

	<p style="text-align: center;"><b>Assets, Regeneration &amp; Growth Committee</b></p> <p style="text-align: center;"><b>8 September 2014</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Compulsory Purchase of property at 146 Colindale Avenue</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Lead Commissioner, Enterprise &amp; Regeneration Director of Place, Re</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>Colindale</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix 1 - Site Plan – The Peel Centre Appendix 2 – Title Plan of 146 Colindale Avenue (CPO Boundary Plan)</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Martin Smith, Regeneration Manager, 020 8359 7419 Abiodun Kolawole, HB Public Law</p>

<h2 style="margin: 0;">Summary</h2>
<p>This report seeks a resolution from the Committee to authorise officers to make a Compulsory Purchase Order (CPO) in respect of a non-Council owned property at 146 Colindale Avenue which falls within the former Peel centre site, owned by the Mayor's Office for Policing and Crime (MOPAC) as shown edged red on the attached Site Plan</p>

## **Recommendations**

**That the Committee authorise:**

- i. the making of a Compulsory Purchase Order (CPO) pursuant to the powers contained in Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) in respect of the property at 146, Colindale Avenue (the Property) shown edged in red on the Title Plan (CPO Boundary Plan) at Appendix 2**
- ii. that a Compulsory Purchase Order Indemnity Agreement be entered into between the Council and MOPAC to ensure MOPAC indemnify the Council for the full financial costs of the making confirmation and implementation of a CPO in respect of the Property**
- iii. the Strategic Director for Growth and Environment (or such other appropriate Chief Officer) to issue and serve all necessary orders, notices and certificates in connection with the making, confirmation and implementation of the CPO**
- iv. the Strategic Director for Growth and Environment (or such other appropriate Chief Officer) to make General Vesting Declarations (GVD) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to issue notices to treat and notices of entry if required following confirmation of the CPO**
- v. the Strategic Director for Growth and Environment (or such other appropriate Chief Officer) to transfer the Property and/or proprietary interests acquired pursuant to the CPO to MOPAC**
- vi. the Strategic Director for Growth and Environment (or such other appropriate Chief Officer) to take any further necessary actions to secure the making, confirmation and implementation of the CPO including:**
  - a. authorisation to approve any agreements with owners of interests in the CPO land in order to secure the withdrawal of their objection**
  - b. authorisation to confirm the CPO should no objections be received and the Secretary of State confirms that the Council may do so**
  - c. agreeing to confirmation of the CPO with modifications if it appears expedient to do so in order to secure the CPO land**
  - d. if the question of compensation is referred to the Upper Tribunal, to take all necessary steps in relation thereto**

## 1. WHY THIS REPORT IS NEEDED

- 1.1 The Colindale Area Action Plan (AAP), adopted in March 2010, is a statutory planning document which forms part of the Barnet Local Development Framework. It provides policies and guidance which will be used in the consideration of development proposals in Colindale, and will be a material consideration in the determination of planning applications in the AAP area.
- 1.2 The purpose of the Colindale AAP is to ensure that development in Colindale takes place in a balanced and co-ordinated manner by setting out a comprehensive framework to guide, over the next 10 to 15 years, the delivery of:
  - housing
  - employment
  - leisure
  - associated community facilities
  - infrastructure
  - transport initiatives
  - environmental enhancement.
- 1.3 Colindale is identified in the London Plan as an Opportunity Area and this AAP provides a framework within which 10,000 new homes, a new heart for the area to provide retail, commercial and community facilities, 1,000 jobs and significant public transport and highways improvements will be delivered.
- 1.4 The AAP will ensure that growth in Colindale is focused around an accessible and attractive new neighbourhood centre that serves the everyday needs of local people combined with an exciting transport interchange at Colindale underground station. To respond to this Colindale avenue itself will undergo significant changes, to support the creation of a traffic calmed mixed use boulevard providing a range of new retail and residential facilities on the site.
- 1.5 For the Peel Centre site, this means:
  - A predominantly residential neighbourhood, for people at all stages of their lives.
  - A mix of housing with a choice of tenure types;
  - Contributing creatively to Barnet's reputation for academic excellence, whether through modern educational facilities, student accommodation or nationally recognised vocational training;
  - Excellent connectivity, both to the new Neighbourhood Centre centred around Colindale Tube Station, and to the wider area; and
  - A green, leafy neighbourhood, with access to open spaces.
- 1.6 Redevelopment of the Peel Centre site should realise the Council's vision for the site. It is proposed that development on the Peel Centre site should comprise the following:
  - Demolition of all existing buildings.

