



London Borough of Barnet

(Colindale Station Redevelopment) Compulsory Purchase

Order 2020

Statement of Reasons

Contents

1	Introduction	1
2	Enabling Powers	3
3	Description of the Order Land and Surrounding Area	4
4	Description of the Development	8
5	Planning Policies affecting the Order Land	11
6	Purpose and Justification for use of compulsory powers	20
7	Efforts to Acquire Land by Agreement	28
8	Human Rights	30
9	Public Sector Equality Duty	32
10	Special Considerations	34
11	Associated Orders and Consents	35
12	Conclusion	36
13	Other information of interest to persons affected by the Order	37
	Colindale - List of Background Documents	38

1 Introduction

- 1.1 On 27 January 2020 The London Borough of Barnet (the **Council**) resolved to make The London Borough of Barnet (Colindale Station Redevelopment) Compulsory Purchase Order 2020 (the **Order**).
- 1.2 The Order is made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**), the Acquisition of Land Act 1981 (the **1981 Act**) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**). This document is the non-statutory Statement of Reasons (the **Statement**) which has been prepared in accordance with "*Guidance on Compulsory Purchase Process and The Crichel Down Rules*"¹ (the **Guidance**).
- 1.3 The purpose of the Order is to enable the Council to compulsorily acquire the land and new rights over the land included in the Order (the **Order Land**) in order to facilitate the delivery of a comprehensive mixed use redevelopment at Colindale Station and the surrounding area.
- 1.4 The redevelopment proposals comprise a high quality mixed use development providing flexible retail uses; a new and improved station building, and residential units together with improved public realm – for the full description of the **Development** see Section 4.1. The Council, as local planning authority, granted planning permission for the hybrid application (the **Planning Permission**) for the Development on 10 March 2020.
- 1.5 The development proposals will assist in the regeneration of the Colindale area, enabling the completion of the new neighbourhood centre, acting as a catalyst for future development and will provide significant social, economic and environmental benefits to those living and working in and visiting the Colindale area.
- 1.6 Both the Council and the Mayor of London have aspirations for the redevelopment of the Colindale area and have put in place planning policies to support and underpin the regeneration of Colindale as an Opportunity Area. Further details on the relevant planning policies underpinning the Development are in Section 5 of this Statement.
- 1.7 The station element of the Development will be delivered by London Underground Limited (**LUL**) with Transport for London's (**TfL**) chosen development partner delivering the residential development (with complementary commercial uses). Further details are set out in Section 7 of this Statement.
- 1.8 Negotiations to acquire the third party freehold and leasehold interests in the Order Land have been commenced in advance of the Order being made. Information about the negotiations are set out in Section 7 of this Statement. Whilst discussions with some of the third parties are at an advanced stage, it has not been possible to date to acquire all of the

¹ Updated July 2019

rights and interests required to deliver the Development by agreement, nor is this likely to be possible within a reasonable timeframe in the future.

- 1.9 Compulsory purchase powers are therefore needed in order to ensure the timely delivery of the Development in the event that all necessary interests cannot be secured by agreement.
- 1.10 A copy of this Statement, the Order and Order Map together with background documents, are available for inspection at
- (a) Reception, Hendon Town Hall, The Burroughs, London, NW4 4AX;
 - (b) Hendon Library, The Burroughs, London, NW4 4AX;
 - (c) Reception, Barnet Council, 2 Bristol Avenue, London, NW9 4BR.

between the hours of 9am to 4.30pm and are also available to view on the following websites:

<https://tfl.gov.uk/corporate/publications-and-reports/> under "Colindale".

www.barnet.gov.uk/regeneration/colindale

2 Enabling Powers

- 2.1 By virtue of section 226(1)(a) of the Town and Country Planning Act 1990 the Council has the power to acquire land compulsorily if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land. The Council however must not exercise this power unless (section 226(1A)) the Council thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.2 The Council considers that the use of section 226(1)(a) is appropriate having regard to the objectives which will be achieved through the delivery of the Development. The Council is satisfied that the exercise of those powers will facilitate the development, redevelopment or improvement of the Order Land. The Council is further satisfied that the redevelopment of the Order Land will contribute to the promotion and improvement of the economic, social and environmental wellbeing of those living in, working in and visiting the Colindale area, and more widely the Borough. This is assessed more fully in Section 6 of this Statement.
- 2.3 Under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 the Council has the power to compulsorily acquire new rights over land. Crane over sailing rights are required for the duration of the construction of the Development. The rights sought are specified in the Schedule to the Order and summarised in Section 3 below.

3 Description of the Order Land and Surrounding Area

- 3.1 The Order Land comprises approximately 1311 sq m of land consisting of residential units at 167-173 Colindale Avenue, flats 1-6 Agar House, Colindale Avenue, 6 car parking spaces, electricity sub-station and three areas of unregistered land in unknown ownership. The Order Land forms part of the wider site for which planning permission was granted (the **Site**). The remainder of the Site is within LUL freehold ownership.
- 3.2 The Site is bounded by Colindale Avenue to the south and includes Colindale London Underground station and land directly surrounding it to the east, west and north. Colindale Avenue is a key east-west link in the area providing access to the A5 Edgware Road which forms part of the strategic road network.

Existing Station

- 3.3 Colindale London Underground station is served by the Edgware branch of the Northern Line and is well served by bus routes. It is a single storey building of no architectural value. It has a single entrance on Colindale Avenue adjacent to the road bridge which spans the London Underground tracks. Capacity of the pedestrian access to the station is restricted due to the narrow width of the footway to the east on Colindale Avenue and the lack of level access to the platforms.
- 3.4 The entrance provides access to a small ticket hall with a constrained concourse space on both the ticketed and non-ticketed sides of the gate-line. The gate-line comprises four standard gates and one wide aisle gate with short run offs which do not comply with current TfL's standards², particularly on the non-ticketed side where passenger flows conflict with customers using the ticketing facilities.
- 3.5 Access to the island platform is via an overbridge and two staircases with a central handrail. This results in a conflict of movements within a constrained space for all passengers, including persons with reduced mobility, particularly during peak periods.
- 3.6 Currently the station has approximately 7.1 million passenger trips per year and at peak morning periods (i.e. 0615-0915) is used by up to 4,760 people. The annual passenger demand is projected to more than double by 2041 as a result of general background growth and development more generally within the area identified in the Colindale Area Action Plan. Between 2009 and 2041, the London Plan has forecast a minimum of 12,500 new homes and 2,000 new jobs to be created within the Colindale Opportunity Area. Consequently a significant increase in demand for and usage of the station is predicted.
- 3.7 The constraints of the existing station mean that it is unable to cope with current demands. In addition it requires significant upgrade and improvements to be able to service future growth

² TfL standard S1371 "Station Capacity Planning"

in demand. As outlined in this Section, very significant population growth in the surrounding area is predicted over the next ten years, which confirms the need to implement capacity enhancements and implement measures to deal with crowd-control and manage congestion.

- 3.8 The station forms a key gateway to the Colindale area and provides a sustainable means to ensure that those living in Colindale can access other areas. Consequently enhancement of the capacity of Colindale station is key to achieving sustainable growth and new homes in Colindale. Without the capacity enhancements the station will not be able to cope with current capacity issues and the predicted growth in passenger numbers. Significant station control measures will need to be implemented at peak times; these could include holding people outside the station and non-stopping trains, in order to maintain customer safety.

