

London Borough of Barnet
Building 4, North London Business Park
Oakleigh Rd South,
London N11 1NP

Richard Murphy
Richard John Clarke
Unit 1 The Galleria
180-182 George Lane
London
E18 1AY

Contact: Anna Morell
Tel: 020 8359 2387
e-mail: anna.morell@barnet.gov.uk
Date: 3 September 2014
Our Ref: 13

Dear Richard Murphy

The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014

Re: Your clients: Mr and Mrs Ahmed, Plot 26, 197 The Broadway, West Hendon

Following my letter dated 28th July 2014, the Council has now had an opportunity to consider your clients' objection and I have set out the Council's response to each heading of objection below.

The Council is keen to address your clients' objection and resolve their concerns, if this is possible. Once you and your client have had an opportunity to consider the responses below, we would be very happy to arrange a meeting to discuss these concerns if you think this would be helpful.

1. Objection: Lack of Negotiation

Response:

From March 2014, Capita, the Council's appointed surveyors, have actively been pursuing private treaty negotiations to acquire properties in advance of Compulsory Purchase Order (CPO). The Council and Capita have informed all freeholders and leaseholders of the future planned possession date of March 2017 for the West Hendon Broadway properties. Even though the planned possession date is 2017, negotiations have commenced and are still within the early stages. The Council's surveyors have sent out negotiation letters stating that the Council are willing to enter into negotiations and commence open discussions. Capita are happy to meet with relevant parties as suggested in the negotiation letters to discuss the details of the CPO and their requirement for relocation. The Landowners are advised to contact their instructed agents initially for relocation advice and are also able to contact Rosie Moore at Capita to arrange a meeting to continue discussions regarding details of the CPO and relocations if required.

The Council considers it has complied with government guidance set out in Circular 06/04 in relation to the need for negotiations to acquire by agreement to run in parallel with the compulsory purchase process.

2. Objection: Acquisition possible without the need for a CPO

Response:

The CPO powers will only be used by the Council as a last resort to enable it to compulsorily acquire the land and new rights in order to facilitate the delivery of comprehensive regeneration of the West Hendon Estate and its immediate environs. The Council would like to purchase the properties by private treaty and attempts to enter into negotiations are discussed in the objection response above. The Broadway properties are required for visual and physical connections between the town centre and the regenerated estate and to provide pedestrian permeability on a key route accessing Hendon Railway station. The design principles of the scheme are explored in further detail in the 23rd July 2013 Committee Report for planning application ref:H/01054/13 and within the supporting application documents.

3. Objection: Lack of consultation

Response:

The Council initially sought feedback from local people on proposals by three developers before selecting a preferred partner. Following the selection of the preferred partner a test of opinion was taken in March 2002 which was referred to as a ballot. 75% took part with 62.5% in favour. This exercise was non-statutory, being undertaken to determine the local opinion in regard to the principle of regeneration. Since the test of opinion was undertaken the Council and its development partners have undertaken further consultation with residents at different stages of the design process for the previous scheme as well as the new master plan for the CPO Scheme. Consultations have been through various media including: residents meetings, exhibitions, newsletters and statutory consultation such as that undertaken during the planning process.

Further, formal consultation was carried out with residents as part of the consultation process for the hybrid planning application for the scheme. About 5000 letters were posted to residents as part of the planning process.

4. Objection: Scheme will not enhance the social environment

Response:

The economic, social and environmental benefits resulting from the scheme are set out in detail in section 8 of the Statement of Reasons. In summary, these benefits are as follows:

- The Scheme proposes the construction of high quality sustainable homes built to Code for Sustainable Homes Level 4 which will represent a significant

improvement to the overall quality of housing accommodation in the area. The current housing stock within the Estate is in a poor state of repair and qualifies as defective dwellings under the Housing Act 1985.

- The improved balance of tenure mix and the construction of a new primary school and the provision of a new community centre as part of the overall Scheme will improve the social well-being of the West Hendon Area.
- The development will create a more attractive, vibrant and sustainable neighbourhood and a more balanced and inclusive community.
- The surrounding residential streets will be improved as well as the pedestrian and cycle connections throughout the local area which will provide improved access links to the surrounding the area.
- The Scheme will redefine the communal open space and provide two new play areas, significantly improving the layout of the area.
- The Section 106 Agreement secures contributions for significant improvements towards off-site leisure and recreation provision. Improvements to the public realm as well as management of and improved access to the Welsh Harp Reservoir will result in a vast improvement to the environmental well-being of the area.
- The redevelopment of The Broadway to provide visual and qualitative improvements to the retail and commercial floorspace together with contributions secured under the Section 106 Agreement towards Employment and Training will improve the economic well-being of the area.

In considering the planning application approved on 20 November 2013, the Council carefully considered the impact on the wider area, and in particular the SSSI, Welsh Harp Reservoir and surrounding open space. The Council are satisfied that the proposed development will provide benefits to the wider environment and these areas in particular.

The Council considers that the wider benefits arising from the scheme (as demonstrated above) and set out in further detail in the Statement of Reasons will result in significant improvements to the economic, social and environmental wellbeing of the area. The Council, therefore, believes that it has sufficiently justified the use of compulsory purchase powers.

