 residential dwellings; up to 5,950 sqm of flexible non-residential floorspace (including replacement community facilities) and significant public realm improvements as more fully described in Section 4 of this Statement. The regeneration proposals will provide significant social, economic, and environmental improvements for existing residents.
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- 1.7 The Council granted planning permission for the Next Phase, Plots 10, 11 and 12 of Stage B of the Scheme on 31st July 2020 (“the 2020 Permission”),
- 1.8 The planning permission is for the demolition of 630 residential units and existing commercial, retail and community floorspace. It is detailed for the first 209 homes (Stage B, Plot 10, Development Plot A) with the rest in outline to provide a further 1,879 new homes and up to 5,510 sq., m (GEA) of flexible non-residential floor space. It also provides for the further realignment of Lanacre Avenue (to be known as Bristol Avenue).
- 1.9 The remaining plots in Stage B (plots 13 to 21) are part of potential future redevelopment or renewal/infill, with the delivery timescale yet to be determined. Further CPOs for will be made if required for these remaining plots.
- 1.10 The Next Phase (Plots 10,11 and 12) will be delivered by the Council’s development partner, Choices for Grahame Park Ltd, (“the Developer”) a special purpose delivery vehicle of Notting Hill Genesis Housing Association (“NHG”).
- 1.11 Negotiations to acquire the third-party long leasehold interests in the Order Land commenced in advance of the Order being made. Details of the purpose of the Order are included in Section 8 and a summary of negotiations to date are set out in Section 10 of this Statement. Whilst discussions with some of the third parties are at an advanced stage, it has not been so far possible to acquire the interests required to deliver the Development by agreement within a reasonable timeframe.
- 1.12 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, the MHCLG Guidance acknowledges that, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Compulsory purchase powers therefore need to be exercised now in order to ensure the timely delivery of the Development in the event that all necessary interests cannot be secured by agreement. However, attempts to acquire by agreement will continue to be made, with regular contact being made with all owners who have yet to engage fully or agree a negotiated settlement.
- 1.13 To secure the comprehensive delivery of the whole of Stage B, the Council resolved in December 2014 to make up to 3 Compulsory Purchase Orders (CPOs) for the acquisition of third-party property and rights. In September 2016 the Council resolved to make a CPO for the acquisition of third-party property and rights within Plots 10,11 and 12 of Stage B. In September 2021, the Council agreed to a

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revised redline for the making of a CPO for the acquisition of third-party property and rights within Plots 10, 11 and 12 of Stage B

- 1.14 This Statement is submitted to the Secretary of State in respect of the Order, the second CPO for the Scheme, to acquire all the land required to deliver the comprehensive regeneration of Plots 10, 11 and 12. The Order Land forms part of the Grahame Park Estate ("the Estate") as set out in more detail in section three.
- 1.15 The Council's Core Strategy designates the Estate as one of the Priority Housing Estates requiring regeneration to meet Decent Homes Standards. The estate was constructed in the 1960s and 1970s. Due to its design, layout and construction it is characterised by:
- poorly defined public and private space;
  - unsafe and difficult circulation routes owing to the Radburn style separation of vehicles and pedestrians
  - no clear connection between the Estate and the surrounding Colindale streets;
  - unappealing entrances to blocks and poorly maintained internal communal areas;
  - building fabric in need of repair and upgrade to meet current environmental and building standards
  - poorly placed local facilities and poor levels of shopping choice
- 1.16 The Next Phase of redevelopment within Stage B (Plots 10,11 and 12) reflects the Masterplan approved in the 2020 Permission ("the Masterplan") and will result in the comprehensive demolition of existing buildings within Plots 10, 11 and 12 of Stage B of the Estate and redevelopment to provide new housing (an increase of 1,345 new units) , new community facilities (including community centre and children's nursery), Critically, this next phase of Stage B will deliver the regeneration of the Concourse , the central area of the estate which the existing commercial and community uses are situated around, which represents a key constraint affecting the regeneration of Grahame Park and the delivery of a new spine road, Bristol Avenue, to open up vehicle, pedestrian and cycle connectivity of the area. This will be supported by a network of connected secondary and tertiary routes to significantly increase legibility and connectivity across the estate.

The Next Phase is being delivered through a sequential programme of demolition and redevelopment and is divided within the 2020 Permission into a number of new Development plots (A to Q) which are broadly split as follows.Stage B Plot:	Development Plot:
Plot 10	Development Plot A and B (Phase 1)
Plot 11	Development Plot D, E, F, C, Q, P (Phase 3)
Plot 12	Development Plot K, L, H, J, G (Phase 2)

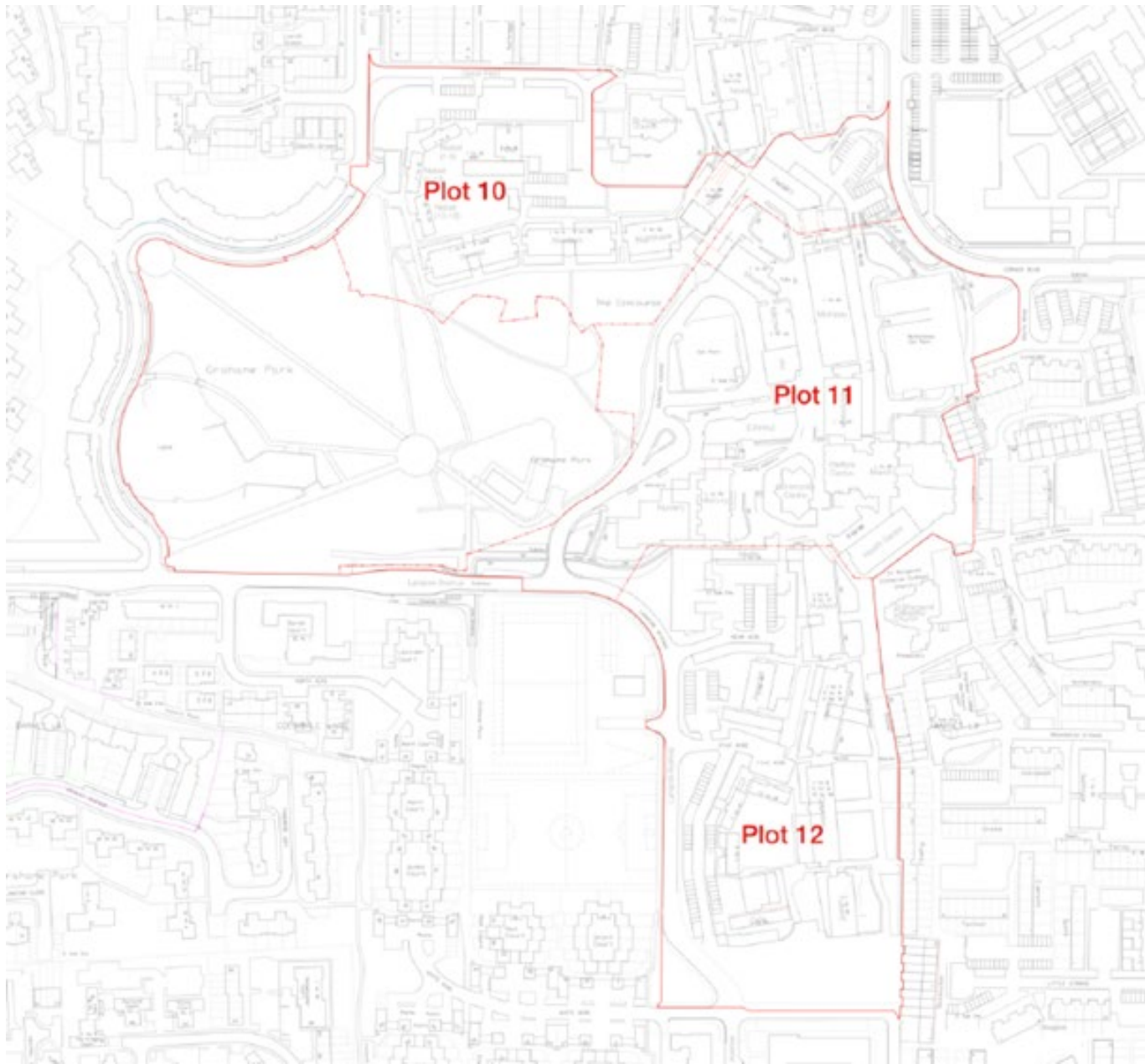
1.17 Following the securing of vacant possession by private treaty and completion of demolition and enabling works, construction of the first Plot of Stage B (Development Plot A, which forms part of Plot 10 of Stage B) has commenced and is due to complete Q1 2024. This will deliver all the homes required to re-house the remaining secure tenants and any eligible leaseholders in plots 10, 11 and 12.

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In November 2022, the Indicative construction commencement and completion dates by Plot and Development Plot are projected as follows:

Plot	Development Plot	Site Acquisition Completed	Construction Start on Site	Construction Completion
Plot 10	Plot A	Complete (Not within Order Land)	Oct 2021	Q1 2024
Plot 12	Plot K	Q1 2024	Q3 2024	Q1 2027
Plot 12	Plot H	Q4 2024	Q3 2025	Q1 2028
Plot 12	Plot L	Q4 2024	Q3 2026	Q3 2028
Plot 12	Plot G	Q4 2024	Q1 2027	Q1 2029
Plot 12	Plot J	Q4 2024	Q3 2027	Q1 2030
Plot 11	Plot P	Q1 2027 onwards	Q3 2028	Q3 2030
Plot 10	Napier block (only remaining part of Plot 10 where site acquisition is not completed)	Q1 2027 onwards	Q3 2028	Q3 2030
Plot 11	Plot D	Q1 2027 onwards	Q1 2029	Q2 2031
Plot 10	Plot B	Complete (not within Order Land)	Q4 2029	Q1 2033
Plot 11	Plot E	Q1 2027 onwards	Q3 2031	Q4 2033
Plot 11	Plot F	Q1 2027 onwards	Q2 2032	Q3 2034
Plot 11	Plot C	Q1 2027 onwards	Q1 2033	Q2 2035
Plot 11	Plot Q	Q1 2027 onwards	Q2 2034	Q4 2036

- 1.18 The developer and the Council have commenced negotiations for the acquisition where required, of third-party long leasehold interests in the Order Land, with a view to purchasing their interests by private treaty and have Secretary of State consent to use Ground 10A of Schedule 2 of the Housing Act 1985 to take possession of the secure tenancies. Where vacant possession can be secured via landlord and tenant powers, the Council has identified this and included within the programme for the Next Phase.
- 1.19 Compulsory purchase powers are being sought in respect of the Order Land to ensure the timely delivery of Plots 10-12 of the Scheme, in the event that attempts to acquire all the necessary interests by agreement are not successful.
- 1.20 The Council considers that there is a compelling case in the public interest for it using its powers of compulsory acquisition for this purpose. This Statement has been prepared in accordance with the CPO Guidance.

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## 2. DESCRIPTION OF THE ORDER LAND AND SURROUNDINGS

- 2.1 The Order Land comprises approximately 64,967 square metres of land to be acquired and forms part of the Estate.
- 2.2 The Grahame Park estate is generally bounded to the north by Field Mead, to the west by Lanacre Avenue, to the south by Grahame Park Way and to the east by Great Strand. The estate is well served by the strategic road network, with good access to the A5 to the west and the A41/A1 to the east. The borough boundary with the London Borough of Brent runs along the A5, whilst the M1 and the Thameslink railway are to the east.
- 2.3 The Estate originally comprised 1,777 units of predominantly social rented accommodation, along with a small neighbourhood shopping centre and various community facilities.
- 2.4 The Estate was constructed in the 1960's and 1970s on the former Hendon Aerodrome, which was one of the earliest aerodromes and aircraft factories in the country. It comprises a mixture of flats and houses, and commercial units and community facilities set within areas of green space.
- 2.5 The original estate was built according to the Radburn principles of separating vehicles and pedestrians. This resulted in a row of apartment blocks of generally 4-7 storeys on a north-south alignment, fronting onto a central pedestrian walkway, with open parking courtyards on the periphery. 2 and 3 storey houses with gardens were located along the north western and south eastern boundaries. A central pedestrianised shopping precinct, known as the Concourse, was created in the centre of the estate. It comprises mainly 5-7 storey apartment blocks and is where the majority of retail and community facilities are currently situated. 4 and 5 storey apartment blocks extend to the north and south of the Concourse, whilst the remaining accommodation is generally 2-3 storey houses and flats. 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.
- 2.6 In 2002 a Government Report<sup>2</sup> highlighted the following shortcomings of Radburn layouts:
- houses accessible to the front only by footpaths which create areas with poor surveillance;

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<sup>2</sup> The new towns: their problems and future – Transport Local Government and the regions committee report 603-1 session 2001-2002 <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmtlgr/603/603.pdf>

- 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 which tended to be perceived by residents as being unsafe.

2.7 As a consequence of the above, the levels of crime and anti-social behaviour are higher than other housing estates and residential areas in Barnet. The design of the houses mean that many have doors that open directly on to estate footpaths, offering a lack of defensible space. Flats have 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 is not successful, with a significant number 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.

2.8 Overall, the current layout of the Estate contributes to the problems experienced by residents such as anti-social behaviour. As evidenced by the findings of the 2019 Index of Multiple Deprivation (IMD),<sup>1</sup> Grahame Park is the fourth most deprived neighbourhoods in the Borough.

2.9 Structural defects and management problems with the Estate were identified soon after it was completed. In the early 1990's 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. Works are currently being undertaken by the Council to address issues of poor repair to enable the existing properties to continue to be used until they are demolished.

2.10 To address the issues identified above, the decision was made in 2003 to regenerate the estate following a vote by residents for comprehensive redevelopment of the estate.

### **The Next Phase (redevelopment of Plots 10,11 and 12)**

2.11 The Scheme is being delivered in two stages: Stage A and Stage B.

2.12 Stage A represented approximately a third of the land within the overall Scheme.

<sup>1</sup> [https://dclgapps.communities.gov.uk/imd/iod\\_index.html#](https://dclgapps.communities.gov.uk/imd/iod_index.html#)

- 2.13 A CPO to acquire the outstanding interests in Stage A Phase 1B was made on 7 November 2007. 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 23 January 2008.
- 2.14 The developer commenced Stage A works pursuant to the 2007 Permission. Between 2008 and 2017 the construction of phases 1A and 1B of Stage A were completed delivering 685 residential units.
- 2.15 In addition to provision of residential units, Stage A has delivered the following:
- an improved replacement children's facility (Greentop Centre) in December 2008;
  - the new realigned Lanacre Avenue (known as Bristol Avenue) opened in December 2014, which facilitated the development of plots 5, 6 7 and 8 as well as highways improvements;
  - the opening in September 2016 of a new state of the art hub for Barnet & Southgate College, relocated from its former site at Grahame Park Way and is now within 5 minutes walking distance of Colindale underground station and in close proximity of bus links ensuring an improved experience for students and the local community;
  - a replacement modern library and Centre for Independent Living integrated in the new College building;
  - Delivery of a new Barnet Council offices within Phase 1B (plot 1a) which completed in 2019.
  - a 420sqm Sainsburys local convenience store and two additional retail units of 390sqm and 196 sqm which is occupied by the pharmacy relocated from the concourse.
- 2.16 The next Phase of Stage B has commenced with the demolition and enabling works for Development Plot A and B of Stage B. The land required for these two Development plots was assembled by agreement. The Order Land comprises the remaining part of Plot 10 which includes the block known as Napier, and Development Plots C to Q of Plots 10 to 12.
- 2.17 The Estate currently accommodates a limited range of retail and community uses, most of which are located within the neighbourhood centre in the Concourse which is included in the next two Phases. There are currently 16 units which are occupied, including a convenience store and post office (recently re-opened). New retail floorspace has come forward as part of Stage A of the development, including a 420sqm Sainsburys local convenience store and two further retail units of 390sqm and 196sqm. The former pharmacy on the Concourse has relocated to one of the newly completed units in Stage A.
- 2.18 The Next Phase of redevelopment of Stage B includes the demolition of existing/former community facilities, including the community centre, the old library (recently reopened as a meanwhile community

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facility following the relocation of the Library into Stage A), the health centre and the former nursery/children's centre (closed in Autumn 2020). The Next Phase will provide a new Community Centre, and children's nursery. There is also the opportunity for the health centre to be re-provided on site if required, though it is currently anticipated that this will relocate to a larger purpose-built facility on the former Peel Centre site (Colindale Gardens) to the south of the Scheme close to Colindale Tube Station. The requirement to provide these facilities is included in the Principal Development Agreement (PDA) between the developer and the Council. The PDA specifies in cash terms the contribution that the developer is required to make to the provision of these facilities and provides a mechanism for uprating these contributions to reflect inflation up to the point at which they are built. These obligations have been included in the agreed Next Phase Section 106 agreement as part of the 2020 permission.

## **Order Land in the Context of the wider Scheme**

- 2.19 The Order Land (Plots 10 to 12 of Stage B) is situated to the north and east of Stage A which was completed in October 2019. The Council has recently commenced proposals to regenerate part of the Estate to the north of Plots 10 to 12 (plots 13 -16). Consultation with residents will take place in the coming months with the aim of submitting a planning application in late 2023.
- 2.20 The Council and Developer have jointly ensured that the appropriate preparation has been carried out in advance of the making of the Order. In accordance with best practice and the MHCLG Guidance, specifically Tier 1, 20 which emphasises the importance of making sure that a CPO is made correctly including recording the names and addresses of all those with an interest to be acquired, a specialist land referencing company has been appointed by the Developer to carry out all the required due diligence prior to making of the Order. Specialist company Gateley Hamer has carried out extensive due diligence on behalf of the Council and the Developer to obtain accurate information on the land ownership of the Order Land and surrounding properties.
- 2.21 This has included: obtaining Land Registry title information; site visits; and issuing of requisitioning notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The most recent work was carried out from February to April 2022 including verification of information. The Council is satisfied that all the required due diligence has been carried out to establish ownership of the Order Land.
- 2.22 The detailed boundary of the Order Land is shown on the Order Map. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire all third party proprietary interests and existing rights.

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2.23 The Order Land comprises the following key interests (Table One below) as set out within Table 1 of the Order Schedule.