Colindale Opportunity Area and Anticipated Growth

- 3.9 As is further detailed in Section 5, Colindale is identified as an Opportunity Area and as a consequence Colindale is undergoing intensive redevelopment.
- 3.10 The Site has a PTAL (Public Transport Access Level) of 5 on a scale of 0-6, where 6 is the highest. This PTAL score only applies to the area directly surrounding the station; beyond this the PTAL is 4 and below. The PTAL rating identifies how accessible a site is and sites with a higher rating are generally more suitable and sustainable locations for higher density development. Areas with higher PTAL ratings are therefore more sustainable locations for high density development.
- 3.11 Representative of the high PTAL rating, the station is currently at the centre of a series of new principally residential developments across the wider Colindale area, which has increased and will increase the population within the station catchment area.
- 3.12 The population of the local area grew by 21% between 2001 and 2011. This is significantly higher than the population growth in the London Borough of Barnet (13%) and London (14%) over the same period. Between 2011 and 2031, the GLA forecasts that the population of the local³ area will grow by 64%, and by 123% in Colindale ward. This is more than double the forecast population growth of 24% in the London Borough of Barnet and across London over the same period.
- 3.13 The Site is identified as siting within the Colindale/Burnt Oak Opportunity Area by London Plan Policy 2.13 where there is a minimum target for 12,500 new homes to 2031. This requires that the Mayor's agencies (including Transport for London) work collaboratively with others to identify those Opportunity Areas that require public investment and intervention to achieve their growth potential.

³ "Local Area" in this context comprises the Colindale ward and Burnt Oak Ward, of which the Site lies in the western portion of Colindale ward, on the border. See Quod "Equality Statement – Colindale Station Redevelopment", January 2020.

- 3.14 A considerable quantum of development and new homes has already been delivered in Colindale since the adoption of the Colindale Area Action Plan (AAP) in 2010, and new development continues to be delivered. The area around the station and Colindale Avenue is identified as a new neighbourhood centre in the 2010 AAP. Colindale station provides a gateway to the Opportunity Area from the Northern Line which sustainably links the new neighbourhood centre to the new metropolitan centre at Brent Cross and to the core of London.
- 3.15 To the west of the station much of this new neighbourhood centre has been delivered, together with the associated new homes. To the south east of the station the Redrow development of the former Peel Centre is being delivered which will link a new community into the new neighbourhood centre. However the station and adjoining land to the north east corner (forming the Order Land) essentially remain untouched by the area's wider changes.
- 3.16 New offices for the Council have also recently been constructed on Colindale Avenue and are now occupied, with a significant proportion of staff utilising Colindale station for getting to and from work.
- 3.17 Overall Colindale is currently estimated to deliver over 9,000 new homes between 2010 and 2030. To date over 4,900 of these new homes have been provided, with the remaining over 5,000 homes expected to be delivered over the next decade. In addition, there is significant housing growth in the neighbouring Borough of Brent to the immediate west of the A5 which falls within the catchment of Colindale station. These new homes will significantly increase the numbers of passengers using the station. It is therefore necessary to increase station capacity to meet this need and in order to ensure the station can operate safely.
- 3.18 The Site and Order Land are not situated within a conservation area, nor do they contain any listed buildings or buildings of local interest. They are located in close proximity to several heritage assets, namely the Grade II listed Colindale Administrative Block located 220 metres to the west of the Site, the Grade II listed Aeroville residential dwellings situated 140 metres to the north of the Site, and the Grade II listed RAF Officers Mess located 290 metres to the east of the Site.
- 3.19 The Order Land itself consists of:
- (a) 2 storey residential terraces at 167-173 Colindale Avenue; and
 - (b) Residential flats and 2 storey maisonettes at 1-6 Agar House, Colindale Avenue;
 - (c) car parking spaces and sub-station to the rear of Agar House; and
 - (d) 3 areas of unregistered land in unknown ownership (Plots 1, 16 and 19).

- 3.20 These are identified as Plots 1 to 21 on the Order Map. Acquisition of these Plots is necessary in order to facilitate the construction of that part of the Development identified as the "East Block", part of the building between the North and East Block, together with access, servicing and parking. The permanent acquisition of these Plots is therefore required.
- 3.21 Following a review of title of the Order Land, it has been identified that Flats 1-6 Agar House (plots 6, 7, 8, 9, 10, 12, 14, 15, 17 and 21) carry the burden of restrictive covenants. These covenants were imposed by Laing Land Limited, the developer of Agar House. It has not been possible to define within any certainty the land which has the benefit of the restrictive covenants. It has therefore been necessary to assume that the entire remaining land holding of Laing Land Limited, which has since been sold off as individual plots, enjoys the benefit of the restrictive covenants. For this reason those individual land interests which may have the benefit of the covenants have been included in columns 5 and 6 of Table 2 and have been served with notice of the making of the CPO.
- 3.22 In addition to the freehold acquisition, new rights are proposed to be created pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. Crane oversailing rights are sought where it is anticipated that the cranes will oversail third party land, for the purposes of construction of the Development. It will be noted from the Order Plan that for the West Block, the crane oversailing does not extend over the London Underground land. This is because TfL's chosen development partner will be required to enter into asset protection agreements as part of any arrangement for the grant of such rights.

4 Description of the Development

- 4.1 The Development is required in order for the Council to achieve its objective of redeveloping Colindale as an Opportunity Area and for the completion of a new neighbourhood centre on Colindale Avenue in accordance with its local planning policies (further detailed in Section 5). The Development is described as follows in the Planning Permission:

"Hybrid planning application for the comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq m with step free access) and a retail store (class A) unit. Outline planning consent for the erection of a mixed use development ranging from 6-29 storeys in height comprising up to 860 sq m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units together with the provision of ancillary refuse, cycling and disabled parking spaces and associated works." (the **Development**)

- 4.2 The Council's Planning Committee considered the application and in accordance with the officer recommendation, a resolution to grant planning permission for the Development was made by the Council on 24 July 2019. A section 106 agreement containing relevant and necessary planning obligations was entered into on 6 March 2020, and Planning Permission was subsequently issued on 10 March 2020.

New Station

- 4.3 The Planning Permission grants detailed permission for the station element of the Development. The station redevelopment consists of a new double-height station building which will front onto Colindale Avenue and provide a new gateway into the Colindale Opportunity Area and neighbourhood centre. On either side of the station will be residential towers of 21 and 29 storeys in height, with the eastern-most tower connected by a single storey podium to a 6 storey building.
- 4.4 The station redevelopment will consist of the following elements:
- (a) a new ticket hall and concourse;
 - (b) step-free access from the street to the platforms;
 - (c) improvements to address current overcrowding and congestion at the station through improved layout and enhanced ticketing facilities by increasing the number of ticketing gates from four standard and one wide aisle to seven standard and two wide aisle gates;
 - (d) complementary commercial uses;

- (e) improved cycle parking; and
 - (f) improvements to the public realm immediately in front of the station to ensure that access and movement takes place in a safe and high quality environment, with unobstructed pedestrian movement.
- 4.5 The internal and external appearance and design of the redeveloped station will be of high architectural quality, with the canopy contributing to its prominence at street level. It will be constructed from high quality and durable materials, in keeping with the surrounding high quality development already consented in the area and contributing to the achievement of new commercial active frontages along Colindale Avenue.