- Residential (the principal land use), to include a mix of unit types, sizes and tenures that respond to local needs/requirements, complement existing and pipeline local supply, and contribute to achieving a mixed and balanced new community in Colindale.
  - The main part of a new Neighbourhood Centre along Colindale Avenue (the full extent of which includes part of the adjacent Grahame Park, Colindale Hospital, and British Library Newspaper sites), which should include a new supermarket (of a sufficient scale to meet main food-shop needs of the AAP area)
  - New student housing to meet the accommodation requirements of Middlesex University.
  - A new 3-form entry primary school.
  - Public open space to provide new sport, play and amenity facilities for new residents, and complement/contribute to Colindale's network of linked green infrastructure.
  - The provision of a new Colindale Station building on the far west of this site (to replace the existing station building) will be supported in principle, but is not an essential requirement. Acceptable development proposals will be expected to be able to demonstrate that due consideration has been given to this potential opportunity through discussions with TFL.
- 1.7 Following on from the AAP, GVA prepared a Planning Parameters Document in May 2013 building on the content of the AAP but addressing the Peel Centre site specifically. Whilst this document does not have the status of planning policy, it was endorsed by stakeholders including the landowners (MOPAC), the GLA, TfL and the Council in its capacity as planning authority. The Planning Parameters Document sets out detailed guidance on the land uses that will be sought for the Peel Centre site and the vision and objectives for any scheme that may come forward. Further, it specifically notes in relation to third party land that the Council has powers of compulsory purchase which could be used to aid land assembly.
- 1.8 The Peel Centre site in Colindale extends to approximately 27.5ha (69 acres). It is owned by the Mayor's Office for Policing and Crime (MOPAC) and is occupied by the Metropolitan Police Service (MPS) and the Home Office. The MPS is in the process of rationalising its estate requirements at the site which involves consolidating its activities into new accommodation taking up part of the site only, allowing surplus land to be released for redevelopment (around 22ha).
- 1.9 The Peel Centre Site is bound by Colindale Avenue (west), Aerodrome Road and land to be retained by MOPAC (north), railway lines (east), and railway line (Northern Line) (south). The Colindale Station Site straddles the Northern Line and is bound by Colindale Avenue to the east, the Colindale Hospital redevelopment site to the south and west, and residential development to the north
- 1.10 Part of the Peel Centre site has been retained by MOPAC (the remainder is contracted to be sold to Redrow). On 23 April 2013 MOPAC applied for planning permission to demolish the existing buildings on its retained part of

the Peel Centre site in order to provide a new training and operational facility. This was in the form of new buildings and the provision of parking spaces, a replacement parade ground, a new memorial garden and the relocation of listed structures. Planning permission for this development (ref: H/01571/13) was granted by the Council on 23 September 2013.

- 1.11 Redrow is currently in discussions with the Council on a proposed planning application to be submitted in respect of the remainder of the Peel Centre site. They will be carrying out a second phase of consultation on June 27 and 29 and the Council anticipates receiving the formal planning application by the end of August 2014. The application is proposed to be a 'hybrid' comprising a detailed application for phase 1 and an outline application for the rest of the site.
- 1.12 Although MOPAC aims to acquire 146 Colindale ave through negotiation, this might not be possible and to date the owner has proved reticent to sell his interest. The Council may therefore, have to exercise Compulsory Purchase Order(s) powers to secure and facilitate the delivery of the scheme.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Property, whilst only a small area when compared to the wider Peel Centre site regeneration project, is an important part of that scheme. This is not least because the wider regeneration envisages a new high street along Colindale Avenue which will be part of the gateway into the Peel Centre, Beaufort and Grahame Park. It is vital therefore that the Property is acquired either through private treaty or compulsory acquisition.
- 2.2 Although MOPAC aims to acquire the Property through negotiation, this might not be possible and to date the owner has proved reticent to sell his interest. The Council may therefore, have to exercise Compulsory Purchase Order(s) powers to secure and facilitate the delivery of the scheme

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As set out in this report, MOPAC have already engaged the owner of the Property to be subject to the CPO in negotiations but have not managed to acquire the Property by private treaty. The above resolution is sought to authorise officers to make a CPO in the event that the Property cannot be acquired voluntarily by private treaty. It is also hoped that the resolution will assist in negotiations to acquire the property by private treaty, as Circular 06/2004 on Compulsory Purchase and the Crichel Down Rules recognises.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Following approval the indemnity agreement will be completed and a specialist land referencing company will be appointed to identify all parties with interests in the Property covered by the CPO, so that they will be served

with the appropriate notices and be involved in the process if they so wish. All interests in the Property will be identified in a detailed schedule and a map which are required by law to be prepared along with the CPO.