Property	Description
Ground floor 1-7 The Concourse	Commercial Premises
Ground floor 7A,7B,7C The Concourse	Commercial Premises
Ground Floor 9-12 The Concourse	Commercial Premises
Ground floor 13 to 16B The Concourse	Commercial Premises
Ground floor 17-20 The Concourse	Commercial Premises
The Old Library, The Concourse	Commercial Premises
Former Flightways Resource Centre, The Concourse	Commercial Premises
Grahame Park Community Centre, The Concourse	Commercial Premises
Grahame Park Health Centre, The Concourse	Commercial Premises
Former Hind and Hart Public House, The Concourse	Commercial Premises
The Former Orion Starbeam Nursery, The Concourse	Commercial Premises
1-13 Napier, The Concourse	Residential Premises
16-42 Napier, The Concourse	Residential Premises

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Car Park to the west of Corner Mead and east of Long Mead	Car Park and Land
Gas Governor and Car Space	Gas Governor and Car Space
1-24 Nardini, The Concourse	Residential Premises
1-20 Moorhouse, The Concourse	Residential Premises
Car Park west of Mitchell, The Concourse	Car Park and Land
1-26 Mitchell, The Concourse	Residential Premises
Electricity Sub-Station, situated east of highway known as Quakers Course	Electricity Sub-Station
1-4 Moineau, The Concourse	Residential Premises
6-60 Moineau, The Concourse	Residential Premises
Car Park to the West of Long Mead	Car Park and Land
Car Park to the East of Long Mead	Car Park and Land
Former Multi-Storey Car Park, Grahame Park Garages	Ground Maintenance Store, Boiler House, Electricity Sub-Station and yard
Car Park North-West of Flat 6, Lynx, South Mead	Car Park and Land
Car Park East of Grahame Park Health Centre, The Concourse	Car Park and Land
1-20 March	Residential Premises
1-45 Martynside	Residential Premises

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1-39 Mercury, The Concourse	Residential Premises
42-50 Mercury, The Concourse	Residential Premises
1-24 Kemp, The Concourse	Residential Premises
1-6 Hudson, Near Acre	Residential Premises
8-24 Hudson, Near Acre	Residential Premises
26-47 Hudson, Near Acre	Residential Premises
1-30 Merlin, The Concourse	Residential Premises
Car Park, Disused Play Area and Sports Court, South of Merlin and East of Lanacre Avenue	Car Park and Sports Facilities
Electricity Sub-Station, West of Merlin, The Concourse	Electricity Sub-Station
Garages 13-21 Near Acre,	Garages and Premises
Garages 22-30 Near Acre,	Garages and Premises
Car Park to East of Lanacre Avenue	Car Park and Land
1-20 Heracles, Five Acre	Residential Premises
Car Park East of Lanacre Avenue	Car Park and Land
1-6 Hector, Five Acre	Residential Premises
8-14 Hector, Five Acre	Residential Premises
24-30 Hector, Five Acre	Residential Premises

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1-8 Gauntlet, Five Acre	Residential Premises
10-16 Gauntlet, Five Acre	Residential Premises
19-26 Gauntlet, Five Acre	Residential Premises
28-34 Gauntlet, Five Acre	Residential Premises
Car Park, Five Acre	Car Park and Land
Land Formerly Known as Garages numbered 16-29 and Car Park west of Gates and east of Lanacre Avenue	Land
Garages numbered 35-43 west of Gates and east of Lanacre Avenue	Garages and Land
Car Park, North of Percival Avenue	Car Park and Land
Land Formerly Known as Garages numbered 30-34 and 45-51 and Car Park West of Gates and East of Lanacre Avenue	Land
1-6 Gates, Five Acres	Residential Premises
7-12 Gates, Five Acres	Residential Premises
13-18 Gates, Five Acres	Residential Premises
1-16 Galy, Hundred Acre	Residential Premises
1-22 Folland, Hundred Acre	Residential Premises
Car Park, north of Hazel Close	Car Park and Land

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- 2.24 The Council is the freehold proprietor of the majority of the Order Land. Details of all parties with an interest in the Order Land are set out in the Order Schedule. Table 1 of the Order Schedule interests are summarised above, and Table 2 of the Order Schedule includes all interests where the Council, the developer and their advisors have identified that there could be a potential claim for compensation due to a right affected by the Scheme underpinning the Order, such as a right of access or light.
- 2.25 Section 10 of this Statement sets out further information on the efforts that have been made to acquire the third-party interests by private treaty. Negotiations are on-going.

### 3. BACKGROUND

3.1 The Grahame Park Estate is located in North West London in the Colindale Ward within the London Borough of Barnet. 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 1960's and construction was completed in the 1970's. It was transferred to the Council in the early 1980's and originally comprised 1,777 residential homes.

3.2 Colindale underground station is located approximately 400m from the southern edge of the Estate (Colindale Avenue) and Mill Hill Broadway is located approximately 1.2km to the north of the site. There is also good access to the strategic road network with the A5 to the west and the A41/A1 to the east.

3.3 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.

3.4 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

3.5 The Council identified a correlation between the highest deprivation levels in the Borough and its largest social housing estates<sup>3</sup>. 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

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<sup>3</sup> Barnet Housing Strategy 2000-2003 pg 24

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.

- 3.6 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.
- 3.7 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.
- 3.8 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").
- 3.9 On 31<sup>st</sup> January 2007 the Council granted Outline Planning permission for the comprehensive regeneration of the Grahame Park Estate, (the 2007 permission). 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.
- 3.10 The regeneration was to be delivered in two parts: Stage A and Stage B. As set out in Paragraph 2.11 to Paragraph 2.16, Stage A has been delivered.
- 3.11 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

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masterplan had been approved in 2007. The Grahame Park SPD breaks down Stage B into three phases (across plots 10-21) and was adopted in 2016.

- 3.12 This was subsequently followed by the submission of a hybrid planning application, reference 17/2840/OUT, for the phased redevelopment of Plots 10-12 of Stage B, 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 so a new brief and masterplan were required.
- 3.13 A new masterplan for the redevelopment and regeneration of Plots 10-12 was developed by the developer for the 2019 planning application (the "2019 application"), (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. The proposals were also subject to a Design Review by CABI and three stages of public consultation took place, feedback from which has informed the masterplan proposals. The revised masterplan 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.
- 3.14 By addressing the reasons for refusal of the 2017 application in the revised planning application for Plots 10, 11 and 12 of Stage B, (reference 19/5493/OUT), the 2019 Planning Application was approved on 31 July 2020 ("the 2020 Permission").

## Consultation

- 3.15 Throughout the process, the developer and the Council have been committed to extensive consultation and engagement with local residents and community stakeholders. The developer actively supports several local groups, which includes financial and governance support for Colindale Communities Trust and support and commissioning of over 30 other charities and community groups under a Framework for Neighbourhood Change and the extensive Make it Happen skills and employment programme.

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## Consultation Relating to Stage A 2002-2014

- 3.16 Consultation on the regeneration proposals for the Grahame Park Estate has been ongoing with the local community since 2002. 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.
- 3.17 During the formation of the masterplan for the original 2007 permission, 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.
- 3.18 Along with regular newsletters being delivered on Grahame Park to keep residents updated and informed following the 2003 ballot, the following consultation processes/community engagement were undertaken to inform the 2007 masterplan:
- Drop-in surgeries held on the estate twice a week
  - Homeowners provided with comprehensive handbook
  - Exhibitions and design group sessions held on the estate by the Council and the Developer
  - Fundays and children's workshops
  - Readily accessible the developer staff team based on the estate for resident queries.
- 3.19 A Resident Neighbourhood Panel ("the Neighbourhood Panel") was set up in 2002 comprising a representative group of residents who, supported by the Independent Residents Advisor (and the Council and the developer if required) considered matters such as the decanting policy, phasing of the Scheme, tenancy conditions and explored new methods of engaging residents in the regeneration process.
- 3.20 There was also significant engagement with residents, the wider community and relevant stakeholders on the delivery of the Stage A regeneration proposals for the Estate, with the developer and the Council continuing to engage with residents of the Estate throughout delivery of the Stage A plots:

## Consultation Relating to Stage B 2015-2016 - SPD

- 3.21 As set out at paragraph 3.12, a new masterplan was prepared in 2016 due to changes that had taken place since the submission of the outline masterplan application. Consultation with the community was

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undertaken between February 2015 - March 2016 in two phases to inform a new Supplementary Planning Document (SPD). The first phase of consultation commenced in February 2015 for the purpose of addressing the following five themes:

- Creating better neighbourhoods
- Improving accessibility
- Enhancing green assets
- Improving community facilities
- Creating quality family friendly housing

3.22 The Council sent out feedback forms, over 5,800 letters and facilitated drop-in sessions where over 150 local residents and stakeholders attended to review the outline masterplan supporting the proposed Supplementary Planning Document (SPD).

3.23 A summary of feedback from the consultation events identified the main objectives for the draft SPD as follows:

- Replace or retain key community facilities
- Provision of a new community hub that is accessible to all
- Improvement of transport links, pedestrian and cycle facilities for the purpose of better connectivity within the estate and with surrounding areas
- Create a safe environment with well-lit and overlooked streets through better design of roads, housing and open spaces etc.

3.24 The second phase of consultation was undertaken between February – March 2016 on the draft SPD. Approximately 5,800 letters were sent out to all properties on the estate within a 350m radius. Over 60 attendees and stakeholders (Local Ward Councillors, GLA Assembly Member and representatives from the Colindale Communities Trust) attended the consultation events facilitated by the Council. 11 representations were received during this consultation period leading to minor amendments to the SPD and the Sustainability Assessment to address the issues raised.

3.25 The SPD was adopted by the Council in July 2016 setting the key principles to guide the regeneration of Grahame Park over the next 15 – 20 years.

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- 3.26 During this time there were also Ground 10A Information evenings (11th and 14th November 2015) with accompanying correspondence to advise secure tenants of the proposals and seek their views (letter dated 7th December 2015).
- 3.27 Prior to the submission of the 2017 application, extensive consultation was undertaken with the local community and key stakeholders. The key reasons for the refusal of the application were not the principle of redevelopment but the insufficient re-provision of social rented homes and the need to secure a transport contribution.

## **Neighbourhood Change and NHG's Wider Social Economic Programme – 2017 to 2019**

- 3.28 Neighbourhood Change workshops, facilitated by the developer and the Council, were conducted between February – July 2017 to identify strategic priorities and develop a shared long-term vision for the neighbourhood regarding the development of the estate. These were followed up with further workshops between September to March 2018.
- 3.29 A Neighbourhood Change Framework was set up with over 30 organisations agreeing to work together to strategically deliver complementary programmes of community activity to address four key themes: Community Safety, Health and Wellbeing, Economic Inclusion, and Influencing public spaces. An independent evaluation of the social and economic work took place between September 2017 to December 2019. This was initially known as Grahame Park Theory of Change (ToC) but changed by consensus to Grahame Park Neighbourhood Change. A mix of qualitative and quantitative data from primary and secondary sources was used for the evaluation which included residents, partners, and key stakeholders. This approach has enabled Grahame Park to have in place a Social Impact Framework that measures the medium and long-term impact of the interventions and demonstrates on an ongoing basis what real neighbourhood changes are taking place. Health and wellbeing were themes raised by local residents with a focus on the need for community facilities, improvements to community safety and education and employment and training opportunities.
- 3.30 A new library, Centre for Independent Living, new premises for Barnet and Southgate College, new Council offices and a Sainsbury's supermarket were all delivered under Stage A.
- 3.31 NHG have committed a minimum of £2.4 million over 20 years to contribute to social and economic outreach projects on the estate in addition to providing a fully staffed socio-economic investment and project management team over the life of the project. This supports community led organisations such

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as the Colindale Community Trust, the Health and Wellbeing Programme and employment programmes.

3.32 In January 2019, the Mayor of London approved a £200,000 grant under the GLA's Good Growth Fund with further funding provided by the Council and NHG to refurbish the old Library as a Community Employment Training and Enterprise Hub. Since then, NHG has brought together a number of partners to provide advice, training and mentoring to promote employability amongst residents under the innovative "Make It Happen" programme and the NHG regeneration staff are also co-located within the space. NHG and the Council also continue to work together to maintain activity on The Concourse in the interim, for example recently installing an outdoor gym, community garden and delivery of meanwhile uses in empty retail units.

## **Consultation relating to the Next Phase**

3.33 In developing the plans for the Next Phase and prior to submission of the hybrid planning application (19/5493/OUT), (the "2019 application"), extensive consultation with the local community was undertaken, including four drop-in consultations during March and May 2019 and an exhibition at Grahame Park Festival during July 2019. These events were attended by the design team for the scheme along with representatives from the developer, the Council and Barnet Homes who were available for residents to have one-to-one consultation with residents about the proposals and their housing needs. Information was provided online where online feedback forms were available. The consultation was widely publicised via a newsletter drop to all dwellings on the estate and posters put up around the estate to ensure all members of the public within the estate and surrounding area were able to access the proposals to give their views and comments. There were also consultations with existing businesses on the Grahame Park Estate and surrounding area, Friends of Heybourne Park, Saint Augustine's Church and St Margaret Clitherow Church. The outcome of the consultation was set out in the Statement of Community Involvement submitted with the 2019 application.

3.34 In April 2021, the Council also undertook consultation advising secure tenants of the proposals as part of the Ground 10a Application to the Secretary of State. Three responses were received regarding the new development to which responses were provided:

- *Outgoings being higher* - Response: rents will be set based on a government formula.
- *Wanting a house and garden/ground floor with parking space* - Response: will be considered as part of the housing assessment.

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- *Concerns regarding noise above retail units* - Response: no social housing will be above retail.
- 3.35 The Council concluded there was no substantive reason not to apply to the Secretary of State for approval of the Ground 10a application.
- 3.36 In recent years, guidance has been issued by GLA and the Mayor of London on good practice and principles to be adopted by local authorities when undertaking estate regeneration schemes. The 'Better Homes for Local People' published in February 2018 ("Mayor's Estate Regeneration Guidance) builds on the guidance set out in the 'Estate Regeneration National Strategy' by The Department for Communities and Local Government (DCLG) published in December 2016. The Mayor's Estate Regeneration Guidance advises that for estate regeneration to be a success there should be resident support for proposals, based on full and transparent consultation from the very start of the process, and meaningful ongoing involvement of those affected. The redevelopment of Grahame Park commenced prior to these publications. However, in developing its proposals for the regeneration of the Estate and surrounding area, the developer has, together with the Council, developed a strong offer for secure tenants and resident leaseholders and undertaken extensive consultation with the residents of the Estate and the surrounding local community at all stages of the development and will continue to do so as outlined below to ensure the Scheme reflects local needs.
- 3.37 Since the granting of the 2020 Permission, the developer has submitted a Reserved Matters Application for the next phase of Stage B Development Plots – K and H). – Council Planning Reference 22/2599/RMA. This application was submitted on the 13 May 2022 and validated on 16 May 2022. This includes 364 homes, replacement community centre, a housing office, energy centre, public realm improvements and wider infrastructure. There have been consultations with local residents and the wider community during the development of the planning application, including a winter public consultation event in December 2021. The project team have also engaged with a range of key stakeholders during a series of consultation events.
- 3.38 To support the ongoing regeneration, the Council and the developer appointed an Independent Resident Advisor to work with and support the residents on the estate. A Partnership Board has been re-established to provide oversight and comment on all aspects of the delivery of the regeneration of Grahame Park, which includes the developer, Council Officers, Ward Councillors and resident representatives.
- 3.39 There is also a dedicated quarterly newsletter sent to all residents in the local area (including the estate) and a website where consultation material can be viewed.

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## 4. DESCRIPTION OF THE SCHEME

4.1 The Scheme is the comprehensive redevelopment of the Estate to provide a high-quality residential regeneration scheme 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.

4.2 The Council's vision for the redevelopment of Grahame Park is to create;

- a successful, family-friendly neighbourhood, incorporating high standards of good design, a good mix of uses and a layout that will meet the needs of current and future generations;
- an inclusive community for new and existing residents living together in a safe, accessible environment;
- an area known for high quality affordable and private homes that address local needs, with excellent parks and streets accessible to all; and
- a place with a strong sense of community.

4.3 The objectives of the Council in promoting the Scheme overall and the Next Phase for Plots 10,11 and 12 can be summarised as follows:

- 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 north to south to create new connections especially north to Mill Hill Broadway station, and 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 air source heat pumps;
- Prioritising existing secure tenants and those on the housing waiting list by delivering affordable housing early;
- Delivering at least 1,000 new homes within the next 10 years.

4.4 The Council as Local Planning Authority granted permission for a hybrid planning application (“the 2020 Planning Permission”) on 31 July 2020 for the;

*“demolition of 630 residential units and existing commercial, retail and community floorspace, and the phased redevelopment of Plots 10-12 of Grahame Park comprising a full planning application for the redevelopment of Plot A and an outline planning application for the redevelopment of Plots B to Q for up to 2,088 residential units and up to 5,950sqm (GEA) of flexible non-residential floorspace.*

*Full planning permission is sought for the demolition of 113 existing homes and the redevelopment of Plot A comprising the erection of 5 buildings between 3 and 11 storeys to provide 209 new homes and 440sqm (GEA) of non-residential floorspace (Use Class A1, A2, A3, B1), landscape, public open space and public realm, associated car parking, cycle spaces and other associated works. Outline planning permission (scale, layout, landscaping and appearance reserved) for the demolition of 517 existing residential units, buildings and structures on Plots B to Q, and the redevelopment of the site in a series of phases to provide up to 1,879 new homes and up to 5,510sqm (GEA) of non-residential floorspace within classes A1, A2, A3, A4, B1, D1 and D2 including a community centre and childrens day nursery in buildings ranging in height from 3 storeys to 15 storeys, with associated public open space, hard and soft landscaping, public realm, car parking spaces, and cycle parking spaces, stopping up and diversion of Lanacre Avenue and associated works (SUBJECT TO SECTION 106 LEGAL AGREEMENT) | Grahame Park Estate Colindale London NW9 5XA”*

4.5 A Reserved Matters application was submitted on 13 May and validated on 16 May 2022 seeking approval of layout, scale appearance, access and landscaping in respect of Plots H and K (Planning Reference 22/2599/RMA). This will include the delivery of 364 new homes, the replacement community centre, housing office, commercial space, public realm and infrastructure (including initial work on the

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next section of the new spine road linking with Bristol Avenue). This application is currently being considered by the planning authority with a decision expected shortly.

- 4.6 Reserved Matters applications for the remaining plots will be submitted in line with the programme.
- 4.7 Section 5 of this Statement sets out further information about the planning position including details of the 2020 Planning Permission, the relevant planning policies and compliance of the Next Phase with the strategic planning framework.
- 4.8 As stated above, the Order is required to deliver the development of Plots 10,11 and 12 and the Order will enable all the remaining land required for the Next Phase to be assembled to deliver modern, high-quality homes. All new homes will be 'accessible and adaptable' dwellings in line with Part M Volume 1 of the Building Regulations; they will comply with the Mayor's Housing SPG (2016) and the development will be provided with low carbon heat networks served by Air Source Heat Pumps as required by the London Plan.
- 4.9 The Next Phase will deliver 50% of units as affordable housing as required by the .106 agreement for the 2020 Permission, both in terms of habitable rooms and floorspace as required by the London Plan and the Draft Barnet Local plan (346 social rent homes and 699 Shared Ownership homes). On completion of the redevelopment of Plots 10,11 and 12, the provision of social rented and London Affordable rent units, will exceed the original number on the estate of both habitable rooms/quantum of floorspace across Stages A and Plots 10 to 12 of Stage B of the estate development. Of those affordable housing units, 38% will be low cost rented accommodation by habitable room, thereby enabling all remaining secure tenants in Plots 11 and 12 to be rehoused on the estate with one move, with the remaining units (62%) being intermediate shared ownership. The table below details the proposed overall unit mix for the 2020 permission.