Residential and Commercial Development

- 4.6 The North, East and West blocks comprise the residential element of the Development with commercial uses at ground floor level. The outline element of the Planning Permission has been granted for this part of the Development consisting of:
- (a) up to 22,902 sqm (GIA) of residential (C3) floorspace (indicative quantum of 313 new dwellings);
 - (b) up to 860 sqm (GIA) flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses;
 - (c) play space at podium level which will provide 190 sqm of play facilitated for age groups 0-5 and 6-11 years old for use by residents of the Development.
- 4.7 The indicative quantum of units for each of the 3 residential blocks are:
- (a) 29 storey block – 168 units
 - (b) 21 storey block – 120 units
 - (c) 6 storey block – 25 units
- 4.8 The residential accommodation will be designed to achieve London Plan standards and to meet or exceed minimum space standards. 50% of the total number of residential units provided will be made available as affordable housing by habitable room, with an overall tenure split of 21% London Affordable Rented housing and 79% Intermediate tenures. A late stage review mechanism is secured by the section 106 agreement to allow for an off-site commuted sum contribution to be paid toward the provision of additional affordable rented accommodation on other sites in the Borough, if viability allows. 10% of the units will be adaptable to wheelchair standards and all units will comply with the London Housing Design Guide and Approved Document M of the Building Regulations 2010.
- 4.9 The design strategy for the Development is to reinforce the identity of the new station building as an integral part of the new neighbourhood centre, while including as much of the new

housing on TfL property as possible to meet the significant need for housing in the Borough and make best use of a sustainable site. The residential and commercial elements of the Development consist of 3 blocks which are stepped in height. The tallest residential block will be located on the site of the existing ticket hall, nearest to other tall buildings along Colindale Avenue. It will form a landmark at the core of the new neighbourhood centre.

- 4.10 The second block is proposed on the opposite side of the new ticket hall which will be built above the railway. Along with the tallest block to the west of the new ticket hall, this forms a landmark gateway to reinforce the importance of the locality of the station, also strengthening existing assets, local destinations and enhancing the other developments under construction within the vicinity of the Development.
- 4.11 The smallest block is sited at the corner of Colindale Avenue and Pasteur Close, nearest to existing low rise homes, creating a more sensitive transition between the low-rise context which continues and remains along Colindale Avenue and the higher density development further west along the avenue, helping to stitch together the various scales and densities which already exist and will remain around the station. By stepping up from the low rise context and placing the highest points of the development on either side of the station, a landmark is created with the station at the heart of the new neighbourhood centre.
- 4.12 The extension of the Site to Pasteur Close also improves the public realm by continuing the active commercial frontage along Colindale Avenue. This will contribute towards achievement of the vision for an active boulevard along Colindale Avenue as outlined in the Area Action Plan and Supplementary Planning Document. Pasteur Close forms a break in the built form and natural point for a step up in height of the built form.
- 4.13 Overall the residential elements of the development will be of high design quality and will deliver a range of units capable of providing suitable accommodation for a range of households at varying affordability levels.

5 Planning Policies affecting the Order Land

- 5.1 A comprehensive appraisal of the Development and all relevant planning policy at the time is set out in the Officer's report to the Council's Planning Committee on 24 July 2019. The Council's view is that the Development substantially accords with the adopted planning framework.
- 5.2 The following paragraphs summarise how the Development meets key planning policy objectives of the strategic planning framework and how the purpose for which the land is being acquired fits in with the adopted Local Plan and National Planning Policy Framework.
- 5.3 The strategic planning framework at the time of presentation of the planning application and the Council's decision in granting planning permission consisted of the following key documents:
- (a) The Development Plan, which included:
- London Plan (2016)
 - London Borough of Barnet Local Plan – Core Strategy (2012)
 - London Borough of Barnet Local Plan Development Management Policies DPD (2012)
 - London Borough of Barnet Colindale Area Action Plan (2010)
- (b) Other Guidance/Material Considerations comprising:
- London Borough of Barnet Colindale Underground Station Supplementary Planning Document (2019) ("SPD")
 - The National Planning Policy Framework (2019)
 - Mayor's London Housing Supplementary Planning Guidance (2016)
- 5.4 As set out above, the Officer's report to the Council's Planning Committee provides a comprehensive appraisal of the Development against all relevant planning policies at the time.
- 5.5 At the time of granting planning permission the Mayor had published a draft of the new London Plan. This draft Plan London Plan had undergone Examination in Public (EiP) between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

- 5.6 The Mayor has since considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a clean and tracked version of the Intend to Publish London Plan. The latest four week holding letter was published on 14 February 2020 and we await further updates. At the date of this Statement of Reasons the draft London Plan should be afforded significant weight in assessing the Development's compliance with the relevant planning policies.
- 5.7 The planning framework, both in place at the time planning permission was granted and currently, is founded on an appropriate evidence base and has been subjected to consultation.
- 5.8 The following paragraphs summarise how the Development meets the key planning policy objectives of the current adopted strategic planning framework, setting out how it fits with the adopted Local Plan, London Plan and NPPF in accordance with the Guidance. Paragraphs 6.2 to 6.11 then analyse the Development's consistency with the Planning Framework.

National Planning Policy Framework

- 5.9 The NPPF seeks to ensure that in pursuit of sustainable development, the three overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies (paragraphs 8 and 9).
- 5.10 The principle of the Development is supported by the NPPF (paragraph 102) which advises that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
- 5.11 Section 5 of the NPPF seeks to deliver a sufficient supply of homes by significantly boosting the supply of homes and ensuring that land with planning permission is developed without unnecessary delay.
- 5.12 Section 5 of the NPPF also requires strategic policies to be informed by a local housing need assessment and to consider the needs of those who require affordable housing. Paragraph 64 of the NPPF requires that planning policies and decisions should expect at least 10% of the homes to be affordable.
- 5.13 Section 11 of the NPPF provides guidance on making efficient use of land, requiring strategic policies to set out a clear strategy for accommodating objectively assessed need. Paragraphs 122 and 123 require planning policies and decisions to make efficient use of land, making optimal use of each site where there is a shortage of land for meeting housing needs. This includes use of minimum density standards.

- 5.14 Section 12 of the NPPF says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning permission should be refused for development which is of poor design.

