



Statement of Case

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

**The London Borough of Barnet (Granville
Road Estate Pramsheds and Beech Court)
Compulsory Purchase Order 2018**

Under

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

The Acquisition of Land Act 1981;

and

Section 13 of the Local Government
(Miscellaneous Provisions) Act 1976

Dated 2 May 2018

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Clauses

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**The London Borough of Barnet (Granville Road Estate Pramsheds and Beech Court)
Compulsory Purchase Order 2018**

STATEMENT OF CASE

1 PURPOSE OF THIS STATEMENT

- 1.1 This Statement of Case (the **Statement**) (**CD 1**) has been prepared on behalf of the London Borough of Barnet (the **Council**) as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (the **Rules**).
- 1.2 On 22 January 2018, the Council made the London Borough of Barnet (Granville Road Estate) Compulsory Purchase Order 2018 (the **Order**) (**CD 2**) under sections 226(1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**), section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981.
- 1.3 The Order was submitted to the Secretary of State for Homes, Communities and Local Government National Planning Casework Unit (**NPCU**) for consideration on 25 January 2018. Two objections have been made to the Order and a public local inquiry is to be held most probably over two days opening on 17 July 2018 at a venue to be confirmed to hear the objections and the Council's case for the making of the Order.
- 1.4 The Council's non-statutory Statement of Reasons (**CD 3**) accompanied the making of the Order. This Statement is based on the Statement of Reasons and also sets out the Council's responses to the objections raised to confirmation of the Order.
- 1.5 The references to documents carrying a "CD" prefix relate to Core Documents to be presented at the inquiry. A list of the Core Documents is set out at Appendix A of this Statement, which includes internet hyperlinks to those documents.

2 THE ORDER

- 2.1 The Council's purpose in making the Order, and seeking its confirmation by the Secretary of State for Housing, Communities and Local Government (the **Secretary of State**), is to enable the Council to acquire compulsorily the land included in the Order (the **Order Land**) in order to facilitate the delivery of the second phase of regeneration of the Granville Road Estate. The first Phase involved significant upgrades to the three tower blocks to improve housing conditions and quality of life of residents. This second Phase involves the provision of a residential scheme of 58 houses and 74 flats with

associated landscaping, parking and open space (the **Phase 2 Scheme**), as more fully described in Section 5 of this Statement.

- 2.2 The Interests subject to the Order are set out in the Order Schedule (**CD 4**) and are also shown on the Order Map (which identifies the interests to be acquired by plot numbers) (**CD 5**).
- 2.3 The Phase 2 Scheme will provide significant social, economic and environmental improvements for the Granville Road Estate and the Council's wider area.
- 2.4 Planning permission (the **Planning Permission**) (**CD 20**) was granted for the Phase 2 Scheme on appeal (the **Appeal**) on 8 August 2016 by Richard Schofield BA(Hons) MA MRTPI, a Planning Inspector appointed by the Secretary of State for Communities and Local Government following a six day public inquiry. A section 106 agreement (the **Section 106 Agreement**) (**CD 21**) was entered into on 18 July 2016.
- 2.5 The Phase 2 Scheme will be delivered by New Granville LLP (the **Developer**), a joint venture consortium comprising Mulalley and Co Limited (**Mulalley**), CHA Ventures Limited and Sherrygreen Limited acting as guarantor. Mulalley is the building contractor and is part of the Sherrygreen group of companies. CHA Ventures Ltd is a subsidiary of One Housing Group. One Housing Group is a registered provider of social housing.
- 2.6 The Council's Core Strategy (see 7.23 below) designates the Estate as one of the Priority Housing Estates requiring regeneration (Core Strategy Policy CS3). These estates were to be subject to long term programmes of regeneration in order to tackle poor quality housing and social isolation and transform these areas into successful mixed tenure places (Core Strategy 7.2.12).
- 2.7 Compulsory purchase powers are being sought in respect of the Order Land in order to ensure the timely delivery of the Phase 2 Scheme, in the event that attempts to acquire all the necessary interests and rights by agreement are not successful. Nonetheless, both the Council and the Developer remain committed to acquiring the relevant interests by agreement, and negotiations with the remaining objectors are ongoing.
- 2.8 The Council has undertaken a thorough referencing of the Order Land to ensure that all interests and rights that may be acquired are incorporated within the Order Land and the Council has used reasonable endeavours to notify those persons whose interests may be acquired of the making of the Order. The Council has undertaken extensive consultation with local residents and those with interests in the Order Land in respect of the Phase 2 scheme and more recently in respect of the Council's use of compulsory purchase powers. Details of the consultation undertaken are set out in section 6 of this Statement.

- 2.9 The Council considers that the Phase 2 Scheme will improve the Borough's economic, social and environmental well-being. Overall, the Council considers, for the reasons set out in this Statement, that there is a compelling case in the public interest to deliver the Phase 2 Scheme which will provide economic, social and environmental benefit to the Granville Road Estate and the Council's wider area.

3 DESCRIPTION OF THE GRANVILLE ROAD ESTATE

- 3.1 Full details of the interests subject to the Order are set out in the Order Schedule (CD 4). They are also shown on the Order Map (CD 5). The Order Map identifies by plot numbers the interests to be acquired and where the interests are located.
- 3.2 The Order Land covers an area of 0.0983 hectares and forms part of the Granville Road Estate which is located at Childs Hill east of the A41 and northwest of the Finchley Road/Cricklewood Lane junction.
- 3.3 The Order Land is part of the Childs Hill ward.

Granville Road Estate

- 3.4 The Granville Road Estate (the **Estate**) is around 3.7 hectares in size (although the Order Land comprises only 0.0983 hectares as set out below). The Estate is shown on the Estate Plan (**CD 6**). The Estate was constructed in the 1960s. It is dominated by three fifteen storey blocks of flats (Templewood Point, Granville Point and Harpenmead Point) and three mid-rise blocks (Nant Court, Mountfield and Beech Court) with associated areas of open space. The former Garth House sheltered housing block and Garth Hall community hall used to be present on the Estate but were subject to fire damage in October 2008 and subsequently demolished.
- 3.5 The six residential blocks are surrounded by managed amenity space, garage courts and areas of hard surfacing. These are accessed from Granville Road which runs through the centre of the Estate.

Description of Granville Road Estate

- 3.6 The existing buildings on the Estate are typical examples of 1960s design and architectural form. They comprise utilitarian block-like forms with regular fenestration and a limited palette of materials. Beech Court is a 3-storey brick block of 21 flats in the north-western corner of Granville Road Estate. Nant Court is a 3 and 5-storey rectilinear block of 41 flats on the south side of Granville Road. Mountfield is a 5-storey smaller block of 15 units in the south-eastern corner of Granville Road Estate.

- 3.7 Adjacent to the existing blocks are single storey pramsheds/storage units in various states of repair and use. In many cases individual pramsheds are missing doors, the felt roofing material has deteriorated and some have become overgrown with vegetation.
- 3.8 The pramsheds are single storey storage units ranging in size from approximately 183 to 208 cm long and 85 cm wide. They were originally designed for the storage of prams. The pramsheds are typically in a poor state of repair (although the Nant Court pramsheds were repaired and improved in 2012). Many, but not all, are derelict. A number of residents of the Estate have made it clear that they place great value on these pramsheds and some rely heavily on them for storage.
- 3.9 As described in section 14 of this Statement the Council has offered to purchase parties' rights to pramsheds and some replacement pramsheds are being provided as part of the Phase 2 Scheme. Parties have been offered spaces in the replacement pramsheds on a 'first come first served' basis.
- 3.10 There are garage blocks south and to the rear of Mountfield, north of Templewood Point and on the north side of Nant Road, opposite Beech Court. These buildings are also of mixed condition.
- 3.11 The three towers when originally constructed were brick and render in appearance. However, these have been subject to relatively recent refurbishment completed in 2012 which has included the over cladding of the buildings, improving their thermal performance and appearance and installation of new balconies and internal fittings. This work represents Phase 1 of the estate renewal programme for the site whilst this application relates to the next Phase.
- 3.12 Due to the tragic events at Grenfell Tower in 2017 the newly installed cladding on the three tower blocks has been tested and was found to have failed the fire safety tests. It has subsequently been removed and a programme for replacement is ongoing. A non-material amendment application reference 18/1805/NMA to vary permission the Phase 1 planning permission F/03903/10 to allow "*overcladding in the form of aluminium cassette panels to the tower block*" was approved on 13 April 2018. It is anticipated that these cladding works will be complete by the end of 2018.
- 3.13 There are 257 existing dwellings on the Estate total, as follows:

| | Leasehold/Private | | | | Affordable/Rented | | | | TOTAL |
|------------------|-------------------|-----------|-----------|-----------|-------------------|------------|-----------|------------|------------|
| | 1-bed | 2-bed | 3-bed | Total | 1-bed | 2-bed | 3-bed | Total | |
| Mountfield | 1 | 0 | 4 | 5 | 4 | 0 | 6 | 10 | 15 |
| Beech Court | 5 | 0 | 0 | 5 | 16 | 0 | 0 | 16 | 21 |
| Nant Court | 2 | 0 | 19 | 21 | 13 | 0 | 7 | 20 | 41 |
| Granville Point | 0 | 16 | 0 | 16 | 2 | 42 | 0 | 44 | 60 |
| Harpenmead Point | 0 | 16 | 0 | 16 | 2 | 42 | 0 | 44 | 60 |
| Templewood Point | 0 | 16 | 0 | 16 | 2 | 42 | 0 | 44 | 60 |
| TOTAL | 8 | 48 | 23 | 79 | 39 | 126 | 13 | 178 | 257 |

- 3.14 Granville Road Estate is predominantly made up of affordable housing in the form of leaseholders and secure tenancies. They are managed by Barnet Homes, the Council's arm's-length management organisation.
- 3.15 Granville Road Estate does not offer a range of housing types or tenure options.
- 3.16 The Estate is served by an internal estate road which is severed in front of Templewood Point tower, stopping vehicular access straight through the Estate between Granville Road and Llanelly Road. Access to a parking area serving Mountfield and adjacent garaging is also available from Mortimer Close to the south, but this forms a dead end with no vehicular through route to the north.
- 3.17 Parking across the site is arranged in a series of car parks adjacent to the existing blocks, garages, and on street parking. Few of these areas benefit from formal parking layouts marked on the ground, with the exception of some marked disabled spaces. There is existing signage referring to the Estate being private and some other limited parking control.
- 3.18 Pedestrian routes through the Estate remain unencumbered and served by a series of paths and alleys through and into the site. These include a footpath to the rear of the Garth House site between Mortimer Close and Cloister Road; a path to the rear and west of Harpenmead Point onto Cloister Road; an alley between properties on Crewys Road to the east onto the estate to the rear of Nant Court; and an access gate onto the adjacent allotments to the rear of Granville Point. These routes vary in the quality of surfacing and overlooking but provide valuable opportunities for direct pedestrian routes from and through the site for local residents to local services and other destinations.