Size	Social Rent/ Affordable Rent Units	Shared Ownership Units	Private Units	Total Units
Studio	0	0	75	75
1-Bed	123	417	430	970
2-Bed	147	282	415	844
3-Bed	53	0	123	176
4 Bed	22	0	0	22
5 Bed	1	0	0	1
<b>Total</b>	<b>346</b>	<b>699</b>	<b>1043</b>	<b>2088</b>

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- 4.10 The Scheme will re-integrate the development with the adjoining neighbourhoods and key transport hubs and facilitate improved pedestrian and cycle connections throughout the local area, especially with the realignment of Lanacre Avenue onto a new central 'spine' road (Bristol Avenue) running north to south. Secondary and tertiary routes are proposed to connect the site to adjacent neighbourhoods.
- 4.11 The development of the Next Phase will provide new high quality residential buildings, infrastructure, community facilities and public realm.
- 4.12 The green spaces and amenity land in and around the Order Land are comprised predominantly of grassland with little landscaped design and no clear designation between private and public space. Trees planted as part of the original estate are of variable quality and in places encourage segregation and overshadowing. The development will redistribute green space throughout the development to provide a network of streets with hedges, shrubs and trees, parking areas interspersed with trees, private gardens and gardens at podium level providing shared amenity space, improved open space in Heybourne Park and a play street at the south of the site. More trees will be planted than those removed to make way for buildings and older damaged or disease-prone trees will be replaced with new trees.
- 4.13 Due to the layout of the estate, the local shops within it only serve the estate and offer a limited retail choice with several shops vacant or being used as meanwhile uses. The retail units to be provided will be located to the south of the site closer to Colindale and the existing office and educational uses delivered as part of Stage A, with a much greater footfall due to pedestrian and cycle movements being funnelled along the new Bristol Avenue spine road. The new community facilities comprising the Community Centre, Children's Nursery and the Housing Office will be located along Bristol Avenue thereby being more accessible. All non-residential uses will be assigned as 'flexible space' thereby allowing the development and distribution of specific space to be refined within each Reserved Matters Application to adapt to the needs of residents and the wider community.
- 4.14 This Order will enable the land required for the remainder of the Next Phase to be assembled to deliver high-quality homes which fully meet modern standards.

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## 5. PLANNING POLICY CONSIDERATIONS

- 5.1 Tier 2, Section 1, paragraph 104 of the DLUHC Guidance requires that any programme of land assembly needs to be set within a clear strategic framework and this is particularly important when acquiring land under section 226(1)(a) of the 1990 Act. It requires the planning framework to provide the justification for an order and to be as detailed as possible to demonstrate there are no planning or other impediments to its implementation. Tier 2, Section 1, paragraph 106 of the DLUHC Guidance advises that the Secretary of State can be expected to take into consideration whether the purpose for which the land is being acquired fits in with the adopted Local Plan and the National Planning Policy Framework.
- 5.2 A comprehensive appraisal of the Next Phase and all relevant planning policy at the time is set out in the Officer's report to the Council's Strategic Planning Committee on 2nd March 2020, who considered the planning application for Plots 10 to 12 and granted planning permission in July 2020 ("the 2020 permission"). The Council considers that the Next Phase substantially accords with the current adopted planning framework.
- 5.3 The following paragraphs summarise how the Next Phase meets key planning policy objectives of the strategic planning framework and how the purpose for which the land is being acquired fits in with the adopted development plan and the revised National Planning Policy Framework ("NPPF"), as required by Government Guidance Tier 2, Section 1, paragraph 104 of the 2019 Guidance.
- 5.4 Since the Council's decision on the 2020 permission there have been updates to the NPPF and the London Plan. In July 2021, Government published a revised NPPF which replaces the original March 2012 version, revised July 2018 version and updated February 2019 version. The Mayor of London adopted a new London Plan in March 2021 which replaced the 2016 version of the London Plan. The 2021 NPPF and London Plan 2021 both form part of the current planning framework for the Scheme. As set out below, the Next Phase accords with the planning framework and the 2020 Planning Permission delivers the policy objectives as part of the Scheme.

### Strategic Planning Framework

- 5.5 There is a clear planning framework for the Scheme and the Next Phase (both that in place at the time the 2020 permission was granted and the earlier planning permissions, which has been founded on an

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appropriate evidence base and has been subjected to consultation. The key components of the planning framework are:

- The NPPF (2021);
- National Planning Practice Guidance;

The Development Plan which comprises:

- The London Plan (2021);
- London Borough of Barnet Local Plan – Core Strategy 2012;
- London Borough of Barnet Development Management Strategies (2012);
- Colindale Area Action Plan (March 2010);

Supplementary Planning Guidance / Documents:

- Mayor of London Energy Assessment Guidance (June 2022)
- Mayor of London Circular Economy Statements LPG (March 2022);
- Mayor of London Whole Life Carbon Assessments LPG (March 2022);
- Mayor of London 'Be Seen' energy monitoring guidance (September 2021);
- Better Homes for local people: The Mayor's Good Practice Guidance to Estate Regeneration (February 2018);
- Mayor of London Affordable Housing and Viability SPG (2017);
- Mayor of London Housing SPG (2016);
- Mayor of London Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG (2014)
- Mayor of London Shaping Neighbourhoods: Play and Informal Recreation SPG (2012);
- Grahame Park SPD (2016);
- London Borough of Barnet Residential Design Guidance SPD (2016); and
- London Borough of Barnet Sustainable Design and Construction SPD (2016).

5.6 In addition, the Council is in the process of preparing a new Local Plan 2037. The Council consulted on the Regulation 19 draft Local Plan between 28 June to 9 August 2021. The draft Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. An Examination in Public (EiP) commenced on 20 September 2022 and the hearing sessions are due to close in mid-November 2022.

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5.7 The Mayor of London is currently preparing a number of new and updated SPGs and LPGs (London Planning Guidance) including:

- Fire Safety LPA (consultation draft) (February 2022);
- Characterisation and Growth LPG (consultation draft) (February 2022);
- Housing Design Standards (consultation draft) (February 2022);
- Optimising Site Capacity: A Design-led Approach LPG (consultation draft) (February 2022);
- Sustainable Transport, Walking and Cycling LPG, (consultation draft) (September 2021);
- Urban Greening Factor LPG (consultation draft) (September 2021); and
- mm
- Air quality positive LPG, consultation draft) (November 2021).

5.8 As Reserved Matters Applications are brought forward, they will take account of these new SPG as appropriate.

5.9 The following paragraphs summarise how the Scheme delivers the key planning policy objectives for the area and is set within a clear strategic framework in accordance with the DLUHC Guidance. It summarises how the Scheme fits in with the adopted Development Plan as well as the draft Local Plan.

### **Principle of the development: The redevelopment and regeneration of Plots 10, 11 and 12**

5.10 The principle of the residential-led mixed use redevelopment and regeneration of Plots 10, 11 and 12 (“the Next Phase”) of the Grahame Park Estate on previously developed land is strongly supported by the planning framework at national, regional and local level. National guidance through the NPPF seeks to ensure sustainable development within three key dimensions: economic, social and environmental. It seeks to achieve positive improvements to the quality of the built environment, as well as people’s quality of life and create mixed and balanced communities. The NPPF places a strong emphasis on the creation of mixed-use development and the development of previously developed land or “brownfield” land to promote the principles of sustainable development and the effective use of land.

5.11 Likewise, the London Plan 2021 encourages the reuse of previously developed land and seeks to optimise sustainable development within London’s Opportunity Areas. London Plan Policy SD1 (Opportunity Areas) advises that the Mayor will support regeneration in Opportunity Areas including the Colindale Opportunity Area which has been identified as having capacity for a significant number of homes (indicative capacity of 7,000 additional new homes) and jobs (indicative capacity of 2,000 jobs).

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- 5.12 London Plan Policy GG2 (Making the best use of land) promotes sustainable mixed-use places that make best use of the land. It encourages development of brownfield land, particularly in Opportunity Areas and sites which are well connected by existing or planned public transport as well as identifying the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 5.13 London Plan Policy H8 (Loss of existing house and estate redevelopment) requires the loss of existing affordable housing to be replaced by new affordable housing at existing or higher densities with at least the equivalent level of overall floorspace. Part C of the policy requires boroughs, housing associations and their partners to always consider alternative options before considering the demolition and replacement of affordable homes. The potential benefits of demolition and rebuilding of homes has to be considered against the wider social and environmental impacts and the availability of Mayoral funding and any conditions attached to that funding. Supporting text to the policy advises that only once the objectives of an estate regeneration scheme have been formulated in consultation with residents, should physical interventions required to achieve them be considered. All schemes need to take account of the requirement for a ballot of residents when accessing Mayoral funding for schemes that involve demolition.
- 5.14 The Council's local planning policies further promote the redevelopment and regeneration of Grahame Park. Barnet's Core Strategy includes a core objective to regenerate the priority housing estates including Grahame Park replacing existing homes with a greater range of accommodation that provides access to affordable and decent new homes. The Estate is within the Colindale Regeneration Area with Grahame Park Way identified as a Corridor of Change where the redevelopment of the Grahame Park Estate and the Barnet College site will provide for the replacement of the neighbourhood centre at Grahame Park and create a vibrant mixed-use centre, as well as providing 3,440 homes. Policy CS3 (Distribution of growth in meeting housing aspirations) confirms the major priority of the Council to regenerate failed housing estates including Grahame Park which will be subject to long term programmes of regeneration to tackle poor quality housing, social isolation, and transformation into successful mixed tenure places.
- 5.15 The principle of the redevelopment of the Grahame Park Estate is also well established in the Colindale Area Action Plan which expects the development of other sites to support the ongoing regeneration of the Estate and integrate with new development and the existing area of the Estate. The Grahame Park SPD also re-confirms the principle of the redevelopment of the Estate.

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- 5.16 Within the Council's draft Local Plan, Policy GSS01 (Delivering Sustainable Growth) continues to direct new housing to Growth Areas that includes the Colindale Opportunity Area and Estate renewal and infill (including Grahame Park) with a large-scale regeneration of the Estate. Policy GSS06 (Colindale Growth Area) focuses development up to 2036 in a number of locations including the Grahame Park Estate, which will deliver 2,760 new homes, with the Next Phase delivering a net increase of 1,458 new homes that will be much better integrated with surrounding areas and provide a wider choice of housing type and tenure.
- 5.17 Policy GSS10 (Estate Renewal and Infill) confirms that the Council working with Barnet Homes, Registered Social Landlords and the Mayor of London will continue its programme of estate renewal and infill to inform the urban form of housing estates in the Borough, making better use of underutilised land to provide better quality amenity space and 4,400 new homes. This includes the renewal of Grahame Park. The policy requires redevelopment proposals to ensure that the following requirements are met:
- Demonstrate improvement in the quality of the housing stock and the surrounding environment;
  - Achieve a net increase of housing units;
  - Consider the needs of existing households on the estate;
  - Provision of housing tenure and mix according to the specific site needs, taking into account local housing need, local infrastructure need, the nature of the surrounding area, and viability;
  - Ensure access to sufficient amenity space including open spaces and children's playgrounds;
  - Ensure access to sufficient supporting infrastructure where the impacts of development require mitigation. This may include but is not limited to child nurseries, schools, community centres, sport and leisure facilities, and healthcare;
  - Design in active travel to promote walking and cycling and demonstrate sufficient access to public transport; and
- 5.18 The redevelopment of the Estate will deliver all of the above objectives of Policy GSS10.
- 5.19 Alternative options that relied upon retention and refurbishment of all existing buildings were not considered by the Council to overcome the significant issues concerning the Estate. It was determined that these issues could only be overcome with a significant part of the Estate being redeveloped, and only parts of the Estate being retained and refurbished. The existing buildings in the Next Phase will be replaced with high-quality new homes.

- 5.20 The Scheme, which has been progressed as part of a plan-led process to redevelop and regenerate the Estate, will deliver a total of 2,088 homes in the Next Phase, with a mix of tenures in a high-quality sustainable development. The Next Phase will provide new community facilities such as a community centre and children's nursery and commercial uses making best use of this previously developed land. There will be significant improvements to the physical environment, circulation around the Estate and public realm creating a safe and attractive place for the local community to live and work. The above are in accordance with the aspirations in the planning framework for the regeneration of the site.
- 5.21 The Scheme and the Next Phase accords with the Council's aspirations and corporate, objectives for Grahame Park. It will deliver substantial benefits in terms of new housing, social, community, sustainability and physical improvements.

## **Residential use**

- 5.22 All levels of the planning framework support and promote the delivery of new homes. The NPPF seeks to significantly boost the supply of housing and seeks to deliver a wider range of high-quality homes to create sustainable, inclusive and mixed communities. Paragraph 75 of the NPPF requires that, in order to maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Under National Government's Housing Delivery Test: 2021 measurement, the Council has delivered 108 per cent of its housing target. The Scheme will significantly contribute to the delivery of new homes to assist the Council in continuing to deliver and meet its housing target.
- 5.23 The London Plan places significant emphasis on increasing housing supply. The Mayor's London Housing Strategy (2018) states that he will directly assemble land for development and support boroughs, housing associations, and other homebuilders to ensure the potential of London's Opportunity Areas is maximised. This may be through direct investment or through supporting compulsory purchase of appropriate land. There are a number of London Plan policies encouraging the optimisation of residential development on accessible brownfield sites. In particular London Plan Policy H1 (Increasing housing supply) sets the Council a minimum housing target to deliver 23,640 new homes between 2019/20 and 2028. Of this, 7,000 new homes are required in the Colindale Opportunity Area.
- 5.24 Core Strategy Policy CS3 (Distribution of growth in meeting housing aspirations) identifies Colindale as one of the three main areas to provide the majority of housing for the Borough. The Core Strategy

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acknowledges the proposals for the regeneration of the Estate. The Housing target in the Core Strategy has now been superseded by the target in the London Plan.

- 5.25 The Council's draft Local Plan sets a more ambitious housing target, accepting the draft London Plan target of 35,460 new homes over the plan period up to 2036. Draft Policy GSS01 (Delivering sustainable growth) directs new homes to the Colindale Growth Area including Grahame Park with a target of 4,100 new homes. Draft Policy GSS06 (Colindale Growth Area) advises that "The Grahame Park Estate will be renewed and much better integrated with surrounding areas, delivering 2,760 new homes providing wider housing type and tenure". Draft Policy GSS10 (Estate Renewal and Infill) confirms that Grahame Park is a housing estate identified for renewal with the delivery of 4,400 homes across the estate renewal programme.
- 5.26 The proposed number of new homes across the Scheme (2,088 homes) responds to the policy requirement of the GLA to re-provide social rented affordable housing on the Estate (Policy H8) and to ensure that a viable and high-quality scheme can be delivered and is in line with the London Plan and the Council's emerging policy.
- 5.27 The Scheme's provision of a significant quantum of high-quality housing is consistent with the objectives of the planning framework and will make an important contribution towards achieving the Mayor of London and the Council's objectives to deliver more homes in Grahame Park and the wider Colindale area to meet the ambitious housing target for the Borough in the London Plan. The Scheme will provide a mixed housing tenure and provide high quality housing stock for residents.

### **Non-residential uses: Community, retail and employment**

- 5.28 The Next Phase will deliver a variety of non-residential uses including community, retail and flexible workspaces in place of the existing facilities within the neighbourhood centre on the Concourse. These non-residential uses will be a significant improvement on what is currently on the Site, by replacing the lower quality facilities with new community facilities, such as the community centre and children's nursery (Class D2 under the previous Use Classes Order) to be delivered on site and a range of retail/commercial unit sizes and types in flexible uses (Class A1 – A3 and B1 under the previous Use Class Order).

## Community Uses

- 5.29 All levels of the planning framework seek to protect, improve and enhance social infrastructure. London Plan Policy S1 (Developing London's social infrastructure) advises that in areas of major new development and regeneration, social infrastructure needs should be addressed via area-based planning. Development proposals that provide high quality, inclusive social infrastructure that addresses a need should be supported. Development proposals that result in a loss of social infrastructure should only be permitted where there are realistic proposals for re-provision or the loss is part of a wider public service transformation plan. Policy S2 (Health and social care facilities) seeks to identify opportunities to make better use of existing and proposed new infrastructure through integration, co-location or reconfiguration of services, and facilitate the release of surplus buildings and land for other uses. Policy S3 (Education and childcare facilities) seeks to ensure that there is a sufficient supply of good quality education and childcare facilities and ensure that there is no net loss of childcare facilities.
- 5.30 Core Strategy Policy CS10 and Development Management Policy DM13 seek to protect and resist the loss of community, health care and educational uses. The loss of community, health care or education uses will only be acceptable in exceptional circumstances such as where new community, health or educational uses of a least equivalent quality or quantity are provided on the site or at a suitable alternative location or that the loss is part of a wider public service transformation plan. New community, health or educational facilities should be accessible to all sections of the community and be within easy reach by walking, cycling and public transport.
- 5.31 Specifically, in relation to the Scheme the Core Strategy stipulates a need for the replacement of Grahame Park's core neighbourhood centre which encompasses most of the community facilities.
- 5.32 Draft Local Plan Policy CHW01 (Community Infrastructure) only permits the loss or replacement of existing community facilities if the replacement facility is equivalent to or better quality than the existing facility. The Council will support proposals for new community infrastructure where it forms part of a mixed-use development and is within a Growth Area. GSS10 (Estate Renewal and Infill) requires redevelopment proposals to ensure access to sufficient supporting infrastructure where the impacts of development require mitigation. This may include but is not limited to children's nurseries, schools, community centres, sport and leisure facilities, and healthcare.

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- 5.33 The Next Phase includes the demolition of the existing/former community uses including: the community centre; the old library, the health centre and the nursery and the replacement of this provision in line with the objectives of the planning framework.
- 5.34 A new library has already been constructed and is operational as part of Stage A.
- 5.35 The Next Phase includes the re-provision of the community centre (c. 800sqm) and nursery (c. 400sqm). As well as providing larger facilities (the existing community centre is 309 sqm and the closed existing nursery, is 380sqm) the new facilities will also provide much higher quality accommodation than the facilities they replace. The facilities will be located along the proposed north south central spine road and will be easily accessible to the existing and future Grahame Park community by walking, cycling and public transport. The replacement community centre is to be delivered in Plot 12 of the Scheme and prior to the demolition of the existing community centre. Consultation has already taken place with local community groups and operators to ensure the centre is multi-purpose and meets the requirements of the different user groups. The children's nursery will also be delivered as part of Plot 12. The developer will select a 3rd party (nominee) to take on the community centre lease or enter into a management agreement for the management of the community centre at a peppercorn rent.
- 5.36 With regard to the requirement for a replacement health centre, proposals exist for a purpose-built health facility on the former Peel Centre site (Colindale Gardens), to the south of Grahame Park, which would serve residents of Grahame Park. This new facility is currently being constructed and is due to complete ahead of when vacant possession of the existing facility is required. The health partners are finalising plans to relocate all existing services into this space currently. Should the health services not relocate as planned, then there is space within the non-residential floorspace to accommodate in Plot 12 a health care facility within the Next Phase if required.
- 5.37 The Scheme will therefore provide high quality replacement community facilities for the local community which assist in meeting the objectives for enhanced social infrastructure in the planning framework.

#### Retail uses

- 5.38 The planning framework at all levels seeks to protect and support local retail centres to support local needs. London Plan Policy E9 (retail, markets and hot food takeaways) advises that development

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proposals should support convenience retail in local and neighbourhood centres, to secure inclusive neighbourhoods and a sustainable pattern of provision thereby reducing the need to travel.