London Plan – Relevant Policies

The following is a summary of the relevant London Plan policies against which the Development being facilitated by the Order falls to be assessed:

- 5.15 London Plan Policy 2.13 requires that decisions optimise residential and non-residential output densities in Opportunity Areas. The London Plan sets a minimum housing target of 23,489 new homes by 2025 in Barnet (annual target of 2,349). Annex One of the London Plan identifies Colindale and Burnt Oak as an Opportunity Area that should deliver a minimum of 12,500 homes in the period up to 2031.
- 5.16 London Plan Policy 2.15 promotes housing in town centres, recognising residential developments can address housing need and generate footfall to support town centre vitality and viability. The Mayor's Town Centre Supplementary Planning Guidance (SPG) requires strategies for town centres to be aligned closely with London-wide and borough housing strategies to ensure that future developments within and on the edges of town centres respond to the needs of a diverse range of existing and new communities.
- 5.17 London Plan Policy 3.3 recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. It also identifies that brownfield sites will provide opportunities to bring housing forward.
- 5.18 London Plan Policy 3.4 (Optimising housing potential) seeks to optimise the housing potential of sites, and references the density matrix (Table 3.2) which provides a guide to appropriate density ranges for particular locations, depending on PTAL and setting. It is noted that this approach should not be applied mechanistically.
- 5.19 London Plan Policy 3.9 promotes mixed and balanced communities by tenure and household income. London Plan Policy 3.12 requires development to secure the maximum reasonable amount of affordable housing.
- 5.20 London Plan Policy 3.11 requires all boroughs to maximise affordable housing provision in order to contribute towards an average annual London-wide target of 17,000 affordable homes, with a priority for family housing. The policy requires boroughs to set an overall target for the amount of affordable housing needed in the plan period. The target should take account of a number of factors including current and future housing requirements, the strategic targets and the need to promote mixed and balanced communities.

- 5.21 London Plan Policy 3.14 (Existing housing) aims to resist the loss of housing, including affordable housing, unless it is replaced at existing or higher densities with at least equivalent floorspace. LBB Development Management Policies DPD Policy DM07 resists the loss of residential accommodation unless it involves identified regeneration areas and will provide for net replacement of the total residential units.
- 5.22 London Plan Policy 6.1 reflects the NPPF's strategic approach to transport by encouraging patterns and nodes of development that reduce the need to travel and improve the capacity and accessibility of public transport, walking and cycling. The policy also supports the improvement of interchanges between forms of transport, particularly around underground stations.
- 5.23 Inclusive design principles and practices have been incorporated into the Development in accordance with Policy 3.5 of the London Plan Quality and Design of Housing Developments and Policy DM02 of Local Plan Development Management Policies Development Standards as follows:
- Achieve the London Housing Design Guide standards which include minimum space standards for individual units, rooms sizes and amenity space provision.
 - 10% of the dwellings as adaptable to wheelchair standards.
 - Provide a mixture of dwellings (size and tenure).
 - Provide a safe and secure environment.
- 5.24 Section 7 of the London Plan sets out a number of policies to promote high quality and well-designed places and spaces. London Plan Policy 7.4 requires development to provide a high quality design response having regard to the surrounding buildings and London Plan Policy 7.6 requires buildings be of the highest architectural quality.
- 5.25 The residential density of the Development is the result of a comprehensive masterplanning process which has sought to establish the most appropriate design solution for the Site, by having regard to the densities set out in the London Plan Density Matrix Table 3.2 but applying these flexibly.

Draft London Plan

- 5.26 As identified above at paragraph 5.6 it is considered that the draft London Plan should be afforded significant weight. The following section summarises the main policies in the draft London Plan that are applicable to the Development being facilitated by the Order.

- 5.27 The draft London Plan has increased slightly the number of new homes to 23,640 new homes over a 10 year period from 2019/20-2028/29 (Policy H1) of which there is an identified capacity of 7,000 homes in the Colindale/Burnt Oak Opportunity Area during the Plan period.
- 5.28 Draft London Plan policy GG2 encourages high density, mixed use places that make the best use of land. In Opportunity Areas, brownfield land, sites which are well connected by existing or planned tube and rail stations, small sites, and sites within and on the edge of town centres must be prioritised. Higher density development is promoted, particularly on sites that are well-connected by public transport, applying a design-led approach to guide appropriate density.
- 5.29 Draft London Plan Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites in order to ensure that housing targets are met. Sites with existing or planned PTALs of 3-6 which are located within 800 metres of a tube or rail station or town centre boundary are identified as one of the key sources of capacity. Where new sustainable transport infrastructure is planned, boroughs should re-evaluate the appropriateness of land use designations and the potential to accommodate higher density residential and mixed use development, taking into account future public transport capacity and connectivity levels.
- 5.30 Similarly, Draft London Plan Policy D6 requires development proposals to make the most efficient use of land and be developed at the optimum density. The optimum density should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to the site context; its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL); and the capacity of surrounding infrastructure. It makes clear that the density of development proposals should be based on, and linked to, the provision of future planned levels of infrastructure rather than existing.
- 5.31 The supporting paragraphs to the above policy provide further guidance. Paragraph 3.6.1 clarifies that to meet the policy requirement to make the most efficient use of land, this will mean developing at densities above those of the surrounding area on most sites following a design-led approach. Paragraph 3.6.3 states that the capacity of existing and future public transport services is a key element in determining the optimum density of a site, making clear that in general the higher the public transport access and connectivity of the site and the closer it is to a town centre or station, the higher the density should be.
- 5.32 Draft London Plan Policy H6 identifies a minimum threshold of 50% (by habitable room) affordable housing on public sector land, whereby applications with an appropriate tenure split, without public subsidy, and meeting other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor, can follow the 'Fast Track Route' set out in

the Affordable Housing and Viability SPG; this means that they are not required to submit a viability assessment or be subject to a late stage viability review.

- 5.33 The Mayor's Affordable Housing and Viability SPG and Policy H5 of the draft London Plan sets a strategic target of 50% affordable housing, with public sector land delivering at least 50% across the relevant portfolio.

Local Plan

- 5.34 The following section summarises the relevant applicable policies from the London Borough of Barnet Local Plan –Core Strategy (2012) (LBB Core Strategy).
- 5.35 LBB Core Strategy requires that appropriate levels of transport infrastructure are provided to accommodate development and to provide for safe, efficient and effective travel.
- 5.36 LBB Core Strategy identifies the Site as being within the Colindale Regeneration Area, and Colindale Avenue Corridor of Change, where residential development and a new public transport interchange are supported (Policy CS1).
- 5.37 The LBB Core Strategy also recognises the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. The supporting text to Policy CS3 recognises that encouraging greater housing development within the Borough's town centres allows for mixed uses which add vibrancy and greater all round activity.
- 5.38 The LBB Core Strategy Policy CS3 reiterates London Plan policy and the need to optimise housing density to reflect local context, public transport accessibility and provision of social infrastructure.
- 5.39 LBB Core Strategy Policy CS4 and LBB Development Management Policy DM10 set a Borough-wide target of 40% housing provision to be affordable with the mix of affordable housing at 60:40 (social/affordable rent: intermediate);this policy is subject to viability.
- 5.40 LBB Core Strategy CS5 defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations including Colindale (Colindale Avenue Corridor of Change – Policy 5.3) subject to detailed assessment criteria. London Plan Policy 7.7 states that tall buildings should not have an unacceptably harmful impact on their surroundings. It states that tall buildings should be part of a plan-led approach to the development of an area and should not have an unacceptably harmful impact on their surroundings. In particular, paragraph 7.7 requires tall buildings to “relate well to the form,

proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features) particularly at street level”.

- 5.41 LBB Development Management Policy DM01 highlights that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- 5.42 LBB Development Management Policy DM05 outlines the following criteria that need to be demonstrated for tall buildings:
- an active street frontage where appropriate
 - successful integration into the existing urban fabric
 - a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
 - not cause harm to heritage assets and their setting
 - that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

London Borough of Barnet Colindale Area Action Plan (2010) (AAP)

- 5.43 The AAP identifies a number of corridors of change and supports the creation of a new neighbourhood centre with active frontages around Colindale Avenue. As a Corridor of Change, Colindale Avenue is set to provide the vibrant heart and gateway to Colindale as a sustainable mixed-use neighbourhood centre anchored by a new public transport interchange with pedestrian piazzas. This Corridor will provide a new convenience food store of up to 2,500 m² in the neighbourhood centre. It will also include a new location for Barnet College, support for relocation of Middlesex University’s student accommodation and support for provision of a new primary healthcare facility.