- 3.19 The Estate slopes fairly markedly across its length, rising by over 12 metres from the north to the south.
- 3.20 The existing buildings are set within a relatively open landscape, particularly when compared to the grain of development in the surrounding area at Nant Road, Crewys Road and Llanvanor Road to the east and Cloister Road and Garth Road to the west. This setting is marked by a series of grassed open spaces with pockets of established tree cover.
- 3.21 There is no formal play provision on site, although there is an area of hardstanding north of Templewood Point which is understood to have previously been the site of some formal play equipment which was subsequently moved.
- 3.22 Although some of the landscaping is of reasonable quality, the Estate includes large areas of underutilised and unstructured land including garage courts, undefined parking, unused amenity space, pramsheds and vacant land.
- 3.23 The Estate is not well integrated into the surrounding neighbourhood, and does little to enhance Childs Hill as an attractive residential location.

Land surrounding Granville Road Estate

- 3.24 The Estate is surrounded by predominantly suburban residential land.
- 3.25 Land North east of Mortimer Close along the southern boundary of the site is listed in the Council's online Parks Directory under 'Mortimer Close Open Space' and as "suitable for small events". This space as designated in the Parks Directory measures 289m².
- 3.26 The immediate surrounding area is predominantly residential in character, with a greater mix of uses to the north and south. To the east, the area is characterised by two storey Victorian and Edwardian terraced streets with on street parking, whilst the west comprises slightly later residential development at Cloister Road and Garth Road, where properties are laid out in terraces of four. Three storey flat blocks in formal gardens at Longberrys lies to the south west.
- 3.27 Extending into the Estate is a development completed in the last 6-7 years, comprising two four storey blocks of 16 flats (Athena and Aphrodite) on land used as a former builders yard and offices. Immediately north of the estate on the west side of Granville Road is the new Hawthorn Business Park, comprising three storey blocks of contemporary design utilising flat roofed brick blocks with feature clad mono-pitched projecting gables. Residential buildings of similar design lie immediately north of the business park. The east side of Granville Road, north of the application site, is made

up of a mix of commercial uses in a series of low rise single and two storey buildings of mixed age and design, with more traditional terraced dwellings beyond.

- 3.28 A large allotment site marks the estate's north western boundary, which extends on northwards to the rear of the new business park and flats to the rear of the houses fronting The Vale. Cricklewood Lane lies to the south of the estate, where a range of shops, restaurants and other services are found. Immediately south of the site in Mortimer Close is found the local Childs Hill Baptist Church.
- 3.29 Childs Hill Park is accessed off Nant Road to the north and lies within 400 metres of the southernmost part of the application site. This park contains formal play equipment and outdoor gym, tennis courts, bowls green, café and grass kickabout area. Basing Hill Park and Golders Hill Park, both with a similar range of facilities, are also within walking distance of the estate to the north west and north east respectively.

4 DESCRIPTION OF THE ORDER LAND

- 4.1 The location and detailed boundary of the Order Land is shown on the Order Plan appended to this Statement.
- 4.2 The Phase 2 Scheme land comprises Council owned land and privately owned land.
- 4.3 The privately owned land is the Order Land which is shown outlined in red on the Order Plan. The interests and ownerships in the Order Land are set out in the Order Schedule".
- 4.4 The Order Land comprises part of Granville Road Estate.
- 4.5 The Order Land is:
- 4.5.1 Beech Court. Beech Court comprises 21 residential properties all of which are owned by the Council (as Barnet Homes) or by the Developer. The Developer owned Beech Court properties are now vacant. The current occupancy of the Council owned properties is described in section 14;
 - 4.5.2 Nant Court Pramshed on land directly east of Nant Court. Nant Court Pramshed comprises 41 separate pramsheds;
 - 4.5.3 Granville Point Pramshed, on land directly south east of Granville Point. Granville Point Pramshed comprises 60 separate pramsheds;
 - 4.5.4 Harpenmead Point Pramshed, on land directly north west of Harpenmead Point. Harpenmead Point Pramshed comprises 60 separate pramsheds; and

4.5.5 Templewood Point Pramshed, sited on land directly north of Templewood Point. Templewood Point Pramshed comprises 60 separate pramsheds.

5 DESCRIPTION OF THE PHASE 2 SCHEME

5.1 The Council's vision and underlying objectives for the estate regeneration were set out in the report to the Council's Cabinet Resources Committee's on 7 November 2012 (**CD 15**) which resolved to appoint the Developer to deliver the Phase 2 Scheme. The vision and underlying objectives were:

- to create a cohesive sense of place;
- promotion of the supply of market, intermediate and affordable housing;
- achieve an integrated balanced community;
- deliver high quality design employing sustainable construction techniques;
- bring improvements to the public amenity space;
- enhance the local economy;
- reinforce local identity; and
- meet local demand for housing.

5.2 The Planning Permission (CD 20) (described at 2.4 above) for the Phase 2 Scheme was granted for:

“Demolition of Beech Court, garages and other ancillary buildings and the erection of new buildings (including an extension to Nant Court) between two and six storeys in height (with additional basement levels in places) to provide 132 new dwellings in total (all use class C3), comprising 74 flats and 58 houses, together with associated reconfiguration of the site access arrangements and alterations to parking, landscaping, refuse, recycling and other storage facilities and the provision of new play and communal amenity space.”

5.3 The Phase 2 Scheme is shown on the masterplan approved by the Inspector (**CD 33**).

5.4 A non-material amendment application (reference 17/5054/NMA) (**CD 22**) was approved by the Council as local planning authority on 15 November 2017. The amendments to the Planning Permission was to re-arrange the substation/pump room and replacement pramshed building adjacent to existing Granville Point Tower, and for the relocation of bike store for the new 'Block C'.

5.5 The Section 106 Agreement (**CD 21**) provides for the following in support of the Phase 2 Scheme:

- 35% affordable homes as intermediate housing;
- A contribution of £210,000 for park improvements to Childs Hill Park;
- A contribution of £75,000 for parking control improvements;
- A contribution of £200,000 for pedestrian environment and public realm improvements;
- A travel plan and car club;
- A restriction on car parking permit applications; and
- 5 apprenticeships during the construction and operational phases.

Phase 2 Scheme Overview and Layout

5.6 The Phase 2 Scheme comprises the part redevelopment of land and buildings on the Granville Road Estate and part utilisation of areas of open space and the former Garth Hall and Garth House site.

5.7 Housing will form a linear development fronting Granville Road and Llanelly Road, mirroring the prevailing traditional layout of streets and development to the east. Dwelling sizes will range from two bedroom to four bedroom properties. A new cul-de-sac is proposed on the former site of Garth House, backing onto Cloister Road.

5.8 The houses will be a mix of 2 and 3 storeys. Each house will benefit from a private rear garden and separate entrance off the street, with further area to the front utilised for refuse and cycle storage.

5.9 One 5-storey flat block (Block A) will occupy the site of Beech Court in the site's north west corner, with a further 6-storey detached block with 2- and 3-storey elements (Block C) north of Templewood Point. Proposed Block B is a 3-storey block of flats adjoining Nant Court immediately north and forming a new gateway along the Nant Road westerly approach to the site, flanked by a row of four new houses on the northern side.

Access and Parking

5.10 A new road layout is proposed for the development, allowing access through the site and joining Llanelly Road with Granville Road to the north. This new layout is designed with built-in traffic calming measures, including a road layout that includes a sharp turn through the site, slowing traffic and precluding direct views through the estate. Careful

design of hard surfacing treatments will create a less formal and traditional highways character. The altered junction priority at the north of the site will require vehicles to turn off Granville Road and Nant Road to enter the estate.

- 5.11 The existing pedestrian and cycle routes through the site are to be retained and enhanced through the provision of increased overlooking and appropriate boundary treatment. Secure cycle parking will be provided for residents of the new properties within the communal public realm areas.
- 5.12 Vehicle parking is to be provided through a combination of on-street parking, surface parking courts and basement parking below the two proposed detached flat blocks (Blocks A and C). In total, 330 spaces will be provided across the site, apportioned and allocated to serve proposed and existing dwellings on an equal basis, with no difference in provision between the two and provision based purely on dwelling size. This includes 28 disability spaces. Additionally two dedicated car club spaces are to be provided on site. Existing residents will be provided with 196 formal parking spaces, an increase of 46 spaces from the current formal provision and more than observed levels of parking across the estate.

Open Space and Landscaping

- 5.13 The proposed open space strategy ensures sufficient play provision on site for existing and proposed residents alike, serving the under-12's age group following the London Plan requirement for 10m² play provision per child.
- 5.14 Provision for the over-12's group is already provided off site at Childs Hill Park and other nearby open spaces and this will be enhanced further through improvements in the existing facilities. This will be directly funded through the Section 106 Agreement.
- 5.15 All new houses are provided with rear private gardens that meet the Council's minimum standards, with some supplemented by terraces where required. Proposed flats each benefit from a balcony that also meets the applicable minimum standards. The proposed layout satisfies all privacy distances set out in the Council's "Sustainable Construction and Design" SPD which was under consultation when the Planning Permission was granted and which was adopted on 16 October 2016.
- 5.16 Balcony provision is supplemented by further amenity space, allocated to each existing and proposed flat block to provide semi-private open space for existing residents. This together with additional central open space at the site provides amenity space across the site that satisfies the Council's standards.
- 5.17 Throughout the development, proposed roads and routes will be defined and treated using high quality hard and soft landscaping, including the use of street trees as part of a comprehensive and co-ordinated landscaping strategy across the site.

- 5.18 The Phase 2 Scheme development will incorporate the provision of green roofs, including intensive wildflower roofs on all proposed flat blocks and pramsheds. Further provision is also to be made on the flat roofed single storey rear elements of some houses where not utilised as terrace space. Details of these and other hard and soft landscape design features are to be approved by the Council in accordance with condition 29 of the Planning Permission.
- 5.19 Construction of the Phase 2 Scheme necessitates the removal of a number of trees. The details of the tree removal are to be approved under condition 29 of the Planning Permission. In the region of 96 individual trees and two groups of trees are to be removed and these are to be replaced by approximately 200 mature species trees, more than double the number of existing trees that are to be lost.