- 5.39 Core Strategy Policy CS6 and Development Management Policy DM12 seek to enhance and protect local neighbourhood shopping facilities, preventing the loss of retail uses unless there are accessible alternative shopping facilities and there is no demand for the continued A1 use. The Council's Policy DM12 identifies Grahame Park as a local centre, with numbers 1-21 The Concourse designated a local shopping frontage.
- 5.40 The Grahame Park SPD states that there are currently 9 Use Class A1 (under the previous Use Classes Order) retail units, totalling 1,430sqm of floorspace, including the recently re-opened post office. The SPD states that a minimum of 1,770 sqm of retail uses are to be provided across Stages A and B of the redevelopment of Grahame Park. Of this, 1,430sqm should be predominantly A1 uses, with other A uses also acceptable. The SPD confirms that new retail floorspace has been delivered as part of Phase 1B of Stage A including a 420sqm Sainsbury's local convenience store and two further retail units of 390sqm and 196sqm, one of which is the relocated pharmacy from the Concourse, providing a total of 1,006sqm of new retail space.
- 5.41 The Draft Local Plan allocates Grahame Park as a Local / Neighbourhood Centre. Policy TOW01 (Vibrant Town Centres) promotes Local Centres to provide a local level of retail uses.
- 5.42 The Scheme will deliver replacement retail/café uses on the Site providing a replacement to the neighbourhood centre on the Concourse, which is to be demolished, creating a higher quality of retail space and the creation of new jobs locally that will assist in delivering the aims and objectives of the planning framework to protect, enhance and support neighbourhood centres and local convenience shops. A retail unit of c. 400m<sup>2</sup> is being delivered as part of Plot A of Stage B with further retail space being delivered within the RMA currently being progressed for Plots K and H of the Next Phase.

### Employment uses

- 5.43 The planning framework supports the provision of affordable and flexible employment spaces to support SME's. London Plan Policy E2 and Core Strategy Policy CS8 support affordable and flexible workspaces to meet the needs of micro, small and medium enterprises and to support firms wishing to start up or expand. Draft Local Plan Policy ECY01 (A Vibrant Local Economy) supports new office space outside Town or District Centres where the new employment use would contribute towards the Council's regeneration objectives.

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- 5.44 The Scheme will deliver flexible employment space which will assist in delivering the strategic planning framework by providing a range of workspaces for local businesses and creating local employment.

## **Housing Provision: Tenure, Unit Mix**

### Affordable housing provision

- 5.45 A key objective of the planning framework is to deliver affordable housing to allow Londoners of all means and backgrounds to play their part in community life and is important to delivering good growth, ensuring that London remains a mixed and inclusive place in which people have a choice about where to live.
- 5.46 London Plan Policy H4 (Delivering affordable housing) sets a strategic target of 50% of all new homes delivered across London to be genuinely affordable. London Plan supporting text in paragraph 4.5.14 confirms that planning applications for schemes that involve the demolition of existing affordable dwellings, which are required to follow the approach in London Plan Policy H8 (Loss of existing housing and estate redevelopment), must follow the Viability Tested Route, and in accordance with London Plan Policy H5 (Threshold approach) submit supporting viability evidence with the planning application to demonstrate that the level of affordable housing proposed is the maximum that can be provided. Supporting text to policy H5 in paragraph 4.5.3 advises that the percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered.
- 5.47 Core Strategy policies CS4 and DM10 set a target of 40% affordable homes boroughwide on sites capable of accommodating ten or more dwellings with the maximum reasonable amount of affordable housing required on site, subject to viability.
- 5.48 Draft Barnet Local Plan Policy HOU01 (Affordable housing) advises that within the context of a strategic London Plan target of 50% of all new homes to be affordable, the Council will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings. On Housing Estates (Policy GSS10) the Council will seek to replace existing affordable housing whilst considering the specific circumstances of each site.
- 5.49 The Scheme will deliver 50% of units as affordable housing as required by the S.106 Agreement for the 2020 Permission both in terms of habitable rooms and floorspace. A Viability Assessment has been undertaken in accordance with London Plan Policies H5 and H8 which concludes that the proposed

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50% provision of affordable housing is the maximum amount of affordable housing that can viably be provided in the redevelopment of Plots 10, 11 and 12. Plot A, currently on site, will deliver a 100% affordable scheme and include 60 social rent/LAR homes to accommodate the remaining secure tenants within the Scheme and 149 shared ownership homes. The amount of affordable housing proposed therefore meets the objective of the planning framework to deliver affordable housing and create a mixed and inclusive community.

#### Reprovision of social rented housing

- 5.50 An objective of the planning framework is to re-provide social rented housing in estate regeneration schemes. London Plan Policy H8 (Loss of existing housing and estate redevelopment) Part A states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. Part D only permits the demolition of affordable housing, including where it is part of an estate redevelopment programme if it is replaced by an equivalent amount of affordable housing floorspace. Part D continues:
- 5.51 “Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as either social rent or London Affordable Rent housing. Replacement affordable housing should be integrated into the development to ensure mixed and inclusive communities.”
- 5.52 Part E of the policy requires all development proposals that include the demolition and replacement of affordable housing to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace.
- 5.53 When the redevelopment of Plots 10, 11 and 12 is completed the provision of social rented/LAR will exceed the original number of habitable rooms/quantum of floorspace across Stages A and B of the Estate redevelopment. The submitted Viability Assessment demonstrated that this is the maximum amount of social rent/LAR that can be provided within the Scheme. The Scheme therefore meets the objective of the planning framework in that it re-provides social rented housing as well as providing an overall uplift in affordable housing.

## Decant Strategy

5.54 The London wide planning framework sets out clear expectations that apply to estate regeneration schemes across London. These expectations are set out in “Better Homes for Local People -The Mayor’s Good Practice Guidance to Estate Regeneration” (GPGER) and include:

- the need to ensure that existing affordable housing floorspace is re-provided (based on the principle of like-for like replacement);
- full rights of return or remain for existing social housing tenants;
- a fair deal for leaseholders; and
- full and transparent consultation and involvement with existing residents.

5.55 In addition, the Mayor expects estate regeneration schemes to deliver as much affordable housing as possible and to provide an uplift in affordable housing where viable.

### Full rights of return or remain for existing social housing tenants

5.56 There are currently 25 existing social rent units on secure tenancies remaining within the Next Phase. The needs of the remaining social rent households were assessed at the time of the 2019 application, and they will be offered replacement properties provided to match individual household needs in terms of occupancy in Plot A of the development with Notting Hill Genesis or elsewhere with Barnet Homes as required. In addition, they are eligible for statutory home loss and disturbance payments and are offered assistance with relocation.

5.57 Furthermore, the proposed level of provision of social housing in the Scheme can also offer the opportunity to accelerate the rehousing of secure tenants in remaining parts of the original estate that are earmarked for redevelopment in future phases.

5.58 The measures that have already been taken by NHG and Barnet Homes in terms of secure and non-secure tenants, that will continue for the duration of the redevelopment of the estate are considered to comply with the requirements of the GPGER.

### Fair deal for leaseholders and freeholders

5.59 The GPGER seeks to ensure that leaseholders and freeholders affected by estate regeneration are treated fairly and fully compensated and sets out the Mayor’s preference that these units should be acquired by negotiation in the first instance.

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- 5.60 The GPGER advises that Councils and housing associations should offer resident leaseholders and freeholders the right to a new home on the regenerated estate through at least either a shared equity basis or shared ownership.
- 5.61 All leaseholders are offered a comprehensive package which ensures that they do not lose out financially. In addition, resident homeowners who bought their home before the decision was made to redevelop the estate in 2003 are also offered a Shared Equity package which enables them to purchase a new home either within the new development or off the estate even if that home is substantially more expensive than their existing property.
- 5.62 The principles in the GPGER in respect of fairness and independent valuation are therefore met and leaseholders whose homes will be demolished have and will continue to be fully compensated.

#### Full and transparent consultation

- 5.63 The GPGER sets out the Mayor's aspirations for full and transparent consultation, and meaningful ongoing involvement with estate residents throughout the regeneration process, to ensure resident support.
- 5.64 From 18 July 2018, the Mayor requires any landlord seeking GLA funding for estate regeneration projects which involve the demolition of existing affordable or leasehold homes to demonstrate that they have secured resident support for their proposals through a ballot, subject to certain specified exemptions and transitional arrangements.
- 5.65 Whilst the GLA has exempted the Next Phase for the requirement to undertake another ballot as the GLA funding was committed to prior to 18 July 2018, under the latest guidance there has been a significant amount of public consultation since the original ballot was held in 2003. This has included consultation on the original outline planning permission and subsequent planning applications; the Grahame Park SPD and on the previous refused scheme for the application site which took place in June and November 2016 and June 2017. More details are set out in paragraph 3.15 to 3.39 above.
- 5.66 The above demonstrates that NHG in association with the Council and Barnet Homes has undertaken full and transparent consultation in the regeneration process of Stage B of the Grahame Park regeneration programme and has complied with the principles and expectations set out in the planning framework.

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## Phasing of affordable housing

- 5.67 It is proposed that the redevelopment of the Next Phase will take place over several sub phases. The first phase which comprises the redevelopment of Plot A will deliver 209 units which will be 100% affordable housing. The remainder of the affordable units will be delivered in subsequent phases. The first phase providing 100% affordable housing meets the objectives of the planning framework to deliver affordable housing and ensure that existing residents on the estate are rehomed at the first opportunity.

## Affordable housing tenure split

- 5.68 The planning framework requires a mix of tenures of affordable housing to be delivered to provide a range of choice and to deliver mixed and inclusive communities. London Plan Policy H6 (Affordable housing tenure) requires the following tenure split: a minimum of 30% low cost rented housing as either London Affordable Rent or Social Rent; a minimum of 30% of intermediate products which meet the definition of genuinely affordable housing including Shared Ownership and London Living Rent; and the remaining 40% to be determined as low cost rented homes or intermediate products by the borough.
- 5.69 The Barnet Core Strategy policy CS4 and the Draft Barnet Local Plan Policy HOU01, both expect Barnet's affordable housing tenure to be as follows: 60% Low-Cost Rent products including Affordable Rent and 40% intermediate homes including London Living Rent and London Shared Ownership.
- 5.70 The Next Phase will deliver over 30% low cost rented accommodation (by units, habitable rooms and floorspace) and over 30% will be delivered as shared ownership (by units, habitable rooms and floorspace).
- 5.71 The affordable housing tenure mix does not completely accord with the adopted and draft Barnet policies. However, the quantum of proposed social/LAR is the maximum amount in terms of units/habitable rooms/floorspace that can be viably provided within the redevelopment as has been evidenced through viability assessment.
- 5.72 The Scheme will contribute to an increased provision of social rented housing across the regeneration of the Estate as a whole (Stage A (which has been completed) and Plots 10-12). Overall, more social floorspace is proposed than is being lost through demolition.

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5.73 The proposed affordable housing tenure split is considered to be acceptable and meets the objectives of the planning framework which is to deliver a mix of high-quality affordable housing that will provide choice and result in inclusive and mixed communities.

#### Unit Mix

5.74 The planning framework requires schemes to include a range of unit sizes to provide choice and deliver mixed and inclusive communities. London Plan Policy H10 (Housing size mix) requires schemes to consist of a range of unit sizes, having regard to a number of factors that include local housing need and demand; the requirement to deliver mixed and inclusive neighbourhoods; and the aim to optimise housing potential.

5.75 The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the Borough. Supporting text to Policy DM8 acknowledges that the policy can be applied flexibly. The Draft Barnet Local Plan Policy HOU02 (Housing Mix) requires development to provide a mix of dwelling types and sizes. For market homes, 3-bedroom properties are the highest priority with 2- and 4-bedroom properties a medium priority. For low-cost rent, 2- and 3-bedroom properties are the highest priority; with 3 bedroom properties the highest priority for London Living Rent and 2 bedroom properties as the highest priority for homes for Affordable Rent / Low Cost Home ownership.

5.76 The existing accommodation within the Next Phase comprises 95% 1 and 2 bed units (229 x 1 bed, 368 x 2 bed and 33 x 3 bed units). The proposed housing mix for the Next Phase (shown in the table below) provides a broader mix of units across the site, and while the largest proportion of units comprise 1- and 2-bedroom units, 76 family sized units are provided as social rented accommodation (3, 4 and 5 bed units) and 123 units are provided as family sized market accommodation.

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Size	Social Rent/ Affordable Rent	Shared Ownership	Private	Total
	Units	Units	Units	Units
Studio	0	0	75	75
1-Bed	123	417	430	970
2-Bed	147	282	415	844
3-Bed	53	0	123	176
4 Bed	22	0	0	22
5 Bed	1	0	0	1
<b>Total</b>	<b>346</b>	<b>699</b>	<b>1043</b>	<b>2088</b>

5.77 The Next Phase will provide a range of unit sizes from studio flats to four- and five-bedroom units. The mix of unit sizes proposed is based on a number of factors including; optimising the housing potential of the site; ensuring the delivery of a high quality viable scheme that provides 50% affordable housing; and the re-provision of social rented housing.

5.78 A full mix of units is proposed for the social rent/London Affordable Rent units. More than half of the low-cost rent units will have two or more bedrooms.

5.79 The Next Phase provides an appropriate mix of different unit sizes in accordance with the planning framework that will address the need for a range of different unit sizes and create a mixed neighbourhood.

### Residential Standards

5.80 The planning framework requires developments to meet a number of residential standards with the objective of ensuring that homes are of an adequate size, comfortable, accessible and fit for purpose.

5.81 A sufficient level of design work on the potential design of the outline element of the proposed scheme has been undertaken to ensure the proposed quantum of residential units can be delivered in future phases and will meet the necessary residential standards.

### Internal space standards

5.82 London Plan Policy D6 (Housing quality and standards) requires new homes to have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, to meet the changing needs of Londoners without differing between tenures. The London Plan incorporates the National Described Space Standards. Draft Local Plan Policy CDH01 (Promoting High Quality Design) also requires development to be in accordance with the standards in the London Plan.

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- 5.83 All homes will meet the minimum floorspace criteria defined in the Technical Housing Standards – Nationally Described Space Standard. All units will also comply with standards in the London Plan for bedroom sizes, bathrooms/WC's and storage and utility.

#### Internal Living Standards

- 5.84 The London Plan Policy D5 (C), The Mayor's Housing SPG Standard 29, Draft Local Plan Policy CDH01, Grahame Park SPD and LBB's Sustainable Design and Construction SPD seek to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of London Plan Policy D3 Part B (Optimising site capacity through a design led approach) than a dual aspect dwelling and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
- 5.85 There will be no single aspect north facing dwellings in the buildings proposed to be constructed on Plot A and 99% of family sized units (2 - 5 bed) are dual aspect. The same principles will apply to the all the properties within the Next Phase.
- 5.86 Shared circulation in terms of accessibility to the core, internal corridors and lift access are compliant with the current Housing SPG standards.

#### Accessible Homes

- 5.87 London Plan Policy D7 (Accessible housing), Core Strategy Policy DM03 (Sustainable and Inclusive Design) and Draft Local Plan Policy CDH02 (Sustainable and Inclusive Design) require at least 10% of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) to meet Building Regulation requirements M4 (3) 'wheelchair users dwellings'. All other dwellings to which Part M volume 1 of the Building Regulations applies are required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable' dwellings.
- 5.88 The detailed element of the Next Phase in Plot A includes 21 M4 (3) compliant units (10% of the total number of units. All other units in the Next Phase will be constructed in accordance with Building Regulations Requirement M4 (2).
- 5.89 The reserved matters applications for the Next Phase will also be designed to be in compliance with M4 (2) and M4 (3) details of which will be provided at the relevant reserved matters stage.

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## Private outside space

5.90 The Mayor's Housing Guide SPD and Policy D6 of the London Plan require a minimum of 5sqm of private outdoor space for all 1-2 person dwellings and an extra 1sqm for each additional occupant. The minimum width and depth for all balconies and other private external spaces is 1500mm, and private outdoor spaces should have level access from the home to meet Lifetime Homes standards. The LBB Sustainable Design and Construction SPD sets out the following standards for private amenity space:

- 5sqm/ habitable room for flats;
- 40sqm for up to four habitable room houses;
- 55sqm for up to five habitable room houses;
- 70sqm for up to six habitable room houses; and
- 85sqm for up to seven habitable room houses.

5.91 Draft Barnet Local Plan Policy CDH07 (Amenity Space and Landscaping) for flats repeats the standards in the London Plan and for houses repeats the standards in the SPG as set out above.

All dwellings in Plot A will have access to private outside space that complies or exceeds the LBB minimum area required through the provision of balconies and terraces. All balconies and terraces will achieve a minimum depth of 1500mm and level access. The reserved matters applications for the Next Phase will meet these standards. Each home will be provided with private amenity space in the form of a balcony or terrace.

## Summary

5.92 The above demonstrates that the Next Phase will meet the objectives set out in the planning framework by providing homes that meet all residential space standards, are comfortable, accessible and fit for purpose.

## Design and tall buildings

5.93 The planning framework requires high quality design for new development. London Plan Policy D3 (Optimising site capacity through the design-led approach) requires development to make the best use of land by following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site and responds to the site's context and capacity for growth and existing and planned infrastructure capacity. Higher density developments should generally be promoted in locations well connected to jobs, services, infrastructure and by public transport, walking and cycling including Opportunity Areas.

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Development should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan. Development proposals should achieve safe, secure, and inclusive environments.

- 5.94 Core Strategy policy CS5 (Protecting and enhancing Barnet's character to create high quality places) and policy DM01 (Protecting Barnet's character and amenity) require development to have regard to the character, form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development proposals should contribute to the enhanced character of an area, particularly in areas of poor or ill-defined character. Buildings, streets and open spaces are required to provide a high quality of design, having regard to the pattern, grain of the existing spaces and streets and is human in scale. Policy DM01 requires building to: be of the highest architectural quality; comprise details and materials that complement the local architectural character; and integrate well with the surrounding streets and open space.
- 5.95 Draft Barnet Local Plan Policy CDH01 (Promoting High Quality Design) requires residential proposals to be developed at an optimum density to make the most efficient use of land. A design-led approach to determine capacity should deliver an optimum density taking into consideration of local context, accessibility by walking and cycling, public transport and capacity of infrastructure. The policy replicates policy in the London Plan requiring developments to have a high quality of architecture and urban design, respond to local character and ensure attractive and safe streets.
- 5.96 The Scheme overall will deliver a larger number of residential units than the original estate, which is necessary to re-provide social rented housing, deliver an uplift in affordable housing and provide other social, physical and environmental benefits. The design-led approach to the Scheme demonstrates that the Scheme has been designed in an appropriate and sensitive way taking into consideration the character of the area and site context whilst seeking to optimise the use of land.
- 5.97 The Next Phase will provide a new high quality residential-led mixed use development with a significantly improved layout, public realm and architectural design compared with the poor layout, public realm and low-quality buildings that currently exists on the estate. It will deliver the aspirations of the planning framework to significantly improve: the layout of the estate through a defined street hierarchy creating safer and accessible pedestrian and cycle routes; the appearance of the estate through the creation of difference character areas with differing designs and articulation; the townscape through a high quality public realm; improved green / open and play spaces through the provision of new green and play spaces throughout the Scheme; facilitate improvements to Heybourne

Park and provide well designed, higher quality and larger community spaces. It will meet the overall objective of the planning framework to provide a new high-quality estate.