London Borough of Barnet Colindale Underground Station Supplementary Planning Document (2019) (SPD)

- 5.44 The SPD was developed in order to provide a clear framework for the submission of a planning application, which would accord with Council policies and meet the aims and aspirations of the Council for the development of this important Site. The SPD identifies that the Site forms part of the new neighbourhood centre and associated public transport interchange. The SPD sets out design principles to ensure that development of the land contributes to the achievement of and completion of this new neighbourhood centre.

- 5.45 The SPD sets out a design strategy for the Site to achieve high density whilst knitting together the different developments in the area into a visually cohesive form.
- 5.46 The SPD at paragraph 4.3.1 'Built form and height' advises that, given the prevailing pattern of established and recently completed development in Colindale, it is important for the station to unify the surrounding sites and to provide cohesion in terms of built form and height. In this regard the design should define the Site as the new centre of Colindale providing a new improved station and provide a high point in terms of a height strategy which surrounding development should reduce from. The SPD advises that in terms of height the marker building to the west of the railway line should be up to 29 storeys, the centre building up to 21 storeys and the eastern most block up to 6 storeys.

Mayor's London Housing Supplementary Planning Guidance

- 5.47 The Affordable Housing and Viability SPG states that where 50% affordable housing is delivered on public land, the tenure of the additional affordable homes above the 35% is flexible and should take into account the need to maximise affordable housing provision.
- 5.48 The Mayor's Affordable Housing and Viability SPG and the draft London Plan sets out a preferred tenure split of at least 30% low cost rent, with London Affordable Rent as the default level of rent, at least 30% Intermediate (with London Living Rent and Shared Ownership being the default tenures), and the remaining 40% providing flexibility to be determined with the local planning authority.
- 5.49 The need for a flexible approach is supported by the Mayor of London's Housing SPG (2016) which sets out the exceptional circumstances where densities above the relevant density range may be justified (London Plan paragraph 3.28A). "Liveability" as described in section 2.2 – 2.4 of this SPG (e.g. neighbourhood scale and provision of outdoor spaces, playspace, designing out crime, social infrastructure, dwelling standards and facilities, and sustainability)
- Exemplary design and quality
 - Access to services
 - Management of communal areas
 - Contribution to 'place shaping'

London Borough of Barnet Housing Strategy

- 5.50 The Council's 2010-2025 Housing Strategy sets out the strategic context for housing need and delivery in Barnet. It identifies that a great deal of housing growth in Barnet will be

delivered through their ambitious programme of regeneration and strategic development. It identifies Colindale as one of the locations.

- 5.51 The Housing Strategy identifies Colindale as a location for the creation of over 1,000 new jobs and 10,000 homes over 10 years through a range of mixed use and development schemes, with social and transport infrastructure investment, retail space and student homes.
- 5.52 The Housing Strategy forms part of the evidence base underlying the Barnet Local Plan and planning policies identified in the above sections. The Development will contribute towards achieving the Housing Strategy's aims, whilst also supporting and enabling delivery of housing growth across the wider Colindale area.

Conclusion

- 5.53 The Development sits within the Colindale Opportunity Area, as identified by policies in the London Plan, Draft London Plan, LBB Core Strategy, AAP and SPD.
- 5.54 The AAP identifies a vision for Colindale Avenue forming the vibrant heart and gateway to the area and becoming a sustainable, mixed-use neighbourhood centre anchored by a new, high quality public transport interchange with pedestrian piazzas on both sides of the street.
- 5.55 The SPD also supports the development of the station and surrounding properties.
- 5.56 The Development provides a major opportunity to deliver a comprehensive mix of uses, providing new homes, commercial spaces and a new improved accessible underground station for Colindale. This comprehensive development will result in social, economic and environmental benefits of local and wider significance to the Borough.

6 Purpose and Justification for use of compulsory powers

6.1 Paragraph 106 (Tier 2) of the Guidance sets out the factors which the Secretary of State will take into account in deciding whether to confirm an order under Section 226(1)(a) of the Town and Country Planning Act 1990, namely:

- (a) 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;
- (b) The extent to which the proposed development will contribute to the achievement of the promotion of improvement of the economic, social or environmental well being of the area;
- (c) Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means;
- (d) The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and to 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.

Development is Consistent with the Planning Framework

6.2 The Council has concluded that the Development is in substantial compliance with the development plan, and accordingly granted the Planning Permission. The relevant policy framework against which the Development has been assessed is set out in detail in Section 5 above.

6.3 The officer's report to Committee explains that the comprehensive nature of the mixed-use proposal will positively transform the Site and the area with its uses including residential and commercial facilities as well as its design and the associated improved relationships to and connectivity with the surrounding area. It also recognises that the resulting density is appropriate given the context of the application proposals involving the development immediately adjacent to Colindale Underground Station and in the context of the regeneration of Colindale when also considered alongside the townscape and neighbouring amenity considerations.

6.4 The Site is located within a designated tall building area. The Officer's report to Committee identifies the Colindale Avenue Corridor of Change as a suitable location for tall buildings (Policy CS5) and that the greatest height should be in those areas adjacent to the station as set out by the SPD which advises that the heights on this Site should be higher than

surrounding developments in order to provide a coherent height strategy for the surrounding area.

- 6.5 The Site's proposed layout follows the design principles set out in the SPD, with the tallest building being located to the west of the railway line with the ticket hall being located over the railway lines with a new enlarged area of public pavement/piazza providing an improved access compared to the current station. Commercial units are also proposed fronting Colindale Avenue in line with the SPD and completion of the new neighbourhood centre.
- 6.6 The Officer's report to Committee confirms that the quantity of affordable housing provided by the Development clearly exceeds the minimum level of 40% required by the Council's Policy and would comply with the emerging London Plan requirement for 50% affordable housing on TfL sites.
- 6.7 It is recognised that the Development does not accord with the preferred tenure split, with the affordable housing being provided in the form of 79% Intermediate affordable housing product and 21% London Affordable Rent.
- 6.8 The Development was supported by a financial viability assessment which was independently assessed. It was concluded that a late stage viability review clause should be included, which would allow for the potential for a financial contribution to be paid to the Local Authority towards the provision of affordable rented accommodation on other sites in the Borough.
- 6.9 The Council is committed to securing the achievement of the Opportunity Area objectives in Colindale. Colindale will make the single largest housing and affordable housing contribution to the Borough over the next 10-15 years and one of the biggest in North London. It is therefore of key strategic importance. The 2010 AAP set out a vision for Colindale:

By 2021, Colindale will be a vibrant, successful and diverse neighbourhood where people will want to live, work and visit. It will accommodate high quality sustainable developments within four 'Corridors of Change' and a new neighbourhood centre. Colindale will become a successful suburb in North London, providing existing and new communities with high quality local services, improved transport and access to enhanced green space and leisure facilities.