- 4.2 After the CPO is made, it will be submitted to the Secretary of State for confirmation. A statutory notice will be served on all affected parties, advertised in the local press and placed on the Property. The notices served on those affected will be accompanied by a statement of reasons, which sets out the Council's case and justification for using its CPO power. Following service of the notices those affected and members of the public will be given a period in which to make representations to the Secretary of State.
- 4.3 If there are no objections, or if all objections are withdrawn then the Council may be authorised by the Secretary of State for Communities and Local Government to confirm the CPO itself. If there are objections and these are not withdrawn then the Secretary of State will arrange a public inquiry and appoint an inspector to hold it. After the inquiry the Secretary of State will decide whether or not to confirm the CPO.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The CAAP supports the Corporate Plan 2013-2016 priority '*To maintain the right environment for a strong diverse local economy*' and the strategic objective under this priority is to sustain Barnet by '*promoting growth, development and success across the borough*'.

5.1.2 Redevelopment of the Peel Centre site also supports the corporate priorities and the Sustainable Community Strategy 2010-2020 through the following core values:

*'Sharing opportunities for success'* and *'choice and responsibility'* – the new development will provide good quality homes. The development will also offer more choice by providing a number of different housing options, such as shared equity, shared ownership and private homes for sale to residents and those in the wider community.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

#### **5.2.1 Finance**

- 5.2.2 Compensation costs (including Home Loss & Disturbance) and any other associated costs will be recoverable under the proposed Compulsory Purchase Order Indemnity Agreement (CPOIA) to be entered into.

#### **5.2.3 Procurement**

- 5.2.4 Independent Valuer's Costs, Referencing Agent's Costs and all other associated costs, will be recoverable under the CPOIA.

### **5.3 Legal and Constitutional References**

- 5.3.1 The Council has power through various enactments to make a Compulsory Order and to apply to the Secretary of State for confirmation of the order.
- 5.3.2 The power commonly used by local authorities is Section 226(1) (a) of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. The section provides that a local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area if they are satisfied that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. However the power must not be exercised unless the authority thinks that the development is likely to contribute to the achievement of the economic, social and environmental well-being of the area.
- 5.3.3 The regeneration of the former Peel site meets these requirements, as this report explains and as is set out in more detail in the draft Statement of Reasons
- 5.3.4 Council Constitution, Responsibility for Functions, Annex A –Membership and Terms of Reference of Committees – terms of reference for the Assets, Regeneration and Growth Committee includes all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.
- 5.3.5 Council Constitution, Management of Asset, Property and Land Rules provide the governance structure under which the Council may acquire assets.

### **5.4 Risk Management**

- 5.4.1 A Compulsory Purchase Order (CPO) is essential in the event that satisfactory private treaty completion of proprietary interests in the Property cannot be obtained. Whilst it is hoped that all interests in the Property can be acquired by negotiation, the Council's vision for the development of the Peel Centre site may not be realised if negotiations are not successful. To avoid this potential risk, authority is sought to make a CPO in respect of the Property.
- 5.4.2 If a CPO is made and confirmed by the Secretary of State, the Council will be exposed to compensation from the owner of the Property. If the owner of the Property objects to the making of the CPO the Council may also be exposed to the costs of a public inquiry. An indemnity agreement will be entered into with MOPAC which provides for full reimbursement of Council costs in promoting and implementing the CPO, including professional fees incurred to date. MOPAC will also continue their negotiations with the owner of the Property in order to reach a point whereby the Property can be acquired without the need for CPO powers.

5.4.3 The CPO, when confirmed, ceases to be exercisable after the expiration of three years from the date of first publication of confirmation of the Order. However, it is anticipated that should the CPO be confirmed, it will be implemented as soon as possible in order that the Property can be vested in the Council before being transferred to MOPAC.

## 5.5 Equalities and Diversity

5.5.1 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, social and community life of the borough. The development of the Peel Centre site will provide a mix of affordable and private sale properties. 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. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Various convention rights are likely to be relevant to the CPO, including:

- Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Article 6 of the Convention). This includes property rights and can include opportunities to be heard in the consultation process.
- Rights to respect for private and family life and home (Article 8 of the Convention). Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest.
- Peaceful enjoyment of possessions (First Protocol Article 1). This right includes the right to a peaceful enjoyment of property and is subject to the state's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

5.5.2 The European Court has recognised that regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. Both public and private interests are to be taken into account by the Council in exercising its powers and any interference with a convention right is authorised by law so long as the statutory procedures for making and confirming the CPO are followed and there is a compelling case in the public interest for making the CPO, and any interference with the convention right is proportionate.

5.5.3 It is believed that a fair balance will be struck between the interest of those whose convention rights would be affected by the making of the CPO and the public interest in making the CPO. Further, appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code. Objections can also be made to the CPO which will be considered at a public inquiry or through written representations.



## **5.6 Consultation and Engagement**

5.6.1 Redrow have completed two public consultation exercises in support of the planning application to be submitted in respect of the remainder of the Peel Centre site. The second event concluded on July 5 2014. Further statutory consultation will be undertaken in connection with the planning application and is likely to commence in September and conclude in October 2014

## **6. BACKGROUND PAPERS**

6.1 None