### Tall Buildings

- 5.98 The planning framework recognises the benefits of tall buildings that can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing towards new homes and helping people navigate through an area, but also recognises that tall buildings must be well designed and be in the right location to avoid any detrimental visual or environmental impacts.
- 5.99 London Plan Policy D9 (Tall buildings) advises that tall buildings (defined as not less than 6 storeys or 18 metres when measured from ground to the floor level of the uppermost storey) should form part of a plan-led approach. Boroughs should determine if there are locations where tall buildings may be an appropriate form of development. The development of tall buildings needs to have consideration to visual, functional and environmental impacts.
- 5.100 LBB's Core Strategy Paragraph 10.6.6 states that for the Grahame Park Estate, "Tall buildings ranging from 8 to 11 storeys will form an integral part of the regeneration of this priority housing estate which seeks a fundamental change in the environment and perceptions of Grahame Park". Policy CS5 advises that tall buildings (8 storeys (or 26 metres) or more) may be appropriate in a number of strategic locations which includes Grahame Park. Policy DM05 sets out a number of criteria that tall buildings must meet.
- 5.101 Draft Local Plan Policy CDH04 (Tall Buildings) advises that tall buildings (defined as 8 to 14 storeys (26 to 46 metres above ground level) may be appropriate in a number of strategic locations including Grahame Park.
- 5.102 The planning framework allows for the provision of tall buildings at Grahame Park. Careful consideration has been given to the placement of the tall buildings throughout the Scheme having regard to local context. The tallest buildings are proposed to be located around Heybourne Park and on the park interchange with the scaling down of height at the margins of the development. The siting of the proposed tall buildings will relate well to the form, proportion, composition, scale and character of surrounding buildings and public realm and will improve the legibility of the area acting as markers emphasising the public area around Heybourne Park on the new community centre.
- 5.103 The provision of tall buildings in the Next Phase will meet key objectives of the planning framework to deliver the regeneration opportunity offered by the estate, the amount of housing required to deliver

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an uplift in affordable housing and improved legibility without resulting in any detrimental visual or environmental impacts.

### Fire Safety

- 5.104 The planning framework requires development to achieve the highest standard of fire safety. London Plan Policy D12 (Fire safety) requires all development proposals to comply with a number of criteria set out in the policy. The Planning gateway one Regulations had not been made nor were in force when the hybrid planning permission was granted in July 2020. The HSE has advised that as the hybrid planning permission was granted before Planning gateway one came into effect it is not required to be consulted on the details contained within the reserved matters applications for each planning Sub-plot. However, in accordance with the planning framework, an Outline Fire Safety Strategy has been prepared for development on Plot A setting out the key fire safety measures. During the development of each Development plot of the Next Phase, fire safety measures will be built into the design of individual buildings from the outset and a detailed Fire Strategy in accordance with the requirements of Planning gateway one and London Plan Policy D12, will be prepared for each Development plot. The Next Phase will deliver the objectives of the planning framework to achieve the highest standard of fire safety.

### Open space, children's play space, green infrastructure and biodiversity

- 5.105 The planning framework seeks to deliver green infrastructure, open spaces and play spaces to promote mental and physical health, adapt to the impacts of climate change, encourage walking and cycling, learning about the environment, supporting food growing and enhancing biodiversity and ecological resilience.

### Open space

- 5.106 London Plan Policy D3 (8) requires development to provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity. London Plan Policy G4 (Open space) requires that development proposals should not result in the loss of open space and where possible should create areas of publicly accessible open space.
- 5.107 Core Strategy policy CS7 (Enhancing and protecting Barnet's open spaces) and DMP Policy DM15 (Green belt and open spaces) seek to protect and enhance Barnet's open space through securing additional on-site open space or other open space improvements, improving access to open spaces and securing improvement to open spaces including provision for children's play and sports facilities.

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In exceptional circumstances the loss of open space will be permitted if equivalent or better-quality open space provision can be made. Draft Barnet Local Plan Policy ECC04 (Barnet's Parks and Open Spaces) advises that the Council will secure improvements to open spaces, where opportunities arise, from all developments that create an additional demand for open space. Where this is not viable, a cash in lieu payment will be required for off-site provision or enhancement to open spaces that are nearby. Any proposal that involves the loss of low quality and low value open space must robustly demonstrate that a number of criteria can be satisfied including that the development is a small-scale ancillary use that supports the open space and opportunities to improve the existing space have been explored and cannot be delivered or equivalent or better open space provision will be delivered.

- 5.108 Heybourne Park is an area of open space and is identified on Map 10 in the Core Strategy as a Local Park. The map also identifies that all of the estate is within 400m of a Local Park and therefore is not an area with a deficiency in public open space.
- 5.109 The Next Phase impacts on the current boundary of the Park and overall, there will be a loss of 0.07ha. However, the proposals (supported by contributions set out in the S106) will facilitate a significantly improved park which will include landscaping, play areas, sports facilities and seating areas where currently little exists, the plans for which are being progressed by the Council. In addition, the overall Scheme will deliver a significant increase in public and private open space of 980sqm. Improvements to the overall quality of the park will be made by LBB and high quality new and accessible public spaces will be introduced. Residents were consulted on indicative changes to the park during public consultation events and no objections were raised. Further consultation will be undertaken as the proposals are further developed.
- 5.110 The proposals for open space will meet the objectives of the planning framework to deliver new and improved open spaces that will provide benefits to mental and physical health, encourage walking and cycling, support food growing and enhance biodiversity.

#### Children's play space / sport and recreation facilities

- 5.111 London Plan Policy S4 (Play and informal recreation) and LBB Policy DM2 (Development standards) provide that development proposals for schemes that are likely to be used by children and young people should not result in the net loss of play provision, unless it can be demonstrated that there is no ongoing or future demand.

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- 5.112 Core Strategy policy CS7 (Enhancing and protecting Barnet's open space) and Draft Barnet Local Plan Policy ECC04 (Barnet's Parks and Open Spaces) seeks to secure improvements to provision for children's play and sports facilities where opportunities arise, from all developments that create an additional demand.
- 5.113 The Next Phase proposes that child play space will be distributed across the Phase, with a focus on doorstep play to complement the larger offerings in Heybourne Park with space for all ages. Local areas for play will be provided very near to homes in semi-private courtyards or publicly accessible gardens. Local equipped areas for play will be provided targeted at children aged 5-11 years. Neighbourhood equipped areas of play will be provided targeted at children over 11 years old
- 5.114 The play areas in Heybourne Park will be significantly improved with the introduction of play equipment and areas for all ages. Full details of proposals for the park is being prepared by the Council in consultation with the local community a. The Next Phase will meet the objective of the planning framework in that it will promote physical and mental health of residents of the Scheme and surrounding area.

#### Green Infrastructure

- 5.115 London Plan Policy G1 (Green infrastructure) requires development proposals to incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. London Plan Policy G5 (Urban greening) requires major development proposals to include urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 5.116 Part B of the policy requires boroughs to develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.
- 5.117 An overall Landscape Strategy has been prepared for the Next Phase. The Softscape Strategy Plan proposes soft landscape on the podium courtyards, biodiverse roof planting, grass, hedges and ornamental planting around the edges of Heybourne Park and planting in front gardens. Outline details have also been developed for tree planting and urban greening, the creation of 'green streets' along the Avenue, Neighbourhood ladder (running the length of Sub-plots D, E, F, H, L and K) and the

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Woodland Walk, to the east of the Next Phase. It is proposed that the soft landscape will also provide sustainable urban drainage, enhance biodiversity whilst adding to visual and amenity value.

5.118 In accordance with London Plan Policy G5, the UGF has been used as a tool to contribute to the provision of green infrastructure within the site. When including the park, the proposals achieve an UGF score of 0.52. Excluding the Park from the calculation, the remainder of the Next Phase achieves an UGF score of 0.40. This confirms that even without the inclusion of the park the Next Phase provides an abundance of green space to maximise tree retention and provision of suitable enhanced ecology and green amenity space meeting the objectives of the planning framework.

## Trees

5.119 London Plan Policy G7 (Trees and woodlands) and Draft Local Plan Policy ECC04 (Barnet's Parks and Open Spaces) requires that, wherever possible, existing trees of value are retained. If a planning permission necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, 'i-tree' or CAVAT or other appropriate valuation system. The planting of additional trees should be included in new developments – particularly large-canopied species which provide a wider range of benefits.

5.120 Arboricultural Impact Assessments (AIA) have been prepared for the Next Phase.

5.121 A number of trees will require removal to facilitate the regeneration of the Next Phase. Some of the proposed trees were graded category U during the survey and it is recommended that these trees are removed regardless of the proposed development due to their poor structural and/ or physiological condition.

5.122 The Next Phase includes a compensation strategy for the planting of trees. New planting will ensure that the correct species are chosen to provide longevity within the Borough. Further tree surveys will be undertaken to inform the detailed landscape design for each planning Sub-plot, and these will be submitted with reserved matters applications.

5.123 The AIA's identifies some trees that will require special protection measures in order to be successfully retained throughout the course of the development. Proposed protection measures are identified in the AIA's and further details will be provided at the reserved matters stage for each planning Sub-plot.

5.124 The proposals are compliant with the objectives of the planning framework to protect existing trees and provide new and replacement trees.

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## Biodiversity

- 5.125 London Plan Policy G6 (Biodiversity and access to nature), Core Strategy Policy CS7 (Enhancing and protecting Barnet's open spaces), Policy DM16 (Biodiversity) and Draft Local Plan Policy ECC06 (Biodiversity) requires Sites of Importance for Nature Conservation (SINCs) to be protected. Part D adds that development proposals should aim to secure net biodiversity gain. Proposals which reduce deficiencies in access to nature should be considered positively.
- 5.126 Heybourne Park is a Local Wildlife Site (Site of Importance for Nature Conservation (SINC). A number of ecological surveys (including a preliminary ecological appraisal, bats, great crested newts) have been undertaken to inform the Scheme which determined the Estate to have low potential to support protected species.
- 5.127 The site is considered suitable for supporting common breeding birds. Features of interest in Heybourne Park include the pond, swamp and trees and species that included breeding wetland birds and the potential for frogs and newts (not great crested newts). The site holds potential for nesting birds, invertebrate species and a habitat for foraging and sheltering hedgehog.
- 5.128 The Ecological reports conclude that due to the location of the proposed development, the features of interest associated with Heybourne Park are unlikely to be impacted by the proposed development. A number of measures such as the introduction of bird/bat boxes, proposed tree, shrub and groundcover planting and insect hotel are proposed as part of the Next Phase and will result in biodiversity net gain across the Site. The proposed development is in accordance with the objectives of the planning framework as existing ecology will be protected during and post construction and the scheme will incorporate biodiversity enhancement.

## Amenity of Neighbouring and Future Residents

- 5.129 An objective of the planning framework is to ensure that the design of buildings results in comfortable environments for existing and future occupiers, provide adequate daylight, sunlight and do not compromise comfort and enjoyment of open spaces around buildings.

### Overshadowing, daylight and sunlight

- 5.130 London Plan Policy D6 (Housing quality and standards), Core Strategy Policy DM01 and Draft Barnet Local Plan Policy CDH01 (Promoting High Quality Design) require development to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

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London Plan Policy D9 (Tall buildings) requires daylight and sunlight penetration around buildings and the neighbourhood to be carefully considered and not compromise the enjoyment of open spaces around the building.

- 5.131 Daylight/Sunlight Reports have been prepared as part of the hybrid planning application for Plot A and the remaining plots in the Next Phase in accordance with BRE guidelines to assess the daylight/sunlight amenity on surrounding residential properties following the redevelopment.
- 5.132 The reports support the Next Phase in terms of daylight, sunlight and overshadowing amenity. Detailed Daylight and Sunlight assessments will be required to be undertaken for each reserved matters Development Plot application to ensure that these subsequent applications do not give rise to adverse impact and are in line with BRE guidance. These have been submitted as part of the first RMA for Plots H and K.
- 5.133 An Internal Daylight Report was prepared as part of the design for the Next Phase to consider the internal daylight amenity of the proposed development of Plot A. The report concludes that the scheme has been well designed to allow good levels of daylight to penetrate the proposed units, especially in consideration of it being located in an urban area and the scheme is supported in terms of internal daylight amenity. The design of the remainder of the Next Phase will follow the same design principles.
- 5.134 The Next Phase therefore meets the objectives of the planning framework in that no adverse impacts will arise in terms of daylight, sunlight and overshadowing.

#### Microclimate: Wind

- 5.135 London Plan Policy D9 (Tall buildings), Core Strategy Policy DM05 (Tall buildings) and Draft Local Plan Policy CDH04 (Tall Buildings) requires the impact of wind conditions around buildings and neighbourhoods to be carefully considered and not compromise comfort and the enjoyment of open spaces around the building and in the public realm. Draft Barnet Local Plan Policy CDH02 (Sustainable and Inclusive Design Sustainable Design and Construction) requires microclimate/wind conditions to be managed in accordance with the Sustainable Design Guidance SPD.

A Microclimate Wind Assessment was prepared to assess the pedestrian level wind microclimate around the proposed development of the Next Phase. The report advises that the wind conditions around the proposed development in relation to existing buildings and the proposed new buildings are expected to be suitable for its intended usage. The Next Phase is therefore compliant with the planning

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framework and will result in no adverse impacts on microclimate and the comfort and enjoyment of open spaces around the building.

## Transport, highways and parking

- 5.136 An objective of the planning framework is to encourage travel by sustainable means through the improvement of transport links, streets and the public realm to create a more attractive and legible environment, increasing cycle parking and a reduction in car parking.
- 5.137 London Plan Policy T1 (Strategic Approach to Transport) requires development proposals to support and facilitate the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policy T2 (Healthy Streets) requires developments to deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling and deliver improvements that support the ten Healthy Street Indicators.
- 5.138 London Plan Policy T4 (Assessing and mitigating transport impacts) adds that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Where appropriate, mitigation either through direct provision of public transport, walking and cycling facilities, highways improvements or through financial contributions, will be required to address any adverse transport impacts that are identified.
- 5.139 Core Strategy policy CS9 (Providing safe, effective and efficient travel) confirms that the Council will promote the delivery of appropriate transport infrastructure in order to support growth and reduce the impact of travel especially in regeneration areas to support Barnet's growth. Draft Local Plan Policy TRC01 (Sustainable and Active Travel) seeks to deliver a more sustainable transport network and reduce car dependency and will require development to address the needs of cyclists and pedestrians through good connections to bus stops; stations and walking and cycling networks; a healthy, safe and attractive walking and cycling environment, seeking improvements to the wider walking and cycling environment, supporting the Healthy Streets Approach.
- 5.140 Key aspirations of the Scheme include improving legibility around the Estate; better connecting the Estate to the surrounding area and making routes safer therefore encouraging travel by more sustainable means. The Next Phase will significantly improve the local transport network through the

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creation of a new street network, building on the successful aspects of the layout in the Grahame Park SPD to create a more legible place. The proposed network of streets will greatly improve access to and from the surrounding areas, in particular to key connections to the north including Mill Hill Broadway station and district centre. The improved north to south connection will enable existing bus routes to be re-routed creating more efficient routes through the area and increase PTAL within the estate.

- 5.141 The Scheme has been designed in line with the principles of Transport for London's ("TfL's") Healthy Streets and will significantly improve the pedestrian and cycle infrastructure across the estate and surrounding area. The new street network will create a more legible environment with a high-quality public realm and a higher degree of natural surveillance that will significantly improve safety over the existing situation and encourage walking on the estate as well as improving access to Colindale Underground station. The layout of the Next Phase incorporates a cycling network for all cyclists of differing levels of experience as well as significant cycle parking provision. All of the above measures have the potential to change the travel characteristics of the Estate to support the Mayor's strategic target of 80% of all trips in London to be made through sustainable travel.

#### Car Parking

- 5.142 London Plan Policy T6 (car parking) requires car parking to be restricted in line with levels of existing and future public transport accessibility and connectivity. London Plan Policy T6.1 (Residential parking) and Table 10.3. advise that the maximum car parking provision for residential development in Outer London Opportunity Areas is 0.5 spaces per dwelling. The maximum parking standards for non-residential uses are 1 space per 75sqm GIA for A1-A5 uses and up to 1 space per 600sqm GIA for office uses. At least 20% of spaces should have active charging facilities with passive provision for all remaining spaces. For 3% of dwellings at least one designated disabled persons bay per dwelling should be available at the outset with an allowance for an additional 7% of dwellings to be provided with one designated disabled persons space per dwelling in the future.
- 5.143 Draft Local Plan Policy TRC03 (Parking Management) for residential development expects development to provide parking with the standards in Table 23 which advises that up to 0.5 spaces per dwelling will be allowed for development within Opportunity Areas.
- 5.144 The Next Phase complies with the strategic aims of the London Plan to support a modal shift away from travel by car by providing an overall level of residential car parking at a ratio of up to 0.41 parking spaces per residential unit. The ratio of car parking will be consistent across the Next Phase. No dedicated

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parking is proposed for retail uses as it is assumed these will be linked / bypass trips from occupants from the proposed development and surrounding area and the commercial element will be car free.

## **Energy and Sustainability**

- 5.145 The objective of the planning framework is that major development should be net zero carbon as set out in London Plan Policy S12 (Minimising greenhouse gas emissions). This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy set out in policy and a detailed energy strategy is required to demonstrate how the net zero target will be met.
- 5.146 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a cash in lieu contribution, or off-site provision. Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a Whole Life-Cycle Carbon Assessment.
- 5.147 London Plan Policy S13 (Energy infrastructure) requires major development proposals within Heat Network Priority Areas to have a communal low-temperature heating system in accordance with the hearing hierarchy. CHP and ultra-low NOx gas boiler communal or district heating systems should be designed to ensure that they meet the requirements of policy S11 Part B. Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.
- 5.148 Draft Local Plan Policy ECC01 (Mitigating Climate Change) expects development to be energy efficient and be in accordance with policy in the London Plan.
- 5.149 There is an existing legacy heat network serving the buildings on Plot 10, 11 and 12 (as well as other buildings outside the Next Phase), which is not compatible with a modern low temperature heat network and has reached the end of its design life. The existing system is to be decommissioned as the Scheme progresses. The Principal Development Agreement between the Council and the Developer, makes provision to ensure that continuity of heating and hot water is maintained to any part of the Next Phase prior to demolition or any homes on the Estate which is outside the next Phase.