Scale and Design

- 5.20 The new houses will be predominantly 3-storey, although where relationships with adjacent and nearby existing built form requires, 2-storey dwellings are proposed. Block A is a 5 storey block with setback 5th storey above, whilst Block B is a 3-storey block to match the adjacent Nant Court form to which it is adjoined. Block C comprises a 6-storey element on the south-western corner fronting the newly formed square open space, dropping down to 4-storeys beyond, with 2- and 3-storey elements at the south-eastern and northern ends respectively.
- 5.21 The layout offers a logical solution to the site, reflecting the prevailing pattern of development in the area and clearly defining frontages, public areas and private areas.
- 5.22 The new dwellings will create terraces of gable ended pitched roof properties. These will exhibit large openings with deep window reveals and decorative brickwork detailing in places to break up massing and add interest. They will be almost exclusively brick in elevational treatment, using a high quality light coloured brick. Projecting bay windows are used on prominent flank elevations to add further interest and activity to the frontages.
- 5.23 The design of the flats also seeks to utilise the same brick type to create a consistent character across the site and also respond positively to the appearance of the tower blocks. All blocks are flat roofed in design and form, allowing the provision of green roofs and installation of photovoltaic panels whilst also minimising building heights and potential impacts upon existing residents.

Replacement Pramsheds

- 5.24 Thirty new pramsheds are proposed across the site, additional to the retention of the existing pramsheds at Mountfield. These will replace existing pramsheds at Nant Court

and the three towers and will provide 8 sheds for each tower block and 6 for Nant Court.

5.25 The take up of these replacements is described at paragraph 14.6 of the Statement.

Highway works

5.26 The Phase 2 Scheme requires works to the existing highway to ensure suitable public highway access to the site and in the interests of highway safety and efficiency on surrounding streets. These works (the **Highway Works**) comprise works to Mortimer Close, Llanelly Road and Nant Road, and works to any existing pedestrian links.

5.27 The delivery of the Highway Works requires the completion of a section 278 agreement under the Highways Act 1980 (the **Section 278 Agreement**) between the Developer and the Council. Through the Section 106 Agreement the Section 278 Agreement is required prior to occupation of the residential units.

5.28 Steps to secure the Section 278 Agreement are ongoing. Although technical approval has not yet been given, there is no reason to doubt that the Section 278 Agreement will be completed, and this presents no impediment to the delivery of the Phase 2 Scheme.

Highway and footpath stopping up

5.29 Delivery of the Phase 2 Scheme in accordance with the Planning Permission requires a part of the existing public highway and part of the existing footpath network on Granville Road Estate to be stopped up.

5.30 The following lengths of the following highways and footpaths will be stopped up:

- 173.8 m of part of Granville Road
- 40.5 m of part of Llanelly Road
- 26.3 m of part of Mortimer Road
- 258.3 m of the footpath from Granville Point to Harpenmead point
- 40.5 m of footpath from footpath from Harpenmead Point to Llanelly Road via Templewood Point
- 99.7 m of the footpath from Mortimer Close to Granville Road
- 45.7 m of the footpath from Mortimer Close to Mountfield
- 77.2 m of the footpath from Llanelly Road to Granville Road via Templewood Point

- 64.9 m of the Granville Road Footpath (east)
- 5.31 An application under section 247 of the 1990 Act for the stopping up has been submitted by the Developer to the Council (**CD 23**).
- 5.32 Notice of the intention by the Council to make the draft stopping up order was given on 26 October 2017 with advertisements in the local press and the London Gazette, and notices of intention placed on site at Granville Road Estate on the same day.
- 5.33 Objections to the stopping up order have been received by the Council. These are currently being addressed by the Developer. The procedure leading to the grant of a stopping up order may involve a public inquiry if there are unresolved objections. Nevertheless the Council is not aware of any reason why the section 247 stopping up order will not be confirmed, and it will not present any impediment to the delivery of the Phase 2 scheme.

Appropriation of the public open space

- 5.34 Some 12,046 square metres of Council owned public open space land at Granville Road Estate has been appropriated by the Council for planning purposes, namely the delivery of the Phase 2 Scheme.
- 5.35 The Council's Cabinet Resources Committee resolved on 7 November 2012 (**CD 16**) to authorise the Council's officers to appropriate for planning purposes some of the open space lands within the Phase 2 Scheme development area pursuant to Section 122 of Local Government Act 1972 subject to any necessary consents of the Secretary of States being obtained. The Council has concluded that the land to be appropriated is no longer required for the purpose for which it is held.
- 5.36 Public notices of the appropriation were placed in local newspapers and on site on 21 September 2017. The expiry date for objections was 31 October 2017. Seven objections to the appropriation were received and they will be considered by the Council. The Council did not consider it necessary to obtain the Secretary of State's approval for the appropriation.
- 5.37 The appropriation of the open space at Granville Road Estate was completed on 13 December 2017.

Appropriation of the Order Land

- 5.38 The appropriation of the Order Land will commence following confirmation and implementation of the Order.

6 COUNCIL DETERMINATION AND CONSULTATION

Recent considerations Council of the development of the Estate

6.1 The planning decision and decision to make the CPO to deliver the Phase 2 Scheme has been considered in detail at various Council committee meetings.

6.1.1 The 31 October 2007 Cabinet Resources Committee (**CRC**) considered the Estate Improvement Scheme for Granville Road following a condition survey of the blocks of flats on the estate and to approve a procedure for disposing of surplus lands to finance estate improvement works.

6.1.2 The Members of the CRC were informed in the officer's report (**CD 7**) that:

- (a) There was a need to upgrade the fabric of the buildings.
- (b) That the Estate encompasses large areas of under-utilised land which have the potential to be developed for new housing. The housing mix, density and sustainability requirements of the then applicable Unitary Development Plan allowed various outline options for releasing estate lands for disposal for residential development to be considered. Two of these were considered to be the most practicable and financially advantageous and these were described to the Members.
- (c) These schemes would be subject to planning and consultation with tenants and residents.
- (d) That improvements to the tower blocks of flats and the development of the surplus lands with new housing would create a sustainable community by transforming this mainly mono-tenure estate into a mixed tenure community. It is anticipated that this estate improvement scheme will support the Council in meeting its public duty of promoting equality.

6.1.3 The 31 October 2007 CRC (**CD 8**) resolved to begin to market and tender for the redevelopment of the Estate.

6.1.4 On 23 January 2008 the Cabinet considered the Granville Road Estate draft planning brief (**CD 9**).

- (a) The draft brief was intended to provide a coherent planning framework and sustainable approach towards the future use and development of the Estate. The brief sought to guide stakeholders, local people and other interested parties to comment on and help shape the future of the Estate, assist with determining acceptable forms for the redevelopment and

- provide information to guide the type and content of future planning applications for the Estate.
- (b) The report explain to the Cabinet that on 23 October 2007 the Council embarked on six weeks of consultation on the draft planning brief and explained that at a strategic level the key bodies have been formally consulted and at a local level residents have been consulted by letter and a public meeting on 8 November 2007 held at Garth Hall, Granville Road attended by over 50 people. The consultation closed on the 4 December 2007. Over 500 residents were consulted and two public meetings were held.
 - (c) Appendix B to the Cabinet report pack included summary of the consultation responses. The report explained that where appropriate the brief has been amended in light of the comments received.
 - (d) The brief committed to further consultation with the local community at all stages in the planning process.
- 6.1.5 The 23 January 2008 the Council's Cabinet resolved (**CD 10**) to adopt and publish the planning brief.
- 6.1.6 The 21 October 2009 Cabinet considered the Phase 1 and Phase 2 regeneration of the Granville Road Estate and the importance of dovetailing and running the two phases in parallel and the various options to regenerate the estate through use of surplus land.
- (a) The report (**CD 11**) to the Cabinet outlined the next stage of the Granville Road Estate wider regeneration programme following the successful funding award for the three tower blocks refurbishment, including masterplanning which was to be subject to consultation.
- 6.1.7 The 21 October 2009 Cabinet resolved (**CD 12**) to take forward Phase 2, invite expressions of interest, authorise the procurement of a masterplan.
- 6.1.8 The 17 June 2010 the CRC considered the business case for Phase 2 of the wider regeneration of the Granville Road Estate and to approve the formal procurement route to select a development partner to take forward the estate improvement opportunity.
- 6.1.9 The CRC report considered the business case for Phase 2 of the wider regeneration of the Granville Road Estate and to approve the formal procurement route to select a development partner to take forward the estate improvement opportunity (**CD 13**).

- (a) The Report to CRC explained how the Phase 2 proposal would potentially enhance the mix of tenure and quality of the housing offer with 108-158 additional homes in other tenures thereby widening choice and access to housing for existing and future residents.
 - (b) The report explained that wider area consultation will be undertaken for the development of the sites and wider estate regeneration and will be targeted to ensure that the needs and views of different communities are heard and understood.
- 6.1.10 The 17 June 2010 CRC (**CD 14**) resolved to seek a development partner to take forward Phase 2 and to establish a joint venture agreement.
- 6.1.11 The 7 November 2012 CRC meeting considered the process to procure a development partner to redevelop lands on the Granville Road Estate, and to seek approval to appoint the Council's development partner. The report to the CRC (**CD 15**) described the Competitive Dialogue procurement process.
- 6.1.12 The 7 November 2012 CRC (**CD 16**) resolved to appoint Mulalley/One Housing Consortium comprising of Mulalley & Co Limited, CHA Ventures Limited and, as guarantor with CHA Ventures Limited, Sherrygreen Limited as the Council's preferred development partner.
- 6.1.13 The officer's report (**CD 17**) to the Council's Planning and Environment Committee meeting on 25 February 2015 recommended the application for the Planning Permission be approved.
- (a) The officer's report informed the members of the details of the development and considered the development against applicable policies in the development plan.
 - (b) The officer considered the PSED and concluded that the design of the development and the approach of the applicant were acceptable with regard to equalities and diversity matters, and that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in the Council's Equality Scheme.
 - (c) The officer considered that the applicant has undertaken extensive consultation with existing residents on Granville Road Estate as well as the surrounding area in the preparation and lead up to this planning application and that changes had been made to the scheme and masterplan in response to feedback from this process.

- 6.1.14 The Council resolved to refuse the application.
- 6.1.15 The 12 December 2016 Assets, Regeneration and Growth (**ARG**) Committee meeting considered the Granville Road New Housing Development Compulsory Purchase Order of Pramsheds and Beech Court (**CD 18**).
- (a) The report to the ARG meeting explained that the acquisition or extinguishment of any third party interests at Beech Court and the pramsheds was necessary for the development of Granville Road.
 - (b) The report explained that the Granville Road New Housing Development scheme will provide a mix of affordable and private sale properties and that the new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet residents. This supports the overall aim of the Council's Equalities Policy and the Council's duties under the Equality Act 2010.
 - (c) The report explained that the public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - (d) The report explained 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.
 - (e) The report explained that regular resident engagement has taken place with public exhibitions and fun days. The plans for the demolition of the pramsheds have been available to the public since the beginning of 2013. Council has appointed Strategic Urban (StUF) as the Independent Resident Advisors for the development.
- 6.1.16 The 12 December 2016 ARG committee authorised the making of the CPO to purchase the Pram Sheds and Beech Court to secure the delivery of the Phase 2 Scheme (**CD 19**).