- 6.10 In urban design and townscape terms, the Development will contribute significantly to the Council realising its aspirations for the Colindale Opportunity Area. In particular it will:
- *enable redevelopment of the station and north east quadrant of the new neighbourhood centre such that it creates a better transition between the completed aspects of the neighbourhood centre forming the new higher-density development to the west and the retained lower-density development to the east.*

- *significantly enhance the public realm around the station, significantly widening the pedestrian approaches to the station on the north east corner along Colindale Avenue, providing a safe, accessible and legible pedestrian access to the station for the area's new residents.*
- *result in a more commercial active frontage along Colindale Avenue and visually coherent townscape.*
- *help to achieve a more cohesive identity for Colindale in the light of the nature and level of development that has taken place, and is still taking place, since the adoption of the AAP.*

6.11 The Council is therefore satisfied that the Development as a whole:

- is compliant with the development plan and with the requirements of the SPD, in terms of achieving the delivery of new homes and securing wider regeneration;
- will result in a significant improvement in the quality and capacity of Colindale station, for which there is a clear need and wider public realm improvements; and
- is needed in order to assist in achieving the delivery of existing and draft London Plan housing targets (including for affordable housing) for the Colindale/Burnt Oak Opportunity Area.

Contribution to the achievement of the promotion of improvement of the economic, social or environmental wellbeing of the area

6.12 The Development will make a significant contribution to the economic, social and environmental wellbeing of the local area for the reasons summarised below.

Economic Wellbeing

6.13 It is widely recognised that investment in public transport infrastructure can deliver significant economic benefits to an area, increasing land values and generating investment in development and leading to the creation of new homes and jobs. Increasing station capacity will provide new and existing residents with a better means to safely and sustainably access jobs in other locations and support in-commuting for new jobs created in the Opportunity Area. The station improvement and new neighbourhood centre will act as a catalyst in generating and attracting investment in the local area, as is already happening with the development cluster taking place within the vicinity of the station).

6.14 The construction of the Development will create local economic activity and jobs during construction. The section 106 agreement for the Development sets out an ambitious framework to make available a number of apprentice/trainee/work experience level places for

the duration of the construction period, working in tandem with the Council's locally selected partners to deliver on those commitments.

- 6.15 Completion of the Development will support and enable the on-going regeneration of Colindale. It will provide a new gateway to the area and enable completion of the new neighbourhood centre.

Social Wellbeing

- 6.16 The Development will provide a net increase of 303 new homes which comprise a variety of unit sizes and tenures, appealing to a wider range of occupiers. Fifty percent of the new homes will be affordable homes; the section 106 agreement is flexible on the tenure of Intermediate affordable tenures, allowing the developer to respond to the local housing needs of the area at the time the housing is provided. The section 106 agreement also secures a late stage review, thereby ensuring that any additional profits (not anticipated at the date the Planning Permission was issued) can be recovered and be utilised to provide additional affordable rented accommodation within the Borough.
- 6.17 The proximity of the residential elements to the station and rest of the neighbourhood centre enables residents to live more sustainably. The development is car free which will increase the residents' use of walking and cycling with associated health benefits resulting from residents being more active.
- 6.18 The step-free upgrades to the station will enable those who are less mobile to travel more easily, making it easier for them to access work and make social connections. Blue Badge parking will also be increased to 5% of the proposed units. Secure and undercover cycle parking will also be provided both for residents and visitors, with a total of 60 public cycle parking spaces being provided for users of Colindale station and visitors to the residential development.
- 6.19 Delivering new homes in close proximity to a new local centre, which is well connected by sustainable means to other higher order centres such as the new metropolitan centre at Brent Cross, will afford residents easy access to opportunities to interact with others and build social connections.
- 6.20 A protected children's play area will be built between the two lower blocks, providing a safe and secure place for children residing in the blocks to play, interact and build social skills, and creating a community space for residents.

Environmental Wellbeing

- 6.21 The energy strategy for the residential/commercial element of the Development aims to achieve a minimum of 35% reduction in regulated CO2 emissions below Part L 2013 of the

Building Regulations. The section 106 agreement secures additional contributions to carbon off-setting calculated on the basis of the difference between the CO2 reductions actually achieved and zero emissions.

- 6.22 The energy efficiencies incorporated within the design of the Development, combined with the car free nature of the Development and its highly sustainable location, all contribute to minimising the carbon footprint of the Development.
- 6.23 The Development will also contribute to the significant improvement of the public realm within the area and achievement of a visually cohesive townscape. Hard and soft landscaping, together with the widening of the pedestrian approaches to the station, will enhance the environment within the area, making the station more accessible and improving pedestrian movements.
- 6.24 The provision of commercial uses at ground floor level, along with the redeveloped station, will create the requisite commercial active frontage along Colindale Avenue, in keeping with and contributing to the wider policy aspirations for the Opportunity Area, making for a more vibrant and transformative experience at street level.
- 6.25 Overall, the Council is satisfied that the Development will contribute to and create opportunities for the social, economic and environmental wellbeing of its area.

Whether the purpose for the acquisition could be achieved by any other means

- 6.26 The development proposals have evolved from an assessment of alternative development options. Each development option was assessed by TfL for its compliance with 3 main criteria, namely:
- (a) *planning policy compliance (see Section 5 and paragraphs 6.2 to 6.11 above);*
 - (b) *achievement of coherent urban design appropriate to enable completion of the new neighbourhood centre – demonstrating a high and appropriate quality of architectural and urban design;*
 - (c) *deliverability – in terms of viability and constructability of the scheme (including in particular the interdependencies between the station and residential land and the impact on the LUL underground operations) and its appeal to the market. Timing of delivery was also a key factor to deliverability; the new station is part of TfL's Step Free Access (SFA) programme and subject to Mayoral delivery date. To meet the SFA programme the improved station must be operational by 2022/23.*
- 6.27 TfL considered a series of design options which are detailed in the Design and Access Statement supporting the planning application; full consideration has been given to

alternatives to enhancing station capacity and urban design solutions to achieve a high quality development which makes efficient use of land and complies with planning policy.

- 6.28 Options considered included integrating the residential and commercial elements of the Development with the station redevelopment, known as Over Station Development (OSD). However OSD creates a number of significant project risks, both in terms of its marketability and appeal to prospective development partners and the operational risks to LUL. Undertaking construction above the operational railway is inherently more challenging and creates greater risks, which would require additional mitigation, than working on a non-railway site. .
- 6.29 The alternative options involved limiting the residential towers to LUL owned land (excluding the station). However the constrained development footprint limited the density and quality of design for a possible development. There were also wider urban design concerns as to its integration within the wider area and achievement of the AAP aspirations.
- 6.30 Therefore the Council considers that the proposed development represents a proportionate solution for achieving the objectives set out in the AAP; it is the deliverable option for these main reasons:
- (a) it enables the station enhancements to be constructed separately with minimum risk to the operation of the railway;
 - (b) it fulfils the urban design requirements of creating a gateway at the top of Colindale Park, reinforcing the urban vision already being implemented within the area around Colindale with the new neighbourhood centre and surrounding new developments;
 - (c) it allows a coherent integration of the public realm and townscape;
 - (d) it enables access to the rear of the Site via Pasteur Avenue, eliminating the need to service from the front and avoid delivery vehicles crossing the public realm and around the station which would create conflict between pedestrians and vehicles; and
 - (e) it provides a greater development footprint in which amenity areas such as children play spaces for the benefit of the residents can be provided as part of the wider benefits of the scheme.
- 6.31 The proposed Development offers the optimum opportunity to realise the aspirations of the Council's policies within the Colindale area. The Order Land is needed to facilitate this.
- 6.32 The Council is satisfied that there are no planning or other impediments to delivery, other than the need to assemble the outstanding third party land interests. As set out in Section 8 of this Statement, all freeholders and long leaseholders within the Order Land have been contacted

and invited to enter into negotiations with a view to securing the acquisition of their interests by agreement. The Order Land is also affected by a considerable number of third party rights such as rights of light and restrictive covenants preventing redevelopment. Negotiations to acquire third party interests will continue in parallel with the compulsory purchase process. However, it is unlikely that the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. Compulsory powers are being sought to ensure certainty of delivery.