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- 5.150 An Energy Assessment that includes an estate wide energy strategy has been prepared for the Next Phase in accordance with the requirements of the London Plan
- 5.151 The Next Phase follows the London Plan carbon reduction methodology. The base line 'Be-Lean' passive energy saving measures such as low fabric U-values and a low air leakage rate along with Mechanical Ventilation with Heat Recovery deliver a building that performs at least 10% better than current building regulation requirements.
- 5.152 In addition, the Next Phase will provide low carbon heat networks served with Air Source Heat Pumps (ASHP's) as required by the London Plan. The ASHP's have been sized to deliver nearly all of the predicted domestic hot water heat load and predicted to deliver approximately 50% of the sites overall heat demand. The overall effect of these measures is a development that reduces its regulated carbon emissions by 35% over building regulation targets. It is likely that due to the extended programme to deliver the whole of the Scheme, the carbon emission savings will increase further as there is an increase in ASHP efficiency can be expected over the coming years. PV's have been specified to ensure a carbon offset of 35% for the non-domestic buildings.
- 5.153 Where it is not possible to meet the carbon reduction target of net zero carbon with onsite measures, carbon offsetting will be required and details of a cash payment to be made to the local authority at each phase are set out in the s106 agreement.
- 5.154 The Energy Assessment assesses the feasibility of the proposed development connecting into a district heating network for the Colindale area. At the current time it is not feasible to create a wider district heating network. However, the main infrastructure will be sized so that connections can be made to a wider network in the future, should one become available.
- 5.155 At this current time, three Energy Centres are proposed to serve the entire redevelopment of the Next Phase.
- 5.156 At the time of submission of the hybrid planning application there was no requirement to calculate whole life-cycle carbon emissions though a Whole Life-Cycle Assessment. The reserved matters applications are not referable to the GLA, however NHG propose to comply with best practice in terms of whole life-carbon emissions wherever possible in the development of the Next Phase.

5.157 The Scheme is compliant with the planning framework to create a net zero carbon development through replacing the existing outdated site wide energy network with new Energy Centres in various phases of the development and via carbon offset payments at various stages in the Scheme.

## The 2020 Permission

5.158 The following section summarises information on the 2020 Permission which includes a hybrid planning permission and the reserved matters application for Plots H and K. Each is summarised below. Note that references to Use Classes are to the Use Classes in force at the time the permission was granted.

### Hybrid planning permission

5.159 There is an extant hybrid Planning Permission for the Scheme which delivers the key principles and objectives of the planning framework as well as the Council and Developer's wider objectives for the regeneration of Grahame Park and the Borough. The developer submitted the hybrid planning application to the Local Planning Authority on 3 October 2019 (application reference number 19/5493/OUT). An Environmental Impact Assessment Environmental Statement formed part of the application. Consultation was carried out on the planning application during late 2019 and early 2020. The Local Planning Authority received two objections from local residents, a petition against the proposal, an objection from the elected London Assembly Member for Barnet and Camden, an objection from the Diocese of Westminster and two letters of support and one neutral letter from local residents in respect of the planning application. The Council's Strategic Planning Committee resolved to grant planning permission, subject to referral to the Mayor of London, 56 planning conditions and subject to entering into a section 106 agreement. A section 106 agreement was entered into on 31 July 2020. The hybrid planning permission was granted on 31 July 2020 for the development described below;

5.160 *"Hybrid planning application for the demolition of 630 residential units and existing commercial, retail and community floorspace, and the phased redevelopment of Plots 10-12 of Grahame Park comprising a full planning application for the redevelopment of Plot A and an outline planning application for the redevelopment of Plots B to Q for up to 2,088 residential units and up to 5,950sqm (GEA) of flexible non-residential floorspace.*

5.161 *Full planning permission is sought for the demolition of 113 existing homes and the redevelopment of Plot A comprising the erection of 5 buildings between 3 and 11 storeys to provide 209 new homes and 440sqm (GEA)*

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of non-residential floorspace (Use Class A1, A2, A3, B1), landscape, public open space and public realm, associated car parking, cycle spaces and other associated works.

5.162 Outline planning permission (scale, layout, landscaping and appearance reserved) for the demolition of 517 existing residential units, buildings and structures on Plots B to Q, and the redevelopment of the site in a series of phases to provide up to 1,879 new homes and up to 5,510sqm (GEA) of non-residential floorspace within classes A1, A2, A3, A4, B1, D1 and D2 including a community centre and children's day nursery in buildings ranging in height from 3 storeys to 15 storeys, with associated public open space, hard and soft landscaping, public realm, car parking spaces, and cycle parking spaces, stopping up and diversion of Lanacre Avenue and associated works."

5.163 The Scheme was referable to the Mayor of London. There was an extensive process of engagement with the GLA in relation to the Scheme including planning, design, viability and housing. This culminated in the GLA Stage 2 Report which confirmed the acceptability of the scheme and concluded:

5.164 "The strategic issues raised at consultation stage regarding the principle of estate regeneration, housing and affordable housing, play space, urban design, heritage, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such the application complies with the London Plan and the Mayor's Intend to Publish London Plan, and there are no sound reasons for the Mayor to intervene in this particular case. Therefore, it is recommended that the Mayor allows Barnet Council to determine the application, subject to any action that the Secretary of State may take."

5.165 The hybrid Planning Permission is for the following uses and amounts of development.

5.166 Table Two: Minimum and maximum floorspace by Use Class for the hybrid Planning Permission

<b>Land Use</b>	<b>Use Class</b>	<b>Minimum GIA (sqm)</b>	<b>Maximum GIA (sqm)</b>
Residential	C3		192,075
Retail	A1-A3	600	1,500
Public House	A4	0	250
Office	B1	0	1,100

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Non-residential institutions	D1/D2	1,200	3,100
TOTAL			198,025

5.167 The 2020 Planning Permission delivers the complete redevelopment and regeneration of Plots 10, 11 and 12 of the Grahame Park Estate.

5.168 A Reserved Matters application seeking approval of, layout, scale, appearance, access and landscaping in respect of Plots H and K pursuant to Conditions 7, 10, 12, 28 and 44 attached to the hybrid planning permission was submitted on 16 May 2022 (19/5493/OUT) This is for the erection of buildings ranging between 3 and 14 storeys high comprising of 364 residential dwellings and flexible commercial space (Use Class E), a housing office (Use Class E), community centre (Use Class F2(b)), energy centre, public open space and public realm, car parking spaces, cycle parking spaces, refuse storage space, construction of part of Bristol Avenue and other associated works. The application is currently being considered by the planning authority.

5.169 The Developer's signed section 106 agreement commits the developer to delivering the many benefits of the Planning Permission. Some of the key obligations are set out in Table Three below.

Table Three: Key obligations within the Planning Permission's section 106 agreement

Obligation	Details
Transport and Highways	<p>A sum of £1,781,400 for</p> <ul style="list-style-type: none"> <li>- New bus services</li> <li>- New Cycle and Pedestrian routes</li> <li>- Establishment and promotion of a Car Club</li> </ul> <p>Paid on a phased basis linked to the completion of the number of units.</p> <p>-</p>
Carbon off-set contribution	<ul style="list-style-type: none"> <li>- Pay an Estimated Carbon Off-Setting contribution prior to the commencement of each plot.</li> </ul>
Heybourne Park	<ul style="list-style-type: none"> <li>- Pay a contribution of £2,000,000 (index linked)</li> </ul>

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Improvement Contributions	
Employment, Recruitment and training	<ul style="list-style-type: none"> <li>- Pay £711,420 towards skills and employment purposes – to provide employment and training initiatives for residents of the Grahame Park Estate, support the economic prospects of the residents of the Grahame Park Estate and deliver improvement to the old library situated on the Estate.</li> <li>- Provide a number of apprenticeships, places for progression into work, work experience opportunities, student site visits, student workshops, with a 10% local labour target and incorporating into the supply chain at least 10 local suppliers (within Barnet).</li> <li>- Submit an Employment and Skills Strategy for each phase.</li> </ul>
Health Care contribution	<ul style="list-style-type: none"> <li>- Construct a new health centre or pay a Contribution of £2,762m (index linked)</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>- The provision of 50% by habitable rooms to be Affordable Housing Units with a tenure split by habitable room of 38 percent Low-Cost Rent Housing and 62 percent Intermediate Housing</li> <li>- Submit an Affordable Housing Outline Scheme with each RMA and not commence development on an outline plot until the Council has approved the Affordable Housing Outline Scheme for that plot.</li> <li>- Prior to Occupation of 50% of the Private Residential Units within each Outline Plot, transfer the Affordable Housing Units to the Council or the relevant Registered Provider (as applicable).</li> </ul>
Viability Reassessment	<ul style="list-style-type: none"> <li>- Carry out Early-Stage Review, First Mid Stage Review, Second Mid Stage Review and Late Stage Review to confirm whether any further Low Cost Rent Housing or Additional Affordable Housing can be provided.</li> </ul>
Community Centre	<ul style="list-style-type: none"> <li>- Provide a new community centre.</li> </ul>
Nursery	<ul style="list-style-type: none"> <li>- Provide a new nursery.</li> </ul>
District heating network	<ul style="list-style-type: none"> <li>- Prior to Commencement of Development of each Development Plot the developer shall submit a Statement to the Council for approval in writing on how it can be connected to a district</li> </ul>

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	heating system or a potential district heating system if not in operation at the time.
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*Note that not all obligations are set out in this table.*

## Summary of the 2020 Permission and compliance with the strategic planning framework

- 5.170 A Reserved Matters application seeking approval of, layout, scale, appearance, access and landscaping in respect of Plots H and K pursuant to Conditions 7, 10, 12, 28 and 44 attached to the hybrid planning permission was submitted on 16 May 2022 (19/5493/OUT) This is for the erection of buildings ranging between 3 and 14 storeys high comprising of 364 residential dwellings and flexible commercial space (Use Class E), a housing office (Use Class E), community centre (Use Class F2(b)), energy centre, public open space and public realm, car parking spaces, cycle parking spaces, refuse storage space, construction of part of Bristol Avenue and other associated works. The application is currently being considered by the planning authority.
- 5.171 Overall, the Council considers that the 2020 Planning Permission delivers the policy objectives and aspirations for the Next Phase, and that the 2020 Planning Permission is consistent with the planning framework for the area. This is in terms of both the planning framework in place at the date of decision on the 2020 permission and the planning framework in place at the date of making the CPO.
- 5.172 The developer has implemented the 2020 Planning Permission. Further information on the implementation of the Planning Permission is set out in section 6 of this Statement on delivery. In accordance with Tier 2, Section 1, paragraph 104 of the MHCLG Guidance, there are no planning impediments to the implementation of the Scheme as a planning permission is in place, and both the Planning Permission and the underlying principles of the Scheme accord with the strategic planning framework.

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## 6. DELIVERY STRUCTURE AND FUNDING

6.1 The delivery of the Next Phase of the Scheme is an important policy priority for the Council, and it is working with the developer to ensure that the necessary funding, approvals and consents and all other matters required for delivery of the regeneration proposals are in place. Further information is given at section 10.

### **The Developer**

6.2 Choices for Grahame Park is a special purpose delivery vehicle owned by Notting Hill Genesis (“NHG”). NHG was created in 2018 from the merger of two well-established housing associations. NHG is now one of the largest housing associations in London and one of the foremost providers of social housing. It owns and manages more than 66,000 homes and employ around 2,000 staff, providing homes across a range of tenures.

6.3 NHG has been creating and participating in successful joint ventures with a diverse range of partners for over two decades. NHG is a financially robust developer and housing association with expertise far beyond traditional affordable housing provision, including residential development for sale, market rent, student accommodation and commercial premises.

6.4 In addition to its long-term involvement in Grahame Park, NHG is also the lead developer in several other large development and regeneration projects such as Oaklands, Old Oak Common, Kidbooke Station Square and Royal Albert Wharf, Newham and is a Strategic Partner of the GLA with an annual target to deliver 1450 homes. NHG were chosen by the London Borough of Southwark as the Development Partner for the Aylesbury Regeneration in 2014. Together with Southwark, NHG are committed to deliver a Masterplan of 3,500 new homes, 50% of which will be affordable. 75% of the affordable homes will be social rented homes and 25% will be shared ownership or shared equity. Southwark granted outline consent for the Masterplan and detailed consent for the first Development Site (which will deliver over 800 homes) in 2015

6.5 As such, NHG has a broad range of development and regeneration experience and is used to working collaboratively with partners from both the public and private sectors across London to deliver quality homes and associated community facilities.

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- 6.6 NHG has a team of in-house experts covering development, finance, project management and construction and has access to a number of its own Frameworks from which to source consultants and contractors to provide advice including design, planning, community engagement and site assembly, construction and facilities management.
- 6.7 Accordingly, NHG is well placed to undertake and deliver a scheme of this nature and scale and is already doing so in this case.

### **Delivery and Funding**

- 6.8 The Council and NHG entered into a Principal Development Agreement (“PDA”) in January 2007 to secure the delivery of the regeneration of the Estate. Since signing, the PDA has been varied a number of times to accommodate changes to the Scheme, specifically: -
- removing part of Stage A from the regeneration area so as to allow Barnet and Southgate College to build a new college;
  - removing part of Stage A from the regeneration area so as to allow LB Barnet to construct new Council offices;
  - change the overall number of dwellings to be delivered by the developer;
  - Addressing the viability of Stage B and re-setting commercial parameters to enable the subsequent development of Stage B.
- 6.9 If the Order is confirmed, the Council intend to use its CPO powers to acquire land interests that are unable to be secured through private treaty negotiations and the land will be transferred to the developer in the same way as they would acquire land through private treaty negotiations.
- 6.10 The Council and the developer also entered into a CPO Indemnity Agreement (“CPOIA”) on 18 August 2016, under which the developer undertook to indemnify the Council in respect of costs incurred in promoting, making, and securing the compulsory acquisition of the Order Land and any highway orders and the compensation payments arising from those acquisitions.
- 6.11 The developer, Choices for Grahame Park, is a wholly owned subsidiary of Notting Hill Genesis and has an A rating by S&P and by Fitch and has undrawn external debt facilities totalling circa £917. The

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Scheme will be predominantly financed by the developer through a loan from Notting Hill Genesis (coupled with progress payments for the affordable housing units), plus internal subsidies from Notting Hill Genesis's reserves and the GLA affordable housing grant to aid the delivery and payment for the affordable housing (further detailed in 6.12 below), with the developer achieving a commercial return from the sale of the private and affordable residential units, as well as some commercial units. Additionally, the developer will recycle the returns from its private and commercial sales by reinvesting profits into future phases. The Developer has already invested in the promotion of the Scheme by completing Stage A, by the acquisition of a significant number of the third-party interests and with commencement of the first plot of Stage B (Plot A).

6.12 The GLA Grant of £8.37m was secured for Plot A. The developer has also provisionally confirmed grant of £17.44m for Plot 12 and £45.69m for Plot 11 from the GLLA.

6.13 Overall, the Council is satisfied that the Developer will have the funding in place to deliver the Next Phase.

6.14 The Next Phase meets NHG parameters for viability (which includes internal subsidy from reserves to deliver 50% social housing across the full redevelopment of Plots 10 to 12. The developer remains committed to delivering the Next Phase (Plots 10,11 and 12) as a whole.

6.15 As would be expected in such a large project, in order to demolish the existing Estate buildings, clear the site and deliver up to 2,088 new homes along with improvements to Heybourne Park and a new network of roads, the Next Phase will be brought forward in phases, staged over a number of years. A detailed phasing strategy has been developed.

6.16 A key principle of this phasing strategy is to enable the early provision of new affordable homes, within the first Development Plot - Plot A - for existing social tenants and resident leaseholders within Plots 10-12 to relocate in one move and reduce disruption. Plot A is currently being constructed and discussions with the remaining secure tenants in Plot 10,11 and 12 are well advanced.

6.17 The phasing of subsequent phases of the regeneration have been sequenced and informed by;

- Creating complete neighbourhoods as early as possible
- Continuity of community uses – with no in use community buildings being demolished before the new replacement have been built and operated.

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- Continuity of the existing district heating supply/system – with the phasing enabling adequate time for replacement systems to be designed and commissioned by these neighbouring properties so no residents or other uses are left without supply.
- Balancing tenure distribution and timing of delivery.
- An assessment of financial viability of the whole scheme and value creation.
- Prioritising transport infrastructure delivery – with one of the key interventions of the Masterplan being the relocation and extension of the main north:south road to create a central spine (Bristol Avenue) – with the phasing enabling the road to be delivered ahead of the development plots and allowing for the improvements to the bus routes to come forward as soon as possible.
- Removing the Concourse as soon as possible.

6.18 Alongside permanent construction and landscaping, opportunities exist to find temporary uses for buildings and open spaces to support both the existing community and the new residents as the development is constructed in phases.

6.19 As set out in paragraph 5.159 of this Statement, planning permission (part detailed and part outline) has been granted for the Next Phase, and this is currently being implemented by developer.

6.20 The Council and the developer will seek to acquire Order Land properties within the following estimated timeframe of vacant possession dates:

<b>Block / Property</b>	<b>Estimated Vacant Possession Date</b>
Folland, Galy, Gates, Gauntlet, Heracles	Q1 2024
Merlin, Hudson, Hector	Q4 2024
Kemp, Mercury	Q4 2024
Napier, Nardini, March, Martynside, Moineau, Mitchell, Moorhouse	Q1 2027 Onwards

6.21 Subject to the acquisition of all third-party proprietary interests within the Order Land, construction of future plots is expected to commence in Q3 2024 following site clearance and preparatory works and then to be delivered in Development Plots as set out in the table below.

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<b>Plot</b>	<b>Development Plot</b>	<b>Site Acquisition Completed</b>	<b>Construction Start on Site</b>	<b>Construction Completion</b>
Plot 10	Plot A	Complete (Not within Order Land)	Oct 2021	Q1 2024
Plot 12	Plot K	Q1 2024	Q3 2024	Q1 2027
Plot 12	Plot H	Q4 2024	Q3 2025	Q1 2028
Plot 12	Plot L	Q4 2024	Q3 2026	Q3 2028
Plot 12	Plot G	Q4 2024	Q1 2027	Q1 2029
Plot 12	Plot J	Q4 2024	Q3 2027	Q1 2030
Plot 11	Plot P	Q1 2027 onwards	Q3 2028	Q3 2030
Plot 10	Napier block (only remaining part of Plot 10 where site acquisition is not completed)	Q1 2027 onwards	Q3 2028	Q3 2030
Plot 11	Plot D	Q1 2027 onwards	Q1 2029	Q2 2031
Plot 10	Plot B	Complete (not within Order Land)	Q4 2029	Q1 2033
Plot 11	Plot E	Q1 2027 onwards	Q3 2031	Q4 2033
Plot 11	Plot F	Q1 2027 onwards	Q2 2032	Q3 2034
Plot 11	Plot C	Q1 2027 onwards	Q1 2033	Q2 2035
Plot 11	Plot Q	Q1 2027 onwards	Q2 2034	Q4 2036

6.22 The scheme is proposed to be completed by 2036

6.23 The developer is aware that as a consequence of phasing the Next Phase to meet the objectives set out in 6.17, mitigation measures need to be taken to minimise the impact on existing residents in the completed part of the development and the later phases.

6.24 Condition 14 of the 2020 Permission requires the Developer to provide to the Local Authority for approval a Demolition and Construction Environmental Method Management Plan prior to the commencement of development of a Development Plot, to control the adverse impacts on the amenity, safety and wellbeing of site workers, the public and nearby occupiers for that Development Plot. A plan has been prepared by Wates (the building contractor for Plot A) and approved by the Local Planning Authority with further plans to be submitted for the development plots in line with the phasing programme. The plan for Plot A sets out the following amongst other measures.