Resident and local consultation on the planning application for the Phase 2 Scheme

- 6.2 Consultation for the Planning Permission involved an extensive process of involving statutory authorities, specialists, interest groups and members of the public.
- 6.3 An initial public meeting was held at St Agnes Centre on 12 February 2013 with the Developer and Council in attendance. The purpose of that meeting was to outline the proposals, proposed consultation programme and introduce the project team to the local community.
- 6.4 A second public meeting was held at the Childs Hill Baptist Church Hall on 20 April 2013 to obtain feedback on the emerging planning application.
- 6.5 A third public meeting was held on 4 July 2013 which involved an exhibition with presentation boards and a model of the scheme. It gave the opportunity for attendees to provide comments to the Developer's project team.
- 6.6 A fourth public meeting was held on 17 September 2013 at Childs Hill Baptist Church Hall to present the Developer's amendments to the scheme and receive further comments.
- 6.7 The Granville Road Estate Residents' Association (**GERA**) was set up after the second meeting. The group met on three occasions during 2013.
- 6.8 A project website¹ was created during the Planning Permission's pre-application stage to provide project information and receive feedback. This website contains copies of the correspondence that has been distributed to residents concerning the making of the Order and general information about the Phase 2 Scheme.
- 6.9 As a result of the consultation the Phase 2 Scheme was modified to provide 30 new pramsheds to replace some of the pramsheds being demolished.

7 PLANNING POLICY SUPPORT FOR THE PHASE 2 SCHEME

- 7.1 The Phase 2 Scheme complies both with the National Planning Policy Framework and the statutory development plan (which principally comprises the London Plan and the Council's Core Strategy).

National Planning Policy Framework

- 7.2 The National Planning Policy Framework 2012 (the **NPPF**) (**CD 24**) sets out the government's planning policies and sets a framework within which local plans are made, and development control decisions made.

¹ <http://www.newgranville.co.uk/>

- 7.3 Achieving sustainable development sits at the heart of the NPPF (NPPF paragraph 14). There are three elements to sustainable development: economic, social and environmental. These are mutually dependent. Sustainable development is required to simultaneously achieve economic, social and environmental gains.
- 7.4 NPPF paragraph 14 explains that for plan making the presumption in favour of sustainable development should manifest itself in the making of local plans which positively seek opportunities to meet the development needs of their area.
- 7.5 The application of the presumption should have implications for neighbourhoods with local plans that support the strategic development needs including policies for housing and economic development (NPPF paragraph 16).
- 7.6 Sustainable development involves making positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life (NPPF paragraph 9). At Granville Road Estate this includes replacing poor design with better design; improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes in the Childs Hill area.
- 7.7 The NPPF seeks to '*boost significantly the supply of housing*' (NPPF paragraph 47), requiring local planning authorities to meet the full, objectively assessed needs for market and affordable housing in the housing market area.
- 7.8 The NPPF encourages local planning authorities to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement when drawing up local plans (NPPF paragraph 21). Furthermore local plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas (NPPF paragraph 10).

London Plan

- 7.9 The London Plan was adopted in 2011. Since then it has been subject to a series of alterations. The London Plan Consolidated with alterations arising 2011 was published in March 2016 (**CD 25**). The document provides regional and strategic planning policy guidance, which the Boroughs own more specific local plan documents must be in general conformity with, having regard to local context and circumstances.
- 7.10 The London Plan promotes sustainable development and requires planning for a growing diverse population and ever changing economy.
- 7.11 London Plan policy 2.7 encourages outer London boroughs to ensure the availability of an adequate number and range of homes to attract and retain employees. Policy 2.14 requires the boroughs to identify areas for regeneration.

- 7.12 London Plan policy 3.3 emphasises increasing housing supply, identifying that boroughs should exceed their housing targets, in particular through realising brownfield land capacity via intensification as well as surplus public land.
- 7.13 London Plan policy 3.5 seeks, among other things, to ensure that new housing developments enhance the quality of local places, taking into account provision of public, communal and open spaces.
- 7.14 London plan policy 3.8 promotes housing choice seeking genuine choice of homes that Londoners can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 7.15 London Plan policy 3.9 promotes communities that are mixed and balanced by tenure and household income through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment. A more balanced mix of tenures should be sought where social renting predominates and there are concentrations of deprivation.
- 7.16 London Plan policy 3.11 states that the Council should seek, '*an appropriate mix of affordable housing of 60% social rented and 40% intermediate ...*'. The Appeal Inspector concluded that this policy does not require every development site in the Borough to provide an affordable housing mix of 60% social rented and 40% intermediate, rather that it is a Borough wide target. As such it affords the Council flexibility to address affordable housing needs in their local context and to take account of factors such as scheme viability.
- 7.17 London Plan policies 3.12 and 3.13 seek to ensure that the maximum amount of affordable housing should be sought on private residential schemes proposing 10 or more homes.
- 7.18 London Plan policy 7.18 considers the loss of protected open spaces. There is currently a total of 1.2046 hectares (12,046 m²) of public open space at Granville Road Estate, of which around 0.0255 hectares (255 m²) is designated open space.

Emerging Draft London Plan

- 7.19 A draft of the emerging London Plan dated December 2017 was subject to consultation, closing on 2 March 2018 (**CD 26**). An examination in public of the draft is scheduled for Autumn 2018. The emerging London Plan is expected to be adopted by the Mayor of London during Autumn 2019.

- 7.20 The Planning Permission was determined against the extant London Plan prior to the publication of the consultation draft.
- 7.21 Emerging local plan documents should be given little weight as material considerations in determination of planning decisions.
- 7.22 The key housing components of the consultation draft version of the London Plan for the purposes of the confirmation of the Order are in chapter four:
- 7.22.1 Policy H5 which sets a strategic target for 50% of all new homes delivered across London to be affordable and Policy H6 sets a threshold level of 50% for public sector land. The Phase 2 Scheme delivers 35% affordable housing (§ 5.5).
- 7.22.2 Policy H10 supports the loss of existing housing where the housing is replaced at existing or higher densities, and the loss of existing affordable housing where it produces an uplift in affordable housing provision. The Phase 2 Scheme delivers a net increase in affordable housing on the estate (§ 7.60)

Local Plan Policy

- 7.23 The regeneration of the Granville Road Estate is promoted in Barnet's Core Strategy DPD (2012) (the **Core Strategy**) (CD 27).
- 7.24 Core Strategy Policy CS1 – Barnet's Place Shaping Strategy sets out a three strand place shaping strategy of *'protection, enhancement and consolidated growth'* that will *'concentrate and consolidate housing and economic growth in well located areas'*. Major growth will be managed to ensure *'we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live, work and visit'*. A target of around 28,000 homes is established over the 15 year Plan period of 2011/12 to 2025/26.
- 7.25 Core Strategy Policy CS3 describes the areas where the Council expects to deliver 28,000 new homes between 2011/12 and 2025/26. The regeneration of five priority housing estates including Granville Road to deliver a great range and variety of accommodation is promoted at Policy CS3. The five priority estates are identified as providing approximately 2,200 new homes by 2025/26 and it sets out that Granville Road will deliver 140 new homes by 2015/16. Policy CS3 highlights that we will *'seek to optimise rather than maximise density to reflect local context, public transport accessibility and provision of social infrastructure.'*
- 7.26 Core Strategy Policy CS4 deals with providing quality homes and housing choice and to achieve and maintain successful communities. This includes *'seeking to ensure a*

mix of housing products in the affordable and market sectors to provide choice.' Policy CS4 seeks a range of dwelling sizes and types that meets identified housing priorities and does not undermine suburban character or local distinctiveness. In addition it seeks a variety of housing related support options that maximise the independence of vulnerable residents. It seeks to have a borough-wide target of 40% affordable homes (on sites of more than 10 dwellings), with a mix of 60% social rent and 40% intermediate tenures. It highlights that in *'seeking to maintain the housing supply we will adjust the type and mix of housing sought, having regard to the financial viability of development, the housing market and the needs of different groups.'*

7.27 Policy CS7 deals with enhancing and protecting Barnet's open spaces, creating 'a greener Barnet' by meeting increased demand for access to open space by tackling deficiencies and under provision.

7.28 In offering further context to the estate's identification as a 'priority housing estate' for new development, the Core Strategy states at paragraph 7.2.12:

"The Granville Road Estate was built in the 1960s and consists of three 15 storey tower blocks and a further three blocks of low rise housing. It is in need of capital investment to refurbish the tower blocks and also to improve the estate environment and integrate it with the surrounding community. Within the estate there are some surplus lands and these offer the opportunity to build some additional homes for private sale, and intermediate housing for sale, thus creating a mixed tenure community. The regeneration of the estate will be in two phases. The first phase the refurbishment of the tower blocks is under way and the second phase will be the building of new homes. It is expected that in the range of 130 to 140 new homes will be built. New homes are expected to be delivered by 2016."

7.29 Barnet's Development Management Policies sets out borough-wide planning policies for delivering the long term spatial vision and strategic place shaping objectives of the Local Plan.

7.30 Policy DM01 aims to protect Barnet's character by ensuring that development proposals are based on the local context enhancing the vitality of streets and safety of their surroundings. In addition the policy lists design requirements to enhance the landscape and the outdoor amenity space of each development. Using this policy combined with Policy DM02 on Development Standards, DM03 Accessibility and Inclusive Design, and DM04 Environmental Considerations for Development will ensure development makes a positive contribution to the Borough.

London Plan Housing Supplementary Planning Guidance March 2016 (and updated August 2017)

- 7.31 The London Mayor published the London Plan Housing Supplementary Planning Guidance March 2016 (the **Housing SPG**) (**CD 28**) to provide guidance on the implementation of housing policies in the London Plan.
- 7.32 The Housing SPG provides new guidance on achieving and exceeding minimum housing targets and advises on potential sources of additional housing capacity. It also sets out the London Plan's approach to optimising housing output and advises on the application of the Sustainable Residential Quality density matrix.
- 7.33 The Housing SPG updates London housing standards to reflect the implementation of the government's new national technical standards through the minor alterations to the London Plan.
- 7.34 The Housing SPG also covers investment and existing housing stock. This provides advice on bringing empty homes back into use and the net loss of housing through redevelopment. The Housing SPG also focuses on the enabling role of housing in facilitating new infrastructure provision through mixed use.