Deliverability and Funding

- 6.33 The station improvements will be delivered by LUL. The residential towers and associated works will be delivered by TfL's chosen development partner.
- 6.34 The station improvements will be funded through a mixture of section 106 agreement contributions, a contribution from the Council and funding from TfL. This funding has been secured.
- 6.35 In April 2019, TfL published its Expression of Interest for the Colindale Station Redevelopment Opportunity. This was issued exclusively to panel members on London Development Panel 2 (LDP2). LDP2 provides a framework for residential-led development and a quick and efficient means of selecting a development partner compared to other procurement methods. LDP2 members comprises a mix of established companies, developers, contractors and Registered Providers who have been selected through a competitive selection process and have entered into a Framework Agreement with the GLA. LDP2 offers a streamlined and efficient method for selecting development partners for sites in Greater London.
- 6.36 Utilising LDP2, and a competitive tendering process, TfL has selected Telford Homes as its preferred development partner. A Development Agreement is being settled between the parties and is anticipated to be completed by summer 2020. The Development Agreement will include obligations on Telford Homes to carry out the Development in accordance with prescribed milestones.
- 6.37 Telford Homes were required to demonstrate a track record of delivering large and funding complex developments in order to join the LDP2 panel. Therefore the Council considers that they have the necessary experience and access to the necessary funding to complete the Development.
- 6.38 In relation to acquisition costs associated with the third party land, TfL has secured funding from the GLA; this funding will cover the costs of land assembly.

6.39 The Council and TfL entered into a CPO Indemnity Agreement on 6 March 2020, in which TfL undertook to indemnify the Council in respect of costs incurred in promoting, making and securing the compulsory acquisition of the Order Land and related compensation.

7 Efforts to Acquire Land by Agreement

7.1 The Council recognises that compulsory purchase powers should be used as a last resort. However, the Guidance (Tier 1 paragraph 2) recognises that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost and it is often sensible, given the amount of time required to complete the compulsory purchase process, to initiate compulsory purchase procedures concurrent with the negotiation process. The Guidance recognises that this will help make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

7.2 Avison Young was instructed by TfL in 2019 to enter into negotiations to acquire third party rights and property interests identified. The Council had previously had some discussions with affected third parties, predominantly focused around the planning policy and planning application on the Site.

7.3 The affected land comprises in summary:

- *Four freehold terraced houses which are all owner occupied,*
- *Four flats and two maisonettes, of which the maisonettes are held on a freehold basis, the remaining four are held on a long leasehold basis. Of the six properties, four are owner occupied and two are owned by investors*
- *Two further freehold interests, forming an electricity sub-station and part of a car park.*
- *Three parcels of unregistered land in unknown ownership.*

7.4 In addition to this, the Development affects a number of third party rights such as rights of light and a restrictive covenant with multiple beneficiaries which prevents the redevelopment of Agar House.

7.5 Avison Young wrote to the owners of all freehold and long leasehold interests identified through a Land Registry search in September 2019, informing them of the resolution to grant planning permission for the Colindale Station redevelopment and invited them to enter discussions for the sale of their property.

7.6 Following this, Avison Young received responses from five interests and inspected the four terraced houses and one of the flats in Agar House. Avison Young encouraged all affected parties to appoint a suitably experienced surveyor to act on their behalf.

- 7.7 One of the owners of a freehold house subsequently appointed Sawyer Fielding to represent them and has commenced negotiations. Reimbursement of their reasonable professional fees was agreed with Avison Young.
- 7.8 The owners of six of the houses/flats state that they are represented by Dalton Warner Davis (DWD). The principle of the reimbursement of their reasonable fees has been agreed by Avison Young.
- 7.9 A further three home owners have chosen not to appoint an agent but have been engaging in negotiations with Avison Young.
- 7.10 Avison Young has entered into discussions to attempt to acquire all of the property interests outlined above and to understand the nature of the occupiers, their relocation requirements and any particular issues connected with that.
- 7.11 Negotiations have been progressing with the owner of the electricity substation. An alternative will be provided within the Development and it is envisaged that agreement will be reached for the relocation.
- 7.12 The owner of the car park has not responded to any correspondence issued by Avison Young to date.
- 7.13 The Council and TfL instructed land referencing agents to act on its behalf to carry out the land referencing exercise. The actions taken by the agents to investigate title and occupier details for inclusion in the Order included:
- (a) land registry searches;
 - (b) review of Council's own records as to its land holdings;
 - (c) service of Section 16 Requisitions for Information on behalf of the Council and review of information returned in responses;
 - (d) inspection of the Order Land and surrounding site; and
 - (e) placing of public notices on the Order Land.
- 7.14 This information was used to compile the Schedule to the Order and identify the affected interests. It is considered that the Schedule to the Order is as accurate as it can be following diligent enquiries on behalf of the Council.

8 Human Rights

- 8.1 The Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The Council has carefully considered the impact on the human rights of those affected by the Order and considers that the interference with Convention rights is justified and proportionate in the wider public interest in order to secure the economic, social, physical and environmental regeneration of the Colindale Opportunity Area.
- 8.2 In relation to Article 1 of the First Protocol of the European Convention, which is concerned with the protection of people's property and possessions, a fair balance has to be struck between the public interest and those private rights. The Council considers that the interference with property rights is justified by the advantages to the wider public interest by enabling the Development to proceed.
- 8.3 The rights conferred by Article 8, which protects individuals' private and family life and home, are qualified in that any interference with these rights must be in accordance with the law and necessary in the interests of (amongst other things) economic wellbeing . The Council has balanced the rights of individuals who will be affected by the Order against the benefits to the local and wider community of proceeding with the Order, and has concluded that the making of the Order and the interference with those individuals' rights are justified in the public interest in order to secure the carrying out of the Development.
- 8.4 Article 6(1) is engaged because the compulsory purchase process involves the determination of the civil rights of those affected by the Order, in relation to which they have the right to a fair and public hearing by an independent and impartial tribunal. This requirement is satisfied by the statutory processes which must be followed when a compulsory purchase order is made and submitted to the Secretary of State for confirmation.
- 8.5 Those affected by the Order have already had the opportunity to object to the Development through the planning process, and also during the evolution and subsequent adoption of local policy and supplementary planning documents which support the redevelopment of the Colindale area. If the Order is made, those whose human rights are likely to be interfered with as a result of the Order can object to the Order, and any such objections will be considered at a public inquiry which will afford the objectors a fair hearing. If the Order is confirmed, those affected will be entitled to claim statutory compensation; and, failing agreement on the amount of their compensation entitlement, claimants will have the right to refer their claim for compensation to the Upper Tribunal (Lands Chamber) for independent expert assessment.
- 8.6 The Council is convinced that the delivery of the Development is strongly in the public interest, and that this will bring very significant social, environmental and economic wellbeing

benefits to the Borough. In order to achieve this, all of the land included in the Order is required.