6.24.1. To minimise disruption to the local road network, Wates have developed a traffic management layout to ensure that construction traffic remains on the main arterial routes along with creating a new haul road. All vehicles will need to book deliveries through a delivery management system and traffic movement into the site will be controlled by Traffic Marshals.

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- 6.24.2. Wates have a dedicated Community Liaison Manager whose details are posted on the site hoarding and the site notice board. Wates are also providing presentations to local residents to inform them of the works and will also provide a newsletter at key points within the construction process to inform residents of potential increase in noise or disruption.
- 6.24.3. Having in place measures to reduce noise e.g.,
- noise emission limits for equipment
  - restricting use of noisy equipment to certain times of the day
  - control of delivery times
  - adopting CFA piling which is a low vibration method of working
  - erection of temporary noise screens
- 6.24.4. Appropriate hoarding will be erected around working areas to reduce dust dispersion and hoardings, fencing, barriers and scaffolding regularly cleaned using wet methods to prevent re-suspension of particulate matter.
- 6.24.5. Long term haul routes will have hard surfaces which will be regularly damped down to prevent dust dispersion.
- 6.24.6. Dust monitoring will be carried out by having dust sentry monitoring units on the site.
- 6.24.7. To ensure the bus service serving the estate is accessible at all times, the highway works to create the new link road (Bristol Avenue) have been sequenced to reduce the need for temporary arrangements such as temporary road closures and complete footpath closures.
- 6.25 As set out above, the Council and the developer and their professional team are committed to delivering this important project and all parties are working together to ensure that the delivery of the Next Phase continues. Combined, the parties have the required knowledge, capacity, funding, and intention to deliver the Next Phase and there are no impediments to its delivery.
- 6.26 The Council is satisfied that the phasing programme has been designed to deliver the Next Phase to achieve the objectives set out in 6.17 and that appropriate measures have been put in place to minimise the impact on surrounding residents.

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## 7. EXPLANATION OF THE USE OF THE ENABLING POWERS

### Section 226(1)(a) of the Town and Country Planning Act 1990

- 7.1 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 7.2 Section 226(1)(a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 7.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment, or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- the promotion or improvement of the economic well-being of its area;
  - the promotion or improvement of the social well-being of its area;
  - the promotion or improvement of the environmental well-being of its area. Section 13 Local Government (Miscellaneous Provisions) Act 1976

### Guidance on Compulsory Purchase Process and the Crichel Down Rules (2019)

- 7.4 Government guidance on the use of compulsory purchase powers is provided in 2019 Guidance which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 7.5 The 2019 Guidance at Tier 1, paragraph 2 sets out that acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. It requires that the officers’ report seeking authorisation for the compulsory purchase order should address human rights issues. Section 9 of this Statement sets out further consideration of human rights.
- 7.6 Tier 1, paragraph 2 also sets out that acquiring authorities are required to demonstrate they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. The Council has

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sought to acquire the interests by agreement and continues to do so alongside the making of the Order. Further information is set out in section 10 of this Statement.

- 7.7 Tier 1, paragraph 6 provides guidance on how due regard should be given to the Public Sector Equality Duty. This should be taken into account when making a compulsory purchase order in accordance with the Equality Act 2010. Section 9 of this Statement provides further information on how the Council has considered this throughout the process.
- 7.8 Tier 2, section 1 provides specific advice on the making of orders under section 226 of the 1990 Act. Paragraph 95 of section 1 states that the powers under section 226 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist.
- 7.9 Paragraph 97 refers to section 226(1)(a) of the 1990 Act enabling acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired, and it is not certain that they will be able to acquire it by agreement.
- 7.10 Paragraph 103 of the same section refers to section 226(1)(a) being restricted under section 226(1A), providing that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. It makes clear that the benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase power as the concept of the wellbeing is applied to the whole (or any part) of the acquiring authority's area.
- 7.11 Paragraph 104 sets out further information on the justification required to support an order to acquire land compulsorily under section 226(1)(a) of the 1990 Act. This includes;
- Programme of land assembly to be set within a clear strategic framework.
  - Such a framework needs to be founded on an appropriate evidence base and to have been subjected to consultation processes.
  - The planning framework should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme.
  - Consideration of the NPPF as this is a material consideration in all planning decisions.

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7.12 Paragraph 106 further provides that in making a decision whether to confirm an order made under section 226(1)(a), the Secretary of State will take the following factors into account:

- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF.
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired
- The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important.

7.13 Parts of the Estate which are owned by the Council, are not adopted highway land and have no third-party interests have been excluded from the Order, as no acquisition of third-party interests are required to deliver the Next Phase.

7.14 The Council has followed the 2019 Guidance in making the Order. The Council is utilising the powers under section 226(1)(a) of the 1990 Act because the Scheme will facilitate the redevelopment of this poorly designed post war council estate and will significantly contribute to the improvement of the economic, social and environmental well-being of the Council's area.

## 8. PURPOSE AND JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

8.1 The Council is committed to securing the regeneration of the Estate and the wider Colindale area. The need for its comprehensive redevelopment is supported in adopted planning policy documents including the NPPF, the London Plan and the Barnet Local Plan - Core Strategy. The Council has followed a transparent and objective decision-making process leading up to the decision to exercise its compulsory purchase powers to ensure delivery of the regeneration scheme.

8.2 The need to regenerate the Council's housing estates (including Grahame Park) has been consistently recognised since at least 2000 in the Council's Housing Strategies, as follows:

- The Council's 2000-2003 Housing Strategy noted "unequivocal evidence of the close association between the highest deprivation levels in Barnet and our largest social housing estates". The strategy noted proposals to regenerate the Grahame Park estate, and particularly "reconfiguration of the central concourse, including the replacement of two blocks by lower density, more open development" and "redesign of other blocks of flats to create smaller street-style settings, including an element of high-quality homes for sale".
- The 2001 Housing Strategy noted that the "key strategic housing challenge for the next five years is the regeneration of the Borough's most deprived neighbourhoods – particularly our priority estates", of which the Grahame Park estate is one.
- The 2002-2005 Housing Strategy states that the "radical rebuilding programme will promote community safety through design, help family life, health and educational achievement by tackling overcrowding" and will deliver "compliance with the new national decent homes standard".
- The Council's 2010-2025 Housing Strategy stated, "Our estate regeneration schemes will see the dismantling of our largest mono tenure council estates which have proved to be unpopular and limiting in terms of opportunities for residents living on them. These failing post war estates, Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley will be replaced by mixed tenure estates with new social housing, but also opportunities for entry level and market home ownership".
- The adopted 2015 – 2025 Housing Strategy states, "The council's largest estates in Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley are being regenerated. Dilapidated, poor quality housing is being replaced with modern, high-quality mixed-tenure accommodation. The

regeneration of Barnet's biggest estates will see 3,000 existing council dwellings replaced with 7,000 mixed tenure homes.

## **Facilitate the carrying out of development**

- 8.3 The Order is needed to facilitate the Development. The need for comprehensive redevelopment is supported by adopted planning policy documents including the London Plan (2021), London Borough of Barnet Local Plan – Core Strategy 2012, London Borough of Barnet Development Management Strategies (2012) and Colindale Area Action Plan (March 2010).
- 8.4 The Scheme will deliver the aspirations and policy requirements of the strategic planning framework including the NPPF, as well as wider Council policies and priorities. Further information on how the Scheme delivers the Council's policies and how it is consistent with the strategic planning framework is set out in section 5 of this Statement.
- 8.5 The Developer has sought to acquire as much of the Order Land as possible by negotiation and is continuing to seek to acquire as many as possible of the remaining interests by negotiation alongside the making of the CPO. This is consistent with paragraphs 2 and 17 of Tier 1 of the MHCLG Guidance. Further information is set out in Section 109 of this Statement.
- 8.6 Acquisition of all of the land and rights within the Order Land is necessary to deliver the Scheme and implement the Planning Permission, which in doing so will facilitate the much needed regeneration of the area. Careful consideration has been given to every parcel of land and right included in the Order and the Council is satisfied that all of the Order Land is required to enable delivery of the Scheme.

## **Social wellbeing**

- 8.7 The Next Phase and the Scheme overall will deliver significant social wellbeing benefits to the existing residents and surrounding area.
- 8.8 The Next Phase delivers 50% of units as affordable housing both in terms of habitable rooms and floorspace as required by the London Plan and the Draft Barnet Local plan (346 social rent homes and 699 Shared Ownership homes). On completion of the redevelopment of the Next Phase, the provision of social rented and London Affordable rent units will exceed the original number on the Estate of both in terms of habitable rooms and quantum of floorspace across Stages A and B of the Scheme. This

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equates to a provision of 33% low cost rented accommodation by habitable room, with the remaining units (67%) being intermediate shared ownership. The table below details the proposed unit mix.

Size	Social Rent/ Affordable Rent	Shared Ownership	Private	Total
	Units	Units	Units	Units
Studio	0	0	75	75
1-Bed	123	417	430	970
2-Bed	147	282	415	844
3-Bed	53	0	123	176
4 Bed	22	0	0	22
5 Bed	1	0	0	1
<b>Total</b>	<b>346</b>	<b>699</b>	<b>1043</b>	<b>2088</b>

- 8.9 The Next Phase will deliver a significantly enhanced quality of housing stock whilst also providing for a more balanced dwelling tenure mix. All new homes will be 'accessible and adaptable' dwellings in line with Part M Volume 1 of the Building Regulations; they will comply with the Mayor's Housing SPG (2016) and the development will be provided with low carbon heat networks served by Air Source Heat Pumps as required by the London Plan
- 8.10 All remaining secure tenants in the Next Phase will be offered the opportunity to move into Plot A with only one move. Eligible long leaseholders are also able to take up the offer of a new Shared Equity housing unit provided they meet the eligibility criteria, as set out in paragraph 10.16.
- 8.11 Overall, the Next Phase provides an improved tenure mix compared with that which currently exists on the Estate.
- 8.12 Due to the layout of the estate, the local shops within it only serve the estate and offer a limited retail choice with several shops vacant or in temporary use for storage, offering little amenity to residents. The new retail units to be provided will be primarily located to the south of the site closer to Colindale and the existing office and educational uses delivered as part of Stage A. This will provide a much greater footfall due to pedestrian and cycle movements being concentrated along the new main thoroughfare of Bristol Avenue which will help to support a more sustainable retail offer.

- 8.13 The Next Phase will provide new community facilities comprising the Children's Nursery and the Community Centre which will be located along Bristol Avenue thereby being more accessible than the existing facilities. All non-residential uses will be assigned as 'flexible space' to enable the space to be refined within each Reserved Matters Application so that it can be adapted to meet the needs of residents and the wider community.
- 8.14 The existing Health Centre is proposed to be delivered off-site. A contribution of £2,762,792 (which is index linked) will be made towards this. In the event the new Health Centre cannot be delivered off-site, there is provision within the S.106 agreement for this to be provided as part of the Next Phase.
- 8.15 The improvement in the legibility of the Estate in the Next Phase, will encourage walking and cycling and improved connections with the surrounding areas will increase the Public Transport Accessibility Levels (PTAL) as set out in paragraphs 5.140 to 5.142.

## **Environmental wellbeing**

- 8.16 The issues affecting the existing Estate are set out above at Paragraphs 2.4 to 2.9. The Next Phase has been designed to address the poor layout of the Estate which can only be achieved by full redevelopment of the Estate.
- 8.17 The Next Phase will re-integrate the development with the adjoining neighbourhoods and key transport hubs and facilitate improved 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. Secondary and tertiary routes running east to west are proposed to connect the site to adjacent neighbourhoods. The new layout of the estate will enable more efficient bus routes to serve the area. Additional bus services will also serve the Estate.
- 8.18 Green space will be distributed throughout the development to provide a network of streets with hedges, shrubs and trees, parking areas interspersed with trees, private gardens and gardens at podium level providing shared amenity space. Improvements will be made to Heybourne Park to provide landscaped areas, play/sports facilities for all ages, and seating areas. Local play areas will be near to homes in semi-private courtyards or publicly accessible areas (including a play street to the south of the site which is to be provided). More trees will be planted than those removed to make way for buildings and older damaged or disease-prone trees will be replaced with new trees.

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- 8.19 The soft landscaping which has been incorporated throughout the design of the Next Phase will provide sustainable urban drainage, improve biodiversity and will enhance the visual and amenity value of the Estate as a whole.
- 8.20 Heybourne Park is a Site of Importance for Nature Conservation (SINC). To improve the biodiversity of the Park, a number of measures will be introduced as set out in paragraphs 5.126 to 5.128.
- 8.21 The development is designed to reduce carbon emissions and provide a sustainable development as set out in paragraphs 5.149 to 5.155. Three low carbon heat networks are proposed which are predicted to provide approximately 50 percent of the overall heat demand for the Next Phase which will reduce regulated carbon emissions by 35% over building regulation targets. Homes will meet current insulation standards and have been designed to avoid overheating thereby reducing the use of air conditioning units,

## **Economic Wellbeing**

- 8.22 Dating back to 2000 the Council's Housing Strategy identified a correlation between Barnet's largest social-housing estates and high levels of socio-economic deprivation.
- 8.23 One of the Scheme's central objectives is to redress that level of deprivation through the promotion of economic benefits in and around Grahame Park. New retail provision, greater spending power and higher quality retail outlets are some of the means through which this objective will be met.
- 8.24 The Next Phase will include flexible employment space to provide a range of workspaces for local businesses.
- 8.25 The S.106 Agreement sets out various employment and enterprise obligations that the developer must use reasonable endeavours to deliver as part of the Scheme as follows;
- A comprehensive programme of socio-economic regeneration including a package of support for skills, training, employment and new businesses
  - 35 apprenticeships to be offered during the construction and operation of the Development
  - 28 Places for Progression into Employment (less than 6 months)
  - 31 Places for Progression into Employment (more than 6 months)
  - 85 opportunities for work experience
  - a local labour target of 10%
  - to incorporate at least 10 local suppliers (within Barnet) into the local supply chain

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8.26 The wellbeing improvements which will be achieved by the next Phase as a whole can be summarised as follows:

- The provision of new housing available in a mixture of tenures, providing new replacement social rented accommodation, London Affordable Rent, shared ownership and additional social/Affordable rent housing where viable, along with enabling private sale housing.
- An increase in the overall quantum of housing to meet housing need as well as providing quality homes that are well planned, sustainable and adaptable for current and future generations and at a minimum meet current building regulations.
- The construction of a new nursery and the community facilities.
- An off-site contribution towards a new health centre or the provision of one on site.
- New retail units to serve the Estate and the wider community.
- New flexible workspace.
- A number of employment measures to assist with training and benefit to the local business community.
- 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.
- An increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space.
- Improvements to pedestrian and cycle connections throughout the local area
- An increase in biodiversity on the Estate and in Heybourne Park.
- The provision of homes that meet modern requirements and energy centres to reduce carbon emissions.

### **Compelling case in the public interest**

8.27 Taking account of the benefits above, the Council believes that the public benefits of the Scheme outweigh the interference with the rights of affected parties. Consequently, the Council believe that there is a compelling case in the public interest sufficient and proportionate to justify the making and confirmation of this Order. Without the use of CPO powers, the Next Phase is likely to be delayed or prevented altogether. Further information on the planning position and other consents is set out in sections 5 and 13 of this Statement.

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- 8.28 Further information on the consideration of the impact of the Order on human rights and on the Public Sector Equalities Duty under the Equality Act 2010 is set out in section 9.
- 8.29 As set out in Section 10 of this Statement, the Council and/or the developer has contacted all long leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations will continue in parallel with the compulsory purchase process. However, due to the number of third-party interests within the Order Land, it is unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, Stage B of the Scheme can still proceed.
- 8.30 Confirmation of the Order will enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of the Next Phase of the Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and area as set out in adopted policy.
- 8.31 If any rights are interfered with, which would enable a claim to be made under Section 10 of the Compulsory Purchase Act 1965, then these will be dealt with once the impact can be assessed.
- 8.32 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.
- 8.33 Having regard in particular to the benefits to be achieved from the Next Phase, the Council considers the use of compulsory purchase powers to be necessary and justified, and that in all the circumstances there is a compelling case in the public interest to make the Order, in order to facilitate the delivery of the Next Phase of the Scheme. The Council does not consider that there is a reasonable alternative to delivering the Next Phase since it forms part of a comprehensive regeneration project for which planning permission has already been granted, and which is already well underway with the construction of Plot A.
- 8.34 Failure to confirm the Order would have the following serious adverse consequences:
- The loss of an opportunity to continue to regenerate the Estate and deliver the significant social, economic and physical benefits in accordance with planning policy and long-standing Council housing policy.

- The delay or inability to deliver the Next Phase may impact the next stage of Stage B of the Scheme, Plots 13-16, which the Council is progressing, leading to delay or compromising the ability to obtain maximum benefits from this ongoing regeneration, leaving a Scheme that would only be partially complete and may not deliver all of the benefits intended.

## 9. HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

9.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

9.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

9.3 Article 1 of the First Protocol of the Convention states:

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

9.4 Article 8 of the Convention provides:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*

*(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ....the economic well-being of the country...”*

9.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

9.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

9.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the factual background to the Order as set out in this Statement, and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest,

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authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of Grahame Park.

- 9.8 The Council and its development partner have carried out extensive publication and consultation exercises with residents on the Estate and the wider community on the regeneration proposals. Through the various consultation exercises residents of the Estate and the wider community have had the opportunity to make representations to the Council on the regeneration proposals.
- 9.9 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if these have not already been acquired by agreement within the timescales required to deliver the next phase of the Scheme. As explained in Section 10 below, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 9.10 The Council is therefore of the view there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that the public interest that is to be served by the development and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council, therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

## **Equality Act 2010 (EA 2010)**

- 9.11 Section 149(1) of the EA 2010 places a statutory duty (the "public sector equality duty" (PSED)) on a public authority exercising its functions to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the EA 2010;
  - advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - foster good relations between people who share a protected characteristic and those who do not.

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- 9.12 In exercising its function as a local planning authority and acquiring authority, the Council is a public authority for the purposes of the PSED. The protected characteristics for the purposes of s149(1) are:
- Pregnancy and Maternity
  - Sexual Orientation
  - Sex
  - Gender Reassignment
  - Religion or Belief
  - Race
  - Age
  - Disability
- 9.13 The Council has had regard to and complied with advice in paragraph 2 of the guidance issued by the Equality and Human Rights Commission to promote equality of opportunity.
- 9.14 As is set out in section 5 above, the Scheme is supported by a range of planning policies both within the Core Strategy and the saved policies from within the UDP. As part of the preparation of the Core Strategy, equalities impact was considered, and policies were designed to encourage and promote equality.
- 9.15 The Council has considered its Public Sector Equality Duty PSED when making Committee decisions on 5 September 2016 to use compulsory purchase powers to assemble the land required for the development of Plots 10,11 and in the updated report to the Housing and Growth Committee on 13 September 2021. The Council concluded at Paragraph 5.7.2 that *“at present the Grahame Park Estate does not reflect a mixed and balanced community, with a heavy bias towards social rent. The regeneration proposals seek to address this imbalance through the delivery of a range of residential tenures across the site e.g., private housing, a new range of intermediate housing, wider range of unit sizes across all tenures and 10% of all residential units meeting Wheelchair Standards. The Scheme seeks to improve the demographic of the Estate to provide a step change in the levels of social inclusion to create a sustainable, mixed and cohesive community.”*
- 9.16 At Paragraph 5.7.6, the Council concluded 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”*

- 9.17 As part of the 2019 application, an *equalities impact assessment* (EQIA) was undertaken for Plots 10-12. For each reserved matters application (“RMA”) an updated EQIA will be provided.
- 9.18 The EQIA 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.
- 9.19 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.
- 9.20 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.
- 9.21 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, 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.
- 9.22 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, especially for the elderly. Resident leaseholders are offered a comprehensive package to ensure they do not lose out financially and assistance with moving if required. All secure tenants are assessed to ensure a replacement property based on their household needs is provided and are offered disturbance, statutory home loss payment and assistance with relocating if required. For elderly or disabled resident that require their homes to be adapted, this will either be carried out by the developer, or the reasonable cost reimbursed.