London Plan Affordable Housing and Viability Supplementary Planning Guidance August 2017

- 7.35 Further to the Housing SPG the Mayor introduced a specific SPG on affordable housing in August 2017 (i.e. after the grant of the Planning Permission) (the **Affordability SPG**) (**CD 29**).
- 7.36 The Affordability SPG outlined a new 'threshold approach' where schemes meeting or exceeding 35% affordable housing without public subsidy (or 50% where on public land, without grant) can follow a new 'Fast Track Route'. Schemes that do not meet this threshold are required to follow a 'Viability Tested Route', under which applicants '*must submit detailed viability information which will be scrutinised and treated transparently*'. The Affordability SPG also states that a '*comprehensive early and late stage review mechanisms will be applied to schemes that do not meet the threshold or require public subsidy to do so*'.
- 7.37 The Affordability SPG also sets out situations in which the mayor may call in or direct a planning refusal. These situations include where the mayor '*considers that opportunities for affordable housing may have been missed for reasons such as the unsatisfactory provision or insufficient scrutiny of viability information*'.
- 7.38 The Affordability SPG highlights that any future proposed amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission '*should be rigorously assessed under the Viability Tested Route*' and that the Mayor '*should be consulted where a scheme amendment is proposed that*

changes the level of affordable housing from that which was secured through the original planning permission'.

The 2008 Brief

- 7.39 The principle of new development at Granville Road Estate was originally established by the Council through the adoption of the Brief in 2008. The Brief never formed part of the statutory development plan but was subject to public consultation and clearly confirms the Council's intention to deliver new residential development at Granville Road.
- 7.40 The Brief was prepared at a time when the intention was for the new development to help fund the programme of tower refurbishment. However by the time the Core Strategy highlighted Granville Road Estate as a 'priority housing estate' the enabling requirement was no longer driving the redevelopment philosophy, rather the aim of CS1 and CS3 (see 7.24 and 7.27) is to assist in delivering a mixed community, estate environment enhancements and better integration with the surrounding community whilst contributing towards meeting the Borough's wider housing needs.

Housing Need

- 7.41 As the national, London and local plan policy set out above show, there is clear policy support for sustainable housing developments.
- 7.42 The Local Plan reflects Granville Road Estate's status as a 'priority housing estate' and as a site to deliver housing and contribute towards providing quality homes and housing choice in the Borough. This policy basis should also be considered in the wider context regarding housing delivery more generally.
- 7.43 There is a clear strategic imperative to significantly boost housing delivery, especially in outer London and the north-London sub-region, as clearly set out in the Housing SPG.
- 7.44 As the Housing SPG very clearly sets out, housing targets contained within the London Plan are minimum targets to exceed (see paragraph 1.1.1 of the SPG). Annex 1 of the Housing SPG confirms that historic completions in Barnet fall significantly short of the Borough's housing targets. It is therefore imperative that development opportunities make the best use of land to make the fullest possible contribution towards housing delivery.
- 7.45 The Phase 2 Scheme, for 132 new dwellings (gross), draws a significant weight of in principle policy support from the adopted development plan. The delivery of the housing in the Phase 2 Scheme will secure significant social and public benefit on a site the Council has already identified for housing.

- 7.46 Paragraph 7.2.12 of the Core Strategy's supporting text, although not of itself policy, nonetheless gives important contextual support to policy CS3. It states that some surplus land within the Granville Road Estate offers the opportunity for additional homes for private sale and intermediate housing for sale, thus creating a mixed tenure community. It goes on to state that it is expected that between 130 to 140 new homes will be built upon it, aspirationally by 2016.

Estate Renewal

- 7.47 Having identified the Granville Road Estate as a priority housing site, the Core Strategy identifies the need for regeneration, specifically the need to *'improve the estate environment and integrate it with the surrounding community'* (Core Strategy Paragraph 7.1.12).
- 7.48 As the Inspector in his Decision Letter noted, the Policy 3.5 London Plan seeks, among other things, to ensure that new housing developments enhance the quality of local places, taking into account provision of public, communal and open spaces. The Inspector concluded that the Phase 2 Scheme would accord with this policy.
- 7.49 The Phase 2 Scheme therefore achieves the regeneration aims and through the high quality open space, design and landscaping proposed will enhance the residential environment alongside delivering benefits in the form of new housing.

Open Space

- 7.50 The Core Strategy acknowledges the need to develop on open parts of the Granville Road Estate in order to deliver the levels of housing required.
- 7.51 The Phase 2 Scheme will result in a quantitative reduction in open space. However the Appeal Inspector concluded that:
- "... the appeal scheme would make appropriate provision for open space. It would not conflict with Core Strategy policy CS7, which seeks, among other things, to enhance open space and meet increased demand by securing improvements to open spaces including provision of children's play. Nor would it conflict with DMDPD policies DM01 and DM15, which seek, among other things, to ensure that where open space is lost it is replaced by equivalent or better quality provision, does not create further public open space deficiency and has no significant impact upon biodiversity; and to retain outdoor amenity space having regard to a development's character"* (paragraph 25 of the Decision Letter).

Affordable Housing & Balanced Communities

- 7.52 London Plan Policy 3.9 actively promotes communities mixed and balanced by tenure and household income to foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identify with, their neighbourhoods.
- 7.53 Core Strategy Policy CS4 sets a borough-wide target of 40% affordable housing provision on sites of ten or more units, whilst London Plan Policy 3.12 seeks the '*maximum reasonable amount*' of affordable housing on individual schemes. Policy DM10 strikes a balance between the policies, by '*having regard to the borough-wide target*' of 40% and seeking the '*maximum reasonable*' amount of affordable housing on sites of 10 or more units.
- 7.54 Policy CS4 seeks an affordable housing tenure split for Barnet (i.e. not on individual sites) of 60% social rented and 40% intermediate. This is consistent with London Plan Policy 3.11.
- 7.55 The Housing SPG specifically allows for the replacement of social rented housing with intermediate housing where "*it can be robustly demonstrated that this would achieve a more appropriate range of housing provision in a neighbourhood or borough and contribute to achieving a more mixed and balanced community*" (paragraph 5.1.15).
- 7.56 The Core Strategy includes specific commentary on the Granville Road Estate site and its allocation. It states "*within the estate there are some surplus lands and these offer the opportunity to build some additional homes for private sale, and intermediate housing for sale, thus creating a mixed tenure community*" (page 40).
- 7.57 There is no reference in the Core Strategy to the provision of social or affordable rented housing at Granville Road.
- 7.58 Given the policy context outlined above, whilst there is guidance on the target tenure splits in new development and the amount of affordable housing, this is to be applied flexibly having regard to the circumstances of each case and with particular regard to the guidance on estate renewals and the aim to achieve mixed and balanced communities.
- 7.59 The existing Granville Road Estate is predominantly affordable in tenure with 69% of all existing properties on site affordable/social rent and the remainder in private leasehold ownership.
- 7.60 The Phase 2 Scheme will provide 35% affordable housing provision as intermediate shared ownership units. The Phase 2 Scheme would result in the loss of 16 social rented units and provide 46 intermediate housing units. This equates to resultant 57%

social rent provision across the entire Estate post development and a net increase in affordable housing on the estate, when accounting for the loss of 16 social rented units in Beech Court.

- 7.61 Through the Section 106 Agreement, which is drafted to turn on the conclusions of the Inspector in the Appeal, the affordable housing will be made available as shared ownership units to those whose incomes are not sufficient to allow them to access decent and appropriate housing on the open market and which is to be made permanently available to persons in housing need.
- 7.62 The shared ownership will be available to eligible households who will be able to acquire an interest of between 25% and 75% of the market value.
- 7.63 The Council concludes that Phase 2 Scheme will deliver an appropriate level and type of affordable housing and deliver associated social benefits to the Borough and local area in particular by achieving a more mixed and balanced community.

Conclusions on planning policy

- 7.64 When reviewing the policy background at the Appeal, Inspector Schofield concluded that:

"11. Thus, the appeal proposal, for 132 new dwellings (gross), draws a significant weight of in principle policy support from the adopted development plan." (Decision Letter paragraph 11)

- 7.65 Furthermore:

- The planning framework providing the justification for the Order is extensive and robust;
- There are there are no planning or other impediments to the implementation of the scheme; and
- The purpose for which the Order Land is being acquired fits in with the statutory Development Plan and the National Planning Policy Framework.

- 7.66 The Inspector also concluded:

7.66.1 That he had "*... not found conflict with development plan policy or, indeed, the development plan as a whole.*"

7.66.2 That "*The appeal scheme would, inevitably, result in the loss of some of the Estate's open character and 'green feel'. This would be the case (albeit to varying degrees) whatever the quantum of development upon it; development that is supported by the Core Strategy. In my judgment,*

however, this would not be significantly to the Estate's detriment. The scheme would result in the planting of a very substantial number of additional trees; the provision of varied, landscaped public and communal spaces; and numerous areas of children's play space, which would be well-overlooked. The open space would be more structured, but it would provide an attractive setting to the buildings, making passage through and outlook from the Estate a pleasant experience, visually and psychologically; allowing younger children to exercise and play imaginatively; and providing greater and, arguably, improved opportunities for social interaction." (paragraph 18).

- 7.66.3 That "*... the appeal scheme would make appropriate provision for open space.*" (paragraph 25)
- 7.66.4 That he did "*... not consider that the appeal proposal conflicts with the headline ambition of policies 3.12 and 3.13 of the London Plan either, which also seek to ensure that the maximum amount of affordable housing should be sought when negotiating on individual private residential schemes, where a site has capacity to provide 10 or more homes. "* (paragraph 32).
- 7.66.5 That "*in my judgment the addition of a number of intermediate units, which are currently present in insignificant numbers, would certainly achieve a more appropriate range of housing provision in the neighbourhood of the Estate*" (paragraph 41).
- 7.66.6 That "*I am not persuaded that the loss of 16 social rented units from an estate of 178 such units, or from a wider area where social rent remains the predominant affordable housing tenure, would be harmful*" (paragraph 40).
- 7.66.7 That "*... the appeal scheme makes appropriate provision for community facilities. It would not conflict with the requirements of Core Strategy policy CS10, ...*" (paragraph 52).
- 7.66.8 That for the reasons given in the Decision Letter "*...and taking all other matters into consideration, I conclude that the appeal proposal makes appropriate provision for open space, affordable housing and community facilities and should be allowed.*" (paragraph 76).

8 PHASE 2 SCHEME DELIVERY PROGRAMME

- 8.1 The Phase 2 Scheme is only in part on the Order Land.