5. and 10. Objection: Loss of York Memorial Park

Response:

York Park existed prior to 1939 ('York Park' is shown on the 1914 O.S map and the reference to the name 'York Park' appears in the 1930's O.S plan) and based on the information that the Council has considered there is no evidence to confirm that the park was created as a memorial to the Second World War. The 1951 and 1955 O.S. plans show that a hole left by a bomb fell to the north of York Park within an

area which appears to be outside the Order Land, beneath Marsh Drive and the 3 bedroom houses adjoined to Marriotts Close.

The only parcels of open space included within the Order Land lie to the north of the Cool Oak Bridge (specifically plot numbers 41a, 41b, 42, 43 and 43a).

York Park is not included within the Order Land. Some parts of York Park falling outside the CPO and owned by the Council are within the proposed development and were appropriated to planning purposes by the Council on 12 September 2013. A Notice of intention to appropriate public open space under Section 122(2A) of the Local Government Act 1972 was placed on site and in the local press for a period of 2 weeks commencing 11th July 2013 requesting any representations by 25th July. No representations were received. The Council has also advertised its intention to dispose of the public open space (subject to Secretary of State's consent). Again, the council did not receive any representations. The Council has complied with its statutory duties in this regard.

With regard to the loss of open space the existing open space land totals 19,866m², the current planning consent is for 26,428m² of open space however the current proposed scheme has increased the open space provision to a total area of 28,080m²

6. Objection: Density

Response:

This issue of density was considered at the time of the Planning Application and is covered in detail in the 23rd July 2013 Committee Report for planning application ref:H/01054/13 in the Density section from page 46 onwards. It is acknowledged in the Committee Report that the proposed development does exceed the London Plan Density Matrix, however high density alone is not a reason for refusal of a planning application as it fails to consider the quality and design of a scheme which must be carefully considered when density calculations may give rise to concerns. The following issues were considered to support the proposed density:

- The proposed block structure, with four landmark towers was supportable in urban design terms, providing a more integrated and legible environment compared to the existing. The resultant density was considered to be an important component within this. This is supported by the Barnet Local Plan Core Strategy policy CS5 and the saved Barnet Unitary Development Plan policy C1a.
- Daylight/sunlight assessment undertaken as part of the Environmental Statement demonstrated that all units would have sufficient levels of light with limited over shadowing.
- The scheme includes a significant proportion of private, semi-private and public amenity space, together with improved linkages to surrounding parks and recreation areas which were considered to be sufficient provision to support the proposed population.

- The scheme is located close to West Hendon station which would benefit in capacity terms from the current upgrade to Thameslink services.
- The level of development (2,000 units) complies with that proposed within the Core Strategy housing trajectory. The number of units was demonstrated to be a requirement in viability terms through the independent viability assessment.

The delivery of the scheme will result in a better mix of tenure thereby ensuring a more balanced community, offering a choice of high quality homes, wider opportunities for home ownership and resulting in a sustainable, inclusive and mixed neighbourhood

7. Objection: Impact on local infrastructure (transport, education and health)

Response:

During the planning application process, the impact of the new development on the local area and environment, including transport, highways, medical, education and other local services were considered by undertaking various assessments including an Environmental Impact Assessment and Transport Assessment.

The scheme itself improves local services and infrastructure via the provision of a new school and community facilities, a new bridge, as well as new retail and commercial space. Through the usual planning obligation process, the development partners will make appropriate contribution towards the provision of any additional local services required as a result of the new development.

With regard to transport the scheme includes removal of the existing Perryfield Way gyratory and widening of the A5. This will be achieved through junction improvements and removal of the existing bus lanes to facilitate two lanes of traffic in both directions. Traffic will also be removed from Herbert Road and other residential streets. A summary of the specific highway proposals is set out in the 23rd July 2013 Committee Report for planning application ref:H/01054/13.

Taking these matters into account, the Council is satisfied that there will be no negative impact on local transport, highways, medical, education and other local services.

8. Objection: Detrimental effect on flora/fauna

Response:

This issue was considered by the planning committee at the time of the consideration of the planning application approved on 20 November 2013 and is covered in detail in the 23rd July 2013 Committee Report for planning application ref:H/01054/13. In summary the proposed development was not considered to have a significant impact upon the value of the adjacent Welsh Harp SSSI.

Dialogue with Natural England was undertaken throughout the planning application process and their concerns have been enshrined into planning conditions and the Section 106 agreement which now includes a contribution for an onsite warden. Natural England raised no objection to the proposed development subject to their required conditions and Planning Mitigation measures.

9. Objection: Changes to scheme proposals over prolonged period/blight

Response:

The original development programme was forecasted over a period of 12 years. To date, a total of 194 units have been delivered as part of the Pilot and Lakeside development. The Master Plan for the estate was revised in 2011 to take into account the changing economic climate and to ensure the scheme remained financially viable. Planning permission for the revised scheme was obtained in November 2013 and in January 2014 the Council's development partner, BMLLP, started construction of phase 3a of the scheme which will deliver 71 affordable units. The Council is currently looking at a period of accelerated growth and how future phases can come forward to deliver the scheme earlier.

The Town and Country Planning Act 1990 (as amended) sets out the relevant statutory criteria with regard to Blight Notices. The Council does not consider your clients interests meet the criteria required to qualify for statutory blight.

The Council remains committed to acquiring interests by private treaty and will be happy to engage with your clients to discuss acquisition of their interests by private treaty. Please contact Rosie Moore of Capita on 020 7544 2055 should you wish to discuss the options which may be available to your clients.

10. Objection: Loss of York Memorial