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- 9.23 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.
- 9.24 When granting the 2020 Permission for Plots 10-12, the Council, in its role as statutory planning authority, complied with the 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).
- 9.25 The Council’s Assets, Regeneration & Growth Committee on 5<sup>th</sup> September 2016, 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.
- 9.26 The Housing and Growth Committee on 13<sup>th</sup> September 2021, 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 Paragraph 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.
- 9.27 The EQIA was updated by the developer in early 2022 as part of the next RMA and reached the same overall findings as the EQIA prepared for the 2019 Planning Application.
- 9.28 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.

## 10. EFFORTS TO ACQUIRE AND RELOCATION STRATEGY

### Acquisition of Residential Properties

- 10.1 The Council holds a freehold proprietary interest over the majority of the Order Land. Following demolition of Noel, Nimrod, Nicholson, Nighthawk and Nisbet, there are 517 residential properties remaining within the Council's registered freehold title, of which 23 are occupied by secure council tenants, 9 are held on long leasehold interests, and approximately 382 are occupied by non-secure tenants.
- 10.2 An independent resident advisor has been appointed to provide advice to all residents, including secure tenants, non-secure tenants and resident leaseholders

### Relocation of secure tenants

- 10.3 All of the remaining secure tenants are included within the Order to provide certainty of vacant possession when required. However, the Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through possession proceedings under section 83 of the Housing Act 1985 and Ground 10A of Part II to Schedule 2 of that Act. The Council does not intend to compulsorily acquire the interests of the secure tenants unless Ground 10a possession proceedings fail to achieve vacant possession and relocation of tenants within a reasonable timeframe.
- 10.4 The relocation strategy for the redevelopment is set out below.
- 10.5 There are 23 secure tenants within the Order land who have yet to move. They are all eligible for re-housing and will be eligible for statutory home loss, disturbance payments, packing and unpacking service and associated costs (such as reconnections/disconnection of appliances).
- 10.6 They will have the opportunity to move straight into (without the need for a temporary move) to the new homes being constructed on Plot A – the unit mix of which has been designed as far as possible, to meet the needs of the remaining secure tenants (in terms of size and wheelchair homes) based on a needs assessment that was carried out prior to the detailed design of Plot A being taken forward). These new homes will be with NHG on a social rent basis (on broadly the same terms as a Council tenancy (including retaining the Right to Buy). Those tenants that move across to NHG within Plot A will be offered, where possible, a home that meets their assessed need. Where the existing tenant

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currently occupies a home that is larger than their assessed need, they are entitled to a new home that is one bedroom larger than their need (known as 'need plus one'). There are also opportunities for split households with NHG in Plot A where appropriate under NHG's policy.

- 10.7 Secure tenants that do not want to relocate in one move to Plot A have the option to move off the estate to other NHG properties on the same basis. Secure tenants also have the option of occupying a home within an alternative property managed by the Council.
- 10.8 Relocations in respect of secure tenants will be managed and carried out in accordance with the Barnet Council Allocation Policy, NHG Lettings and Allocation Policy and the Grahame Park Principle Development Agreement.

#### Relocation of Non-Secure Tenants

- 10.9 There are currently 382 non-secure tenancies on the estate. Vacant possession of units occupied by non-secure tenants will be obtained through the service of notices to quit and will be served approximately 6-12 months before the property is due for demolition in line with the phasing programme.
- 10.10 A 'Frequently Asked Questions for Non-Secure tenants at Grahame Park' has been prepared by Barnet Homes which will be updated as appropriate and sets out information regarding notice periods and the assistance that non-secure tenants will be entitled to. This information is provided to temporary tenants when they sign or renew their lease and will be provided to tenants when engaged about relocation.
- 10.11 Provided they meet the criteria in the Housing Allocations Scheme, non-secure tenants displaced from the properties they occupy because of the Order will be provided with suitable alternative accommodation to meet their needs. There is also a designated telephone number where tenants can seek advice on their options and be provided with support. Barnet Homes also have an additional support service for vulnerable tenants where need is identified (known as the Floating Support Team)

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### Acquisition of leasehold interests

- 10.12 NHG on behalf of the developer and the Council has undertaken negotiations with all third-party residential leaseholders.
- 10.13 Of the original 63 residential leaseholders within the Order Land, 54 have been successfully acquired through private treaty, leaving 9 leaseholders, of which 3 are resident homeowners and 6 are non-resident leaseholders.
- 10.14 NHG has been in contact since 2016 with all these remaining leaseholders with a view to acquiring their interests by private treaty and has offered to undertake the acquisition immediately, irrespective of which phase the property is in.
- 10.15 Negotiations are ongoing with the remaining residential leaseholders who are offered a comprehensive package based on the compensation they would receive if their property was compulsorily acquired as set out in the Regeneration of Grahame Park Voluntary buy-back scheme.
- 10.16 Resident homeowners at the time of the ballot in 2003, and where a decision to proceed with the regeneration was first made, are also eligible for the Shared Equity discretionary compensation scheme, with the qualifying date being 1 April 2003. The Shared Equity offer is designed to enable homeowners to purchase a new home of a greater value than their existing home either within the Scheme or elsewhere. Residents need to invest the full market value of their existing home as well as the home loss payment. If a homeowner wants to purchase a new property being built on the estate, then they need to purchase at least 25% equity or if they want to purchase a property elsewhere within the UK on the open market then they need a minimum of 50% equity on a property up to £600,000. There is no rent to pay on the remaining equity. The new home is to have the same number of bedrooms as the current home but could be larger if the current home is too small for the household.
- 10.17 To date 7 residents have taken up the Shared Equity offer. Of the remaining 2 residential leaseholders, 1 is eligible for shared equity (and has indicated a potential interest which NHG are continuing to discuss with them) and 1 is not eligible for shared equity but NHG has discussed this option with them and they are not interested in any event.

### **Acquisition of Commercial and Community Properties**

- 10.18 For the 25 non-residential units in the Order Land, 9 units are vacant, and 16 units are occupied by third party interests on either a licence or a contracted-out lease with the Council being able to obtain vacant

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possession with 6 months' notice. Effective management by the Council will continue to ensure that any necessary notices and actions under Landlord & Tenant powers are integrated within the overall project programme to ensure vacant possession when required.

- 10.19 One of the remaining interests is the health centre which is leased to Central London Community Health who are due to relocate shortly to the Colindale Gardens development. If the health centre does not relocate as planned, then there are provisions in the S106 agreement for the 2020 Permission for the facility to be replaced within the Next Phase.
- 10.20 Whilst the Council considers it likely vacant possession can be obtained using its landlord & tenant powers, or by agreement, the units are within the Order to ensure vacant possession when required.

### **Acquisition of 'Rights of Light' from neighbouring owner/occupiers**

- 10.21 Letters were sent to all parties where it was considered they may have a potential right of light that would be affected by the new development, advising them that it was difficult at this stage to assess whether there would be any interference with their right to light but that it was proposed to include them in Table 2 of the Order in case there was.
- 10.22 The covering letter sent with the CPO notice to all parties where it was considered they may have a right that would be affected, advised that at this stage it would be difficult to assess whether there would be any interference and that if there was it would be based on the depreciation in the value of the property as a result of the interference.

#### 5 Hampden

- 10.23 A letter dated 11 August 2022 was sent by Avison Young to the freehold owners. This explained that the daylight and sunlight reports prepared for the hybrid planning application and for the reserved matters application for blocks H and K, which are on the eastern boundary of the Next Phase, which 5 Hampden is near, did not identify 5 Hampden as being a property that would be affected by the development. However, the rights of light report prepared for the CPO did identify it as being a property where the rights of light might be infringed, and the property was therefore included in Table 2 of the CPO.
- 10.24 The letter also explained that the land within the red line would be appropriated and under Section 203 of the Housing and Planning Act 2016, if the new development infringes their right to light and this causes a depreciation in the value of the property, then this would be compensated for. The letter

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explained that the Valuation Date is when the new development is completed and the infringement occurs and Choices for Grahame Park would be willing to enter into an agreement now that would provide that close to the Valuation Date when the development is near completion, they would pay the reasonable fees of a qualified surveyor who specialises in providing compulsory purchase price to advise on the compensation that may be due.

- 10.25 The letter was sent again on 30 August as no response was received to the letter sent on the 11 August.
- 10.26 On 31 August the freeholders contacted Avison Young to advise they had received the letter and would consider entering into an agreement regarding the compensation that may be due.
- 10.27 A letter dated 20 September from the Council was sent to the freeholders setting out a formal offer to agree to contact the freeholders when any blocks that might interfere with their right to light to their property are nearing completion, the Council would contact them to discuss any compensation due and pay the reasonable fees of a qualified surveyor CPO surveyor to act on their behalf and advise them of the level of compensation that may be due.
- 10.28 On the 28 September, the freeholder discussed with Avison Young that they would like an estimate of what the potential compensation could be.
- 10.29 Avison Young emailed a letter dated 5 October (emailed again on 7 October as advised had not been received) setting out the potential compensation that could be due assuming the market value of the property was £525,000 (based on the asking price the property was marketed at in 2018), if the impact of the infringement was between two to twenty percent.
- 10.30 On the 10 October, the freeholders advised Avison Young they wanted to agree the compensation now. Discussions have been held with the objector and to date an agreement has not been able to be reached but the developer is willing to enter into an agreement with the freeholder.
- 10.31 The developer will continue to negotiate to acquire interests by agreement. However, the Council and the developer do not expect to reach agreement with all third parties and thus there is the need for the Order. The Council and the developer will continue to negotiate to acquire all necessary third-party land in parallel with the progression of the Order process.

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# 11. COUNCIL'S RESPONSE TO OBJECTIONS TO THE ORDER

1.1 In total one objection has been made to the Order. This objection is summarised below with the Council's response.

Mr Hamish Kay and Ms Miastkowska – Owners of 5 Hampden, Broadhead Strand (Outside Order Land)

1.2 The objection focuses on two elements: (1) infringement of right to light to property; (2) slow phased development approach. The Council addresses each of these concerns below.

Issue No	Objection Raised	Council Response
1	The proposed development will "destroy the freeholders' legal right to light"	<p>The rights of light assessment undertaken before the CPO was made, identified there was a potential actionable loss of 0.2% daylight contours which is considered to have limited impact. A detailed assessment has now been undertaken for the block 1 to 8 Hampden, which shows that the interference with the right to light is de minimus.</p> <p>The Daylight and Sunlight report that accompanied the planning application for the 2020 Planning Permission , assessed the potential likely effects of the illustrative masterplan permitted by the Planning Permission for the outline and the fixed plans for Plot A, as a worst-case scenario in terms of daylight and sunlight amenity to the residential properties which surround the site, overshadowing to amenity areas and open space around the site and potential daylight amenity within the residential elements of the illustrative masterplan and the fixed plans for Plot A.</p> <p>The significance of the effects has been evaluated in the context of the guidance of the Building Research Establishment (BRE). The Daylight and Sunlight report reviewed all properties that will be materially affected by the development and did not identify the block 1 to 8 Hampden as being impacted.</p> <p>A detailed sunlight/daylight report will accompany each reserved matters application.</p>
2	The development will have a highly negative effect on their property as nothing will grow in the garden and will lead to dampness in the property.	It is only the property which has a right to light and does not include the garden. The daylight and sunlight report for the reserved matters application for blocks H & K which are on the eastern boundary of the Next Phase, did not identify this property as having its amenity affected.

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	<p>They consider the impact of the new development is unacceptable unless considerable compensation is given.</p>	<p>The land will be appropriated in accordance with Section 203 of the Housing and Planning Act 2016. Section 10 of the 1965 Act sets out the injurious affection compensation provisions where legal rights held with land, such as a right of light, are interfered with but no interest is acquired. The Valuation Date for assessing compensation is when the interference occurs, which is when the development is close to completion.</p>
<p>2</p>	<p>The development should not have been designed in phases but rather a single-phase giant scheme, such that the freeholder's property should have been acquired already.</p>	<p>A phased approach has been adopted to achieve the objectives as set out in Paragraph 6.15 to 6.17. Good practice for estate renewals as set out in the Mayors Better Homes for Local People - Good Practice Guide to Estate Regeneration published in February 2018, is that secure tenants and qualifying resident freeholders/leaseholder taking shared equity can remain on the estate with ideally only one move. The development of Plot A of Plot 10 as the first phase of the Next Phase Plots 10,11 and 12) will assist with meeting this objective. The Grahame Park SPD published in July 2016 advised that the programme for redevelopment must allow for the timely and coordinated replacement of community facilities prior to the demolition of the existing facilities. The comprehensive demolition of the whole estate would mean these objectives could not be met and a construction site of this magnitude would have significant impact on the areas adjacent to the estate.</p>

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## 12. SPECIAL CONSIDERATIONS

12.1 There are no special types of land identified within the Order Land.

12.2 There are no listed buildings or other heritage assets within the Order Land. the Order Land is not located within a conservation area; and there is no consecrated land, renewal area land etc.

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## 13. ASSOCIATED ORDERS

13.1 Compulsory purchase powers were obtained to deliver the following

- The London Borough of Barnet (Grahame Park Regeneration Phase 1B) Compulsory Purchase Order 2007 which was self-confirmed on 7 November 2007.

13.2 Stopping up orders under the Highways Act 1980 will be sought for the Next Phase over the following adopted highways.

- Long Mead
- The Concourse
- Quakers Course
- Flight Approach
- Five Acre
- Near Acre
- Pt Lanacre Avenue

13.3 The Stopping Up Orders will be submitted as required. The Council does not foresee any objection to these, nor any reason why they will not be confirmed.

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## 14. CONCLUSION

- 14.1 The implementation of the Next Phase for Plots 10-12 of the Grahame Park regeneration proposals will remove part of a poorly laid-out post-war housing estate and replace it with a high-quality mixed-use development which will create a balanced, mixed and inclusive community. This will improve the quality of life of existing and future residents and the wider community. To achieve this, the compulsory acquisition of interests in the Order Land specified in the Schedule to the Order will be required so that if the Council and the developer are unable to acquire such interests by private treaty it will still be able within a reasonable timescale to deliver the Next Phase.
- 14.2 The Scheme overall will deliver a comprehensive residential development with an increased quantum of housing and an improved mix of affordable housing including family housing. It will also bring improvements to the quality of private amenity space, open spaces and the public realm. All of this will also result in significant improvements to the overall townscape and visual appearance of the Estate and wider area.
- 14.3 The Council considers the Scheme overall, and the Next Phase, will bring about the transformation of an estate which it has identified as a “priority housing estate for regeneration,” and is satisfied there is a compelling case in the public interest for the Order to be confirmed to secure the redevelopment and improvement of the Order Land through the delivery of the Scheme. This will result in significant improvement in the economic, social, and environmental wellbeing of the Council's area.
- 14.4 The Council considers that the objection to the Order does not demonstrate any reasons as to why the Council's justification for making the Order is in any way inaccurate, and for the reasons summarised in this Statement, and detailed in the Statement of Reasons, the Council remains of the view that the Order is within the relevant statutory powers and that a compelling case in the public interest exists for the confirmation of the Order.

## 15. OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER

- 15.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

Susan Hunter

London Borough of Barnet

2 Bristol Ave, London NW9 4EW

[Susan.Hunter@barnet.gov.uk](mailto:Susan.Hunter@barnet.gov.uk)/ 020 8359 4255

- 15.2 Leaseholders affected by the Order who wish to discuss the purchase of their interest by agreement should contact:

Diana Edwards

Resident Involvement Programme Manager

Regeneration Grahame Park

Phone: 033 3000 3000 | Mobile: 07740 581 305 | email: [Diana.edward@nhg.org.uk](mailto:Diana.edward@nhg.org.uk)

- 15.3 The Royal Institution of Chartered Surveyors (RICS) operates a Helpline Scheme which provides access to impartial, expert advice from certified members about specific property matters including compulsory purchase. Those parties wishing to make use of that service should contact the RICS through their website: . <https://www.ricsfirms.com/helplines/>

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## 16. INSPECTION OF THE ORDER AND ORDER DOCUMENTS

16.1 The Council intends to refer to or to put in evidence, the documents (or relevant extracts from those documents) which are listed below, and which are referred to in this Statement. It should be noted that the Acquiring Authority reserves the right to add to the list as necessary.

- The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase No. 2 Order and Order Schedule 2022
- The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase No. 2 2022 Order Map
- The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase No. 2 2022 Statement of Reasons
- Press Notices advertising making of the Order
- Notice of Making of the Order served on Owners
- Site Notice Advertising Making of the Order
- the 2020 Permission Report to committee and decision notice granting planning permission ref: 19/5493/OUT
- 2020 Permission Agreement pursuant to section 106 of the Town and Country Planning Act 1990, dated 31 July 2020;
- ARG report and minutes of 15 December 2016, authorising resolution in principle for the making of up to 3 CPOs;
- Housing And Growth committee – resolution to make CPO2 on 13 September 2021;
- National Planning Policy Framework 2021;
- London Plan 2021, the spatial development strategy for London consolidated with alterations since 2011;
- London Borough of Barnet Local Plan – Core Strategy 2012;
- London Borough of Barnet Local Plan Development Management policies 2012;
- MHCLG Guidance on Compulsory purchase process and The Crichel Down Rules July 2019
- DCLG Estate Regeneration National Strategy December 2016
- Mayor of London’s ‘Better homes for local people - The Mayor’s Good Practice Guide To Estate Regeneration’
- Barnet Housing Strategy 2000-2003

<sup>1</sup>The new towns: their problems and future – Transport Local Government and the regions committee report 603-1 session 2001-2002

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Copies of the Order, Order Schedule, Order Map, Statement of Reasons and this Statement can be inspected during the following times at these locations:

Location	Opening hours
Reception London Borough of Barnet, Colindale Office, 2 Bristol Avenue, London, NW9 4EW Tel: 020 8359 7269	Monday 9am–5:15pm Tuesday 9am–5:15pm Wednesday 9am–5:15pm Thursday 9am–5:15pm Friday 9am–5pm Saturday Closed Sunday Closed
Reception Hendon Town Hall The Burroughs London NW4 4BQ	Monday 8:30am–5pm Tuesday 8:30am–5pm Wednesday 8:30am–5pm Thursday 8:30am–5pm  Saturday 9am–4pm Sunday 9am–1pm

16.2 Documents relating to the Order can be downloaded from the Council's website via the following link:

16.3 <https://www.barnet.gov.uk/grahamepark>

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