- 8.2 The Phase 2 Scheme works programme is itself split into two phases:
- Phase 1 is the southern end of Granville Road Estate including the construction of new dwellings at 'The Close' and a new block called 'The Square', together with landscaping and infrastructure.
 - Phase 2 is the northern end of Granville Road Estate including new dwellings along 'The Row' and new blocks called 'The Court' and 'The Gateway', together with landscaping and infrastructure.
- 8.3 The Developer has to date undertaken a substantial amount of design work on the Phase 2 Scheme, covering the architectural design, the structural design, and the mechanical and engineering design. It has also commissioned several pre-construction surveys including unexploded ordnance, intrusive ground investigations, drainage surveys, existing utilities surveys, updates to the arboricultural report and reviews of fire strategy. Site surveys for diversionary works have been undertaken and negotiations with statutory providers are ongoing.
- 8.4 There are no planning impediments to the Phase 2 Scheme's commencement, and timely delivery.

9 PHASE 2 SCHEME DELIVERY STRUCTURE AND FUNDING

- 9.1 The Phase 2 Scheme will be delivered by the Developer (see paragraph 2.5).
- 9.2 The Developer was selected by the Council following a competitive tender run by the Council which commenced in 2010 and concluded in 2011. The tender invitation included background architectural design work, illustrating how the estate might be developed and showing a scheme of terrace houses lining a central estate road, occupying the space between each existing block and fronting on to two central open spaces. The documentation issued referred to the provision of a mix of market for sale, private market rental and intermediate affordable housing to deliver an integrated balanced community.
- 9.3 Seventeen bidders submitted pre-qualification questionnaires. Six of these were invited to submit tenders for evaluation of the bidders' ability and commitment to providing an innovative and viable scheme. The bidders' proposals were evaluated on their urban design, their financial arrangements and their ability to work in partnership. Three of these bidders were invited to participate in a second dialogue stage which included financial modelling. The bidders were required to demonstrate deliverability within a reasonable time frame, their ability to deliver high quality public realm works and high quality design, and their ability to work in partnership with the Council on a financial transaction basis that would enable the Council to achieve optimal value for money.

9.4 The Developer was successful in the tender process.

Developer Experience

9.5 Having been through the tender process the Council believes the Developer has the experience, expertise and resources to deliver urban regeneration projects of the scale and nature of the Phase 2 Scheme. Accordingly, the Developer is well placed to undertake and deliver a scheme of this nature and scale.

9.6 Mulalley (who are one part of the joint venture Developer described in paragraph 2.5) has and continues to be involved in three schemes similar to the Phase 2 Scheme, namely the 124 dwelling scheme at Essex Wharf (a design and build scheme for Mulalley), the 517 dwelling mixed-use scheme at New Ladderswood (delivered as a joint venture between Mulalley and One Housing Group) and 120 dwellings as part of the Amersham Vale regeneration scheme.

9.7 One Housing Group (the other part of the joint venture Developer described in paragraph 1.5) has also recently been involved in delivering the 204 dwelling scheme at Kidwells Estate, Maidenhead, a 71 dwelling scheme in Canning Town, Newham and a 324 dwelling scheme at Kings Cross.

9.8 Accordingly, the Developer is well placed to undertake and deliver a scheme of this nature and scale.

9.9 The Council will ensure that the Developer will deliver the Phase 2 Scheme in accordance with the Development Agreement. The Development Agreement requires the development be performed in accordance with its terms.

9.10 The Developer has entered into a CPO indemnity agreement with the Council on 5 July 2017 (the **Indemnity Agreement**) to cover the Council's costs in promoting, making and securing the compulsory acquisition of the Order Land and payment compensation arising from the compulsory purchase of any interests compulsorily acquired by the Order. Under the Indemnity Agreement Mulalley & Co. Limited and CHA Ventures Limited (being a subsidiary of One Housing Group) act as guarantor to the Developer.

9.11 Under the Development Agreement the Developer is responsible for funding the development. The Council is satisfied that the Developer is able to fund the delivery of the Scheme and that the Developer remains committed to doing so.

9.12 The Developer has confirmed that it has already invested £5.2 million in the Phase 2 Scheme.

9.13 The Developer has confirmed that it has recently reviewed its projected returns from the Phase 2 Scheme and that it remains viable. The Developer and Council have in

April 2018 agreed an extension to the longstop date in the Development agreement to 7 August 2019.

9.14 The Council's Assets, Regeneration and Growth Committee resolved on 12 December 2016 (**CD 19**) to authorise the appropriate Chief Officer at the Council to:

- transfer all properties and proprietary interests acquired pursuant to the compulsory purchase order to New Granville LLP in accordance with the terms of the Development Agreement; and
- to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declaration or service of a notice of entry relating to the Order if it was considered appropriate to do so.

10 PUBLIC SECTOR EQUALITY DUTY

10.1 The public sector equality duty ("**PSED**") under section 149 of the Equality Act 2010 (the **2010 Act**) requires the Council to have due regard to:

10.1.1 the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; and

10.1.2 the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation; and

10.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The key decisions made by the Council to deliver the Phase 1 and Phase 2 Schemes have taken into consideration the PSED (see for example paragraphs 6.1.2(d) and 6.1.15(b) and the officer's report to the 25 February 2015 planning committee (**CD 17**).

10.3 The Inspector determining the Appeal was aware of the London Plan policy 3.2 which indicates that new development should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities. The Inspector concluded that there was no substantive evidence before him to support the view that the appeal scheme would conflict with these policy requirements (Decision Letter paragraph 27) (**CD 20**).

10.4 The Phase 2 Scheme will make a significant contribution to the provision of additional, high quality affordable housing units and will provide a wider choice for homes. The development of the surplus lands with new housing would create a sustainable

community by transforming this mainly mono-tenure estate into a mixed tenure community. The enhanced mix of tenure and quality of the housing and the additional new homes will widen the choice and access to housing for existing and future residents. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. The development will provide a regenerated neighbourhood around Granville Road Estate which would result in greater levels of integration with the wider streets and community. The physical accessibility and legibility of the site would be improved for pedestrians and vehicle users.

11 THE STATUTORY POWERS AND DCLG GUIDANCE ON COMPULSORY PURCHASE

Compulsory purchase powers under the Town and Country Planning Act 1990

- 11.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 11.2 Section 226(1)(a) of the 1990 Act allows a local authority, if authorised, to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 11.3 The power to acquire land compulsorily conferred by Section 226(1)(a) 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; and/or
 - the promotion or improvement of the environmental well-being of its area.

Section 13 Local Government (Miscellaneous Provisions) Act 1976

- 11.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**), enables local authorities to purchase compulsorily new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made.
- 11.5 The extensive title investigations undertaken by the Council have not identified any rights that exist over the Order Land, however during the course of making and confirming the Order it is possible that rights not in existence when the compulsory purchase order was made may need to be acquired. Consequently it is prudent to include this power.

DCLG Guidance (February 2018) – Compulsory Purchase process and the Criche Down Rules

11.6 The application of the powers in section 226 of the 1990 Act are subject to the government policy and guidance on the use of compulsory purchase powers titled 'Guidance on Compulsory purchase process and The Criche Down Rules' (the **Guidance**) (CD 30).

11.7 At paragraph 1 the Guidance explains that:

"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life."

11.8 The Guidance adds that:

"It is the acquiring authority that must decide how best to justify its proposal to compulsorily acquire land under a particular act. The acquiring authority will need to be ready to defend the proposal at any inquiry or through written representations and, if necessary, in the courts." (paragraph 12)

11.9 It is for the Council to ensure that the purposes for which the compulsory purchase order is made justify the interference with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention. (Guidance paragraph 12). Human Rights considerations are set out in section 13 of this Statement.

11.10 An additional part of justifying the making of the Order is showing that the proposed scheme is funded in an adequate and timely manner (Guidance paragraph 14) and that there are no planning, physical or legal impediments to the scheme going ahead (Guidance paragraph 15).

11.11 The Guidance explains that the compulsory purchase powers in 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." (paragraph 95)

11.12 The Guidance explains the level of justification needed to support an order with acquire land compulsorily under section 226(1)(a) of the 1990 Act as follows:

"Any programme of land assembly needs to be set within a clear strategic framework, and this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). Such a framework will need to be founded on an appropriate evidence base, and to have been subjected to consultation processes, including those whose property is directly affected." (paragraph 104)

11.13 The strategic planning framework for the Phase 2 Scheme has been set out above in section 7.

11.14 Paragraph 106 of the Guidance 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 four 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; and
- 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.

11.15 Section 18 of the Guidance is also relevant as it sets out guidance in relation to the compulsory acquisition of new rights.

11.16 The Council has taken into account the 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 priority estate (see 7.25) and will significantly contribute to the improvement of the economic, social and environmental well-being of the Council's area. The use of section 13 of the 1976 Act is also required in order to facilitate development of the Scheme.

12 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 12.1 The Council is committed to securing the regeneration of the Order Land, and 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.
- 12.2 The Granville Road Estate in which the Order Land is located is identified in the Barnet Local Plan - Core Strategy as a 'priority housing estate' where regeneration will be expected to provide a greater range of accommodation and access to affordable new homes. Confirmation of the Order will enable the Council to achieve its regeneration aspirations for the estate and bring about a mixed tenure and a more balanced and inclusive community.
- 12.3 In deciding to exercise its powers under section 226(1)(a) of the Act, the Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment and will result in an improvement to the economic, social and environmental wellbeing of the Childs Hill area.
- 12.4 The Council's Assets, Regeneration and Growth Committee resolved on 12 December 2016 (**CD 19**) to authorise the appropriate Chief Officer at the Council to issue and sign the order, notices and certificates in connection with the making, confirmation and implementation of the Order.

Social well-being

- 12.5 The Phase 2 Scheme will deliver:
- the benefits required by Core Strategy Policy CS3 by providing a greater range and variety of accommodation and regeneration of a priority estate.
 - 132 new homes comprising 74 flats and 58 houses to be built to high environmental standards.
 - the provision of policy level requirement of 35% affordable housing.
 - the provision of 46 affordable shared ownership units.
 - the provision of a more balanced community of the particularly in the context of mixed tenure through the introduction of homes for sale and affordable homes for Shared Ownership;
 - improvements to pedestrian and cycle connections throughout the local area;
 - an increase in the quality of on-site amenity and open space;

- improvements to the overall townscape; and
- the provision of new high quality and sustainable homes meeting relevant design standards including the Code for Sustainable Homes Level 4 and Lifetime Homes.