8.7 The Council is therefore of the view that there is a compelling case in the public interest for the confirmation of the Order, and that this outweighs the necessary interference with the private rights and interests that will result from the confirmation of the Order.

8.8 The Council believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

9 Public Sector Equality Duty

- 9.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Section 149 of the Equality Act 2010 places the Council, as a public authority, under a legal duty ("the **Public Sector Equality Duty**"), in the exercise of all its functions, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - (b) advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The Council has had regard to and complied with advice in paragraph 2 of the guidance issued by the Equality and Human Rights Commission to promote equality of opportunity.
- 9.3 As is set out in Sections 5 and 6 above, the Development is supported by a range of planning policies. As part of the preparation of these, equalities impacts were considered and policies were designed to encourage and promote equality.
- 9.4 In deciding whether to make the Order, the Council instructed external consultants to undertake an Equalities Impact Assessment to assess the potential impact of the Order on individuals with protected characteristics. This formed part of the information which was considered by Members in resolving to make the CPO on 27 January 2020.
- 9.5 The Council has also considered the benefits derived from providing level access to the station platforms and considers this will provide those less mobile with significantly better access to local transport; so too benefits from enabling better access to jobs and other parts of London, and supporting people to make and maintain social connections.
- 9.6 The Council has also considered the benefits of providing better pedestrian access to the currently congested north eastern footpath approach to the station on Colindale Avenue. Better pedestrian access will enable those with reduced mobility to more safely and easily access the station.
- 9.7 The Council has also taken account of the benefits arising from delivery of a significant quantum of market and affordable housing in an identified area of need together with the benefits derived from enabling the completion of the new neighbourhood centre.

9.8 The Council has met its duties under section 149 of the Equality Act 2010 and is satisfied that due regard has been had to any potentially disproportionate impacts on those with protected characteristics. The Council has instigated a number of measures to mitigate any such impacts including:

- All parties have been encouraged to appoint a specialist compulsory purchase surveyor to act on their behalf. The reasonable costs of this will be reimbursed by the Council or TfL.
- Provision of assistance and support in locating and securing suitable alternative accommodation.
- Provision of compensation for special adaptations required for elderly or disabled home owners as provided by the Compensation Code.
- When undertaking negotiations to acquire interests, an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's Public Sector Equality Duty obligations.
- Private tenants requiring and requesting assistance will be assessed in accordance with the Council's Housing Policy. Housing assistance will be offered to some private tenants with particular difficulties relocating who are not technically eligible for assistance as defined by the Compensation Code or Housing Allocations Policy.
- The Council's Equality, Diversity, and Inclusion Policy provides a clear statement on the Council's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement. This policy underlies the Council's approach to delivering the Development;
- When developing design proposals and granting detailed planning permission for outline aspects of the Development the Council will take account of its Public Sector Equality Duty.

9.9 TfL, as a public sector body is also obliged to comply with its duty under Section 149 of the Equality Act 2010. TfL has met this duty by undertaking its own equalities impact assessment. TfL's assessment reached conclusions which were consistent with the Council's own assessment.

10 Special Considerations

- 10.1 The Order Land includes an electricity sub-station. This substation and the associated easement running to it form statutory undertakers land.
- 10.2 The substation will be relocated as part of the Development. Negotiations have been on-going with the substation owner with a view to reaching agreement on its relocation and no works will be undertaken which affect the sub-station until terms have been agreed.

11 Associated Orders and Consents

- 11.1 Reserved Matters approvals will be required for the residential blocks. Telford Homes will be responsible for securing these and it is anticipated that Reserved Matters applications will be submitted by autumn 2020.
- 11.2 There are no other associated orders or consents required to deliver the Development which might constitute an impediment to delivery.

12 Conclusion

- 12.1 The Order is being promoted by the Council under section 226(1)(a) of the 1990 Town and Country Planning Act and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It has been made in order to acquire the ownership of third party interests in the Order Land, to enable the redevelopment of Colindale station, its immediate environs and enable completion of Colindale's new neighbourhood centre.
- 12.2 The Order will facilitate the Development, which will make effective and efficient use of this brownfield site which is allocated for residential-led redevelopment, by optimising its contribution towards housing delivery targets for the Colindale area, Barnet and Greater London; contributing to meeting the pressing and urgent need for new homes; and significantly improving the economic, social and environmental wellbeing of the area.
- 12.3 There are no impediments to the delivery of the Development if the Order is confirmed, and there are no planning or other impediments to the implementation of the Order. The Development is therefore likely to proceed if the Order is confirmed.
- 12.4 For the reasons summarised in this Statement, the Council considers the Order to be within the relevant statutory powers and that a compelling case in the public interest exists for the confirmation of the Order.

13 Other information of interest to persons affected by the Order

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

Martin Smith, Regeneration Manager, Regeneration Service, London Borough of Barnet, 2 Bristol Avenue, London NW9 4EW Tel: 020 8359 7419; Martin.smith@barnet.gov.uk.

- 13.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:

Michael Walton Avison Young 65 Gresham Street London EC2V 7NQ Tel: +44 (0)20 7911 2550; michael.walton@avisonyoung.com.

Colindale - List of Background Documents

No.	Document
Compulsory Purchase Order and Related Documents	
1.	The Order
2.	Statement of Reasons
3.	Order Map and Order Schedule
Background Documents to CPO	
4.	LB Barnet Report requesting authorisation for making of the CPO – Housing and Growth Committee 27 January 2020
5.	LB Barnet Equality Impact Assessment prepared by QUOD
6.	Resolution of Housing and Growth Committee of 27 January 2020
Planning Policy Documents	
7.	National Planning Policy Framework
8.	National Planning Policy Guidance
9.	London Plan (2016)
10.	Draft London Plan
11.	LB Barnet Local Plan Core Strategy (2012)
12.	LB Barnet Development Management Policies (2012)
13.	Colindale Area Action Plan (2010)
14.	Colindale Underground Station Supplementary Planning Document (2019)
Planning Permission – relevant document	
15.	Planning Application ref: 19/0859/OUT and supporting information
16.	London Borough of Barnet - Planning Application Committee Report – 24 July 2019 (and resolution)
17.	GLA Stage 1 Decision Letter and Report dated 29 April 2019
18.	GLA Stage 2 Decision Letter and Report dated 25 February 2020
19.	Section 106 Agreement dated 6 March 2020 between the Mayor and Burgesses of the London Borough of Barnet and London Underground Limited
20.	Planning Permission dated 10 March 2020
Legislation and Guidance	
21.	Town and Country Planning Act 1990
22.	Local Government (Miscellaneous Provisions) Act 1976
23.	The Acquisition of Land Act 1981
24.	Compulsory Purchase Act 1965
25.	Compulsory Purchase (Inquiries Procedure) Rules 2007
26.	Guidance on Compulsory purchase process and The Crichel Down Rules