Environmental well-being

- 12.6 The issues affecting the existing Estate are set out above (see paragraphs 7.6, 7.23, 7.25, 7.28, 7.39, 7.40, 7.42, 7.47, and 7.56).
- 12.7 The completion of the Scheme will deliver a network of high-quality public open spaces. Public realm improvements will include play park provision for the under 12's, improvements to Childs Hill Park (paragraph 5.5), open space and amenity space in excess of the minimum requirements of the Council's Sustainable Design and Construction Supplementary Planning Document, the planting of a substantial number of additional trees, and a more structured open space.
- 12.8 The Scheme will also deliver of an attractive setting to the buildings, making passage through and outlook from the Estate a visually and psychologically pleasant experience, and will allow younger children to exercise and play imaginatively and providing improved opportunities for social interaction. It will also provide improvements to the footway network on and around the Granville Road Estate, and improved connectivity with the surrounding area.

Economic well-being

- 12.9 The economic well-being improvements will flow from the Scheme through:
- the provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units;
 - an increase in the overall quantum of housing to meet housing need, increasing the housing density across the estate; and
 - the employment and training contribution which is to be provided by the Section 106 Agreement (Schedule 3 paragraph 11) (**CD 21**). The Appeal Inspector concluded that:

"An employment and training contribution is provided by the S106, in line with the Council's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD. Given that one the scheme's key drivers is regeneration and renewal of a priority housing estate, and Core Strategy policy CS NPPF's aim to secure economic, social and environmental improvements

together, I consider that this contribution is necessary and meets the relevant tests." (paragraph 70 (CD 20))

The need for the order land parcels

12.10 With regard to the specific Order Land parcels:

- Beech Court – the Planning Permission allows for its demolition and redevelopment for a new block of 40 flats. This represents a net increase of 24 and forms a fundamental part of the proposal.
- Nant Court Pramsheds and Granville Point Pramsheds – In order to provide a policy compliant level of parking it was necessary to review parking provision across the site and rationalise existing provision in order to ensure efficient use of the site was being achieved. The demolition of these sheds provides for new car parking. The demolition of these Pramsheds will also enable construction of part of Phase 2 Scheme development known as ‘The Row’
- Harpenmead Point Pramsheds - In order to provide a site layout that provides a suitable road configuration and public realm, it is necessary to demolish the existing pramsheds serving Harpenmead Point to provide the new access into the proposed reconfigured Harpenmead Point car park. Without this, it would not be possible to provide both the number of dwellings and required level of parking without resulting in an unacceptable reduction in open space provision.
- Templewood Point Pramsheds - In order to provide a site layout that provides a suitable road configuration and public realm, it is necessary to demolish the existing pramsheds serving Templewood Point. Without this, it would not be possible to provide both the number of dwellings and required level of parking without resulting in an unacceptable reduction in open space provision. The demolition of these Pramsheds also facilitates the construction of the pumping station and sub-station.

Conclusions on justification of the use of compulsory purchase powers

12.11 As Inspector Schofield confirmed when granting the Planning Permission, the Phase 2 Scheme accords with the Core Strategy, the London Plan and the NPPF.

12.12 The benefits from the regeneration of the Estate outlined above will achieve the Council’s vision of a more attractive, vibrant and sustainable new neighbourhood resulting in a series of linked, mixed high quality homes with a range of household sizes and a clear and distinct public realm benefiting the wider area.

- 12.13 Having regard to these various benefits and of the improvement to community facilities and the environment that currently exist on the Granville Road Estate and surrounding Childs Hill area, it is clear that the Order, by facilitating the Phase 2 Scheme, will materially improve the economic, social and environmental well-being of the Estate. There is a compelling case in the public interest to make the Order, in order to secure delivery of the Phase 2 Scheme.
- 12.14 With the Planning Permission and Section 106 Agreement, and in the expectation of the Section 247 Agreement being completed and stopping up order being made, and with the Council reasonably considering that it can dispose of its land as may be required by the Phase 2 Scheme without the Secretary of State's approval, then save for the acquisition of the necessary rights, the Council is not aware of any legal or practical impediment to the successful delivery of the Phase 2 Scheme.
- 12.15 Further, as explained above (9.2 to 9.7), the Developer is well placed to undertake a scheme of this scale and nature.
- 12.16 For the reasons set out in this Statement the Council considers that the Phase 2 Scheme is viable.
- 12.17 As set out above, the Order Land is essential in the delivery of the Phase 2 Scheme and in delivering the development identified in the Core Strategy whilst satisfying all other policy requirements, optimising the use of the land, and delivering site enhancements and regeneration.
- 12.18 As set out below, the Council has contacted all leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations are continuing in parallel with the compulsory purchase process. However, 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, the Phase 2 Scheme can still proceed.
- 12.19 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 Phase 2 Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Granville Road Estate and broader area as set out in adopted policy.
- 12.20 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.

12.21 Having regard in particular to the benefits to be achieved from the regeneration proposals, and the poor quality of existing Beech Court accommodation and the environment in which it currently exists, 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 Phase 2 Scheme. The Council does not consider that there is a reasonable alternative to delivering the Phase 2 Scheme since it forms part of a comprehensive regeneration for which planning permission has already been granted, and which is required by policy.

12.22 Failure to confirm the Order would have the following seriously adverse consequences:

- The loss of an opportunity to regenerate the Granville Road Estate in accordance with planning policy and long standing Council housing policy; and
- A regeneration project that would only be partially complete.

13 HUMAN RIGHTS

13.1 The Human Rights Act 1998 (the **1998 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 1998 Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

13.2 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. Article 1 provides:

“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...”

13.3 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...”

13.4 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.

- 13.5 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.
- 13.6 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 facts as set out in this Statement, the Council considers that the exercise of compulsory purchase powers in this case is justified by the reason that it is in the public interest, authorised by law and necessary and proportionate towards meeting the Council's objectives of securing the redevelopment of Granville Road Estate.
- 13.7 The Council has carried out extensive consultation regarding the Order with residents on the Granville Road Estate and the wider area before embarking on the regeneration project.
- 13.8 Further, compulsory acquisition of any of the interests on the Order Schedule will be a last resort in the event that the Council is unable to acquire all the necessary interests within the timescales required to deliver the Phase 2 Scheme. Efforts to acquire the relevant interests are ongoing.
- 13.9 All those whose interests are compulsorily acquired will be entitled to fair compensation in accordance with the compensation code. If the compensation cannot be agreed between the Council and the affected party it will be determined independently by the Upper Tribunal (Lands Chamber).
- 13.10 The Council, therefore, believes that a fair balance has been struck between the interests of those whose Convention rights will be affected and the community as a whole.
- 13.11 The Council has been conscious of the need to strike a balance between the rights of the individual (including the owners of properties falling within the Order Lands) and the interests of the public. In the light of the significant public benefit that would arise from the redevelopment of the Order Land, the Council has concluded that it would be appropriate to make the Order, and that the Order will not result in any unlawful interference with Convention rights. At all times, the Council has been aware that the Order Land includes homes, balancing this with the need to secure the regeneration of this area and the provision of new houses.

14 ACQUISITION BY NEGOTIATION AND RELOCATION STRATEGY

14.1 The Council has embarked on an acquisition by negotiation strategy together with a decant programme to acquire the residential interests in Beech Court and the leasehold interests in the affected pramsheds at Granville Road Estate.

14.2 The Developer has acquired all the five leasehold residential interests in Beech Court.

14.3 No re-housing is necessary to deliver the Phase 2 Scheme.

14.4 On 8 November 2017 the Secretary of State approved the Council's application under Part 5 of Schedule 2 of the Housing Act 1985 for possession of properties occupied on secure tenancies at Numbers 6 and 14 Beech Court. When approving the possession application the Secretary of State took into account the matters set out in paragraph 3(1) in Part V of Schedule 2 to the Housing Act 1985 and considered that the Phase 2 Scheme proposed by the Council would enhance the housing accommodation in the neighbourhood and that disposal and redevelopment would take place in an acceptable time-scale.

14.5 The Council's Barnet Homes arranged for 'guardians' to occupy the Council acquired Beech Court flats. Two companies were instructed to place the guardians: Ad Hoc Property Management Limited (**Ad Hoc**) and Umbrella Property Care (**Umbrella**).

14.5.1 The four Ad Hoc guardians occupy under temporary licence, determinable at Ad Hoc's discretion.

14.5.2 Following the occupation by the three Umbrella guardians under licence, Umbrella went into liquidation. The three guardians have refused to vacate. Barnet Homes has taken steps to remove the occupiers and take possession. The necessary eviction court orders have been served

14.6 The acquisition strategy for the Pramsheds comprised:

- 14 July 2014. Letter to parties with anticipated interest in the pramsheds from the Council's Property Service team regarding the pramshed acquisitions.

The Council explained the appointment of the Developer to deliver the Phase 2 Scheme. The letter described the key features of the Phase 2 Scheme (to create a more balanced and sustainable community; to reinforce the local identity; to extend the street-based housing in keeping with the character of the neighbourhood; to improve access from the neighbourhood to the surrounding community; to provide approximately 135 new homes, 75% of which will be family homes; to provide low-cost home ownership as well as private homes; to provide a range of high quality public and private amenity spaces; to provide better car parking provision for existing and future residents and to improve

access to quality outdoor space). The letter anticipated the submission of planning application in 2014.

The Council explained that the Phase 2 Scheme involved the demolition of the pramsheds and invited discussion on the topic of the recipient's willingness to sell the pramshed for £750 plus £500 to cover legal and surveying costs, or accept an alternative within the proposed development plus £500 to cover legal and surveying costs.

- 24 September 2014. Letter to parties with anticipated interest in the pramsheds from the Council's Property Service team regarding the pramshed acquisitions.

The Council repeated the contents of the 14 July 2014 letter including the offer to purchase the pramsheds and the offer of a replacement pramshed.

- 13 January 2017. Letter to parties with anticipated interest in the pramsheds from the Council's Regeneration Officer regarding the acquisition of the pramsheds.

The letter confirmed that the Planning Permission had been granted for the demolition of some of the existing pramsheds. The letter confirmed that the Council's Regeneration and Growth Committee have recently authorised a compulsory purchase order for the Granville Road pramsheds and Beech Court.

The letter confirmed the Council's preference to avoid compulsory purchase. The Council increased the offer for the pramshed to £3,500 inclusive of surveying and legal costs, being the price paid to acquire other pramsheds. The Council repeated the offer of a replacement pramshed as an alternative, noting there were only a limited number of replacement pramsheds available.

- 16 March 2017. Letter to parties with known interest in the pramsheds from the Council's Property Services regarding the acquisition of the pramsheds.

The Council repeated its offer to acquire the pramshed interests for £3,500 inclusive of legal, surveying and other associated costs, or to provide a replacement (of which there was a limited number available).

- 28 March 2017. Letter to parties with known interest in the pramsheds from the Council's Property Services regarding the acquisition of the pramsheds.

The Council repeated its offer in the 16 March 2017 letter.

- 11 May 2017. Letter to parties with known interest in the pramsheds who had not responded to previous letter from the Council's Property Services regarding the acquisition of the pramsheds.

The Council reconfirmed that its preference was to avoid compulsory purchase and repeated its offer in the 16 March 2017 letter.

- 11 May 2017. Letter to parties who 'own or have a right to use' the pramsheds from the Council's Property Services regarding the acquisition of the pramsheds.

The Council reconfirmed that its preference was to avoid compulsory purchase and repeated its offer in the 16 March 2017 letter, and explained that the £3,500 was the same offer price already paid to other leaseholders.

- 19 June 2017. Letter to parties who 'own or have a right to use' the pramsheds who had not responded to the letter dated 11 May from the Council's Property Services regarding the acquisition of the pramsheds.

The Council reconfirmed that its preference was to avoid compulsory purchase and repeated its offer of £3,500 or a replacement.

- 4 July 2017. Letter to residents of Granville Road estate on the scheme from the Council's Regeneration Team.

The Council explained that their appointed land referencing agent, Terraquest, would shortly be sending requests for information letters and making door to door enquiries.

The Council encouraged leaseholders of pramsheds to contact the Council regarding the Council's offer to acquire the pramshed or provide a replacement.

The Council explained that occupiers of pramsheds would shortly be notified of the need to clear and vacate the pramshed.

The Council explained that local residents could seek clear impartial advice on the development proposals and the implications for the residents from Strategic Urban Futures, or from the Council's own Regeneration team. Contact details for both were provided.

- During 2017 and 2018, including following the making of the Order, the Council repeatedly corresponded by phone with parties who had an interest in the pramsheds and had responded to the letters. The correspondence included further explanations of the Phase 2 Scheme and seeking updates on the progress of pramshed acquisition.

14.7 The Council's acquisition strategy cumulated in:

- 30 new replacement pramsheds were made available for exchange to pramshed leaseholders.

- 27 leaseholders have agreed to accept an exchange.
- 27 pramshed leaseholders have agreed to sell their pramshed interest for cash.
- 26 of these 54 transactions have been completed, the remainder are in the process of being completed
- There have been 2 parties with rights to use their pramsheds who have rejected the Council's offer. One considered the Council's offer too low. The other belatedly requested a replacement pramshed (a limited supply of which were offered by the Council on a first-come first-served basis), but were informed that no replacement was available, and they subsequently considered the Council's offer too low.

14.8 Some pramsheds were being occupied by parties with no lawful interest in the pramshed. The Council has now taken possession of these pramsheds.

14.9 The Council will be obtaining vacant possession of existing properties 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 the Housing Act 1985.

14.10 All secure tenants affected by the compulsory purchase order will be eligible for re-housing and will be guaranteed an offer of a new home within the regeneration scheme. If a secure tenant opts to move away from the Estate, the Council will facilitate and organise moves through other programmes accessible to the Council to other locations in London and the UK. Where such accommodation in other locations is not immediately available the Council will provide temporary accommodation until a permanent accommodation becomes available.

15 SPECIAL CONSIDERATIONS

15.1 There are no listed buildings or ancient monuments within the Order Land. The Order land is not within a conservation area and there are no issues concerning special category land.

15.2 Council land is included in the Order Land but the operation of section 17(3) of the Acquisition of Land Act 1981 means that there is no requirement to subject the Order special parliamentary procedures.

16 OBJECTIONS RECEIVED

16.1 Having made the Order and notified and advertised that step a period of 21 days were given for objections running from 25 January 2018 to 16 February 2018.

16.2 The following objections to the Order have been received from:

16.2.1 Objection 1 dated 1 February 2018 (**CD 31**):

- would accept an offer that is properly documented,
- was not content with temporary storage proposal,
- not content with permanent replacement arrangements,
- not content with the negotiation activities of the Council,
- not content with valuation.

16.2.2 Objection 2 11 February 2018 (**CD 32**):

- not content with communication on the CPO with correspondence not received and ignored,
- requested replacement 'storeroom', object to the terminology 'pramshed',
- not content with the negotiation strategy, concern about the timing of the delivery of the temporary/replacement 'storeroom' and its size and fabrication,
- request the Council relocate the contents of the 'storeroom',
- the decision to make the order is contrary to Article 8 and Article 1 of the First protocol of the Human Rights Act,
- lack of duty of care to the public,
- proposed legal documents are incomplete/inaccurate,
- concerned about the valuation and the offer of £3,500 was never made

17 RESPONSES TO OBJECTIONS

17.1 The Council has engaged with the objectors since the making of the Order as follows:

17.1.1 Objection 1

- 5.3.18 letter to objector acknowledging the objection and arranging a meeting
- 13.3.18 meeting with objector
- 14.3.18 summary of meeting notes sent to objector

- 21.3.18 response to objections sent to objector

17.1.2 Objection 2

- 13.2.18 letter to the objectors repeating offer to acquire their interest
- 6.3.18 letter to objectors responding to objections and offering a meeting.
- 19.3.18 email to objectors enquiring if they had any further questions concerning the Order.
- 20.3.18 email received from the objectors requesting that their legal costs be covered and rejecting the offer of a meeting.
- 21.3.18 email to objectors confirming their reasonable legal costs would be covered.

17.2 The objectors' concerns regarding the legality of the documentation to acquire their interests is unfounded. The Council will show that the documentation meets all relevant legal requirements and that it has been successfully used by the Council to acquire similar interests to those of the objectors.

17.3 The objectors are concerned about the duration the temporary pramsheds will be in use. This period is determined by the construction programme for the Phase 2 Scheme. Initially the construction programme anticipated that the temporary pramsheds would be required for a maximum of two years covering the period from the demolition of the existing Nant Court pramsheds to the provision of the permanent replacement pramsheds at Nant Court, The Developer has revised the construction programme to reduce this period to seven months. The objectors have been made aware of this. The Council considers that the temporary provision of good-quality, secure temporary pramsheds to those parties who have opted for replacement pramshed requesting mitigates the impact of the Order on those parties, and that the duration is reasonable.

17.4 The Council considers that objectors' concerns regarding the sufficiency of correspondence regarding the Order between affected persons and the Council are unfounded. The Council will provide evidence of meaningful attempts to negotiate with parties affected by the Order, and specifically with the objectors. The Council considers that the engagement with the Granville Road Estate community, both by the Council and the Developer, has fully met the advice in the Guidance and is therefore sufficient.

17.5 The Council considers that concerns regarding the terminology used to describe the pramsheds are not relevant to the confirmation of the Order.

- 17.6 The objections based on the inclusion of the objectors' interests in the Order Land are unfounded. The Council will show that the acquisition of the Order Land is necessary to deliver the Phase 2 Scheme. The Council's preference has been to acquire the necessary interests by negotiation; however, the Council has adopted the position advised in the Guidance that negotiation should proceed in parallel with the preparing and making of the Order. The Council will show that these negotiations have led to the successful acquisition of many of the Order Land interests, and that the confirmation of the Order is necessary to secure the remainder of the interests for the delivery of the Phase 2 Scheme.
- 17.7 The Council considers that the objectors' concerns regarding diminution in the value of their interests has been addressed in the compensation offered. Disputes regarding compensation will if necessary be resolved by the Upper Chamber and are not reasons for refusing confirmation of the Order.

18 CONCLUSION

- 18.1 The implementation of the Phase 2 Scheme in full will bring about a transformation of the Estate by the removal of Beech Court and the pramsheds and its replacement with a high quality development with additional affordable housing. In order to achieve this the acquisition of the Order Land will be required so that if the Council is unable to acquire such interests by private treaty it will still be able within a reasonable timescale necessary to deliver the Phase 2 Scheme.
- 18.2 The Phase 2 Scheme will deliver an extensive residential development with improved mix of affordable housing including family housing. It will also introduce a significant element of private housing to create a balanced and inclusive community.
- 18.3 The Council believes that the Phase 2 Scheme will bring about transformation of a "priority housing estate for regeneration" as envisaged in the Core Strategy. The Council is satisfied that 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 by way of the delivery of the scheme for the economic, social and environmental improvement of the area.
- 18.4 The Council considers that the objections that have been made to the Order should not be upheld, for the reasons given in section 17 above.
- 18.5 The Council, therefore, requests the Secretary of State to confirm the Order.

2 May 2018

Appendix A

Core documents list

| Ref | Document | Date |
|------------|---|------------------|
| CD1 | Statement of Case | 2 May 2018 |
| CD2 | The Order | 22 January 2018 |
| CD3 | Statement of Reasons | 22 January 2018 |
| CD4 | The Order Schedule | 22 January 2018 |
| CD5 | The Order Maps | 22 January 2018 |
| CD6 | Estate Plan | |
| CD7 | CRC Report | 31 October 2007 |
| CD8 | CRC Minutes | 31 October 2007 |
| CD9 | Cabinet Report | 23 January 2008 |
| CD10 | Cabinet Minutes | 23 January 2008 |
| CD11 | Cabinet Report | 21 October 2009 |
| CD12 | Cabinet Minutes | 21 October 2009 |
| CD13 | CRC Report | 17 June 2010 |
| CD14 | CRC Minutes | 17 June 2010 |
| CD15 | CRC Report | 7 November 2012 |
| CD16 | CRC Minutes | 7 November 2012 |
| CD17 | Planning and Environment Committee Report | 25 February 2015 |
| CD18 | ARG Report | 12 December 2016 |
| CD19 | ARG Minutes | 12 December 2016 |
| CD20 | Decision Letter authorising the Planning permission | 8 August 2016 |
| CD21 | Section 106 Agreement | 18 July 2016 |
| CD22 | Non-material Amendment | 15 November 2017 |

| Ref | Document | Date |
|------------|--|------------------|
| CD23 | Section 247 Stopping-up Order Application | 26 October 2017 |
| CD24 | National Planning Policy Framework | March 2012 |
| CD25 | London Plan (as amended) | March 2016 |
| CD26 | Emerging London Plan | December 2017 |
| CD27 | London Borough of Barnet Core Strategy DPD | September 2012 |
| CD28 | London Plan Housing Supplementary Planning Guidance | March 2016 |
| CD29 | London Plan Affordable Housing and Viability Supplementary Planning Guidance | August 2017 |
| CD30 | Compulsory Purchase Process and the Crichel Down Rules | February 2018 |
| CD31 | Objection 1 | 1 February 2018 |
| CD32 | Objection 2 | 11 February 2018 |
| CD33 | Landscape Masterplan for the Phase 2 Scheme red 2928A.L.D_901 rev P10 | 16 April 2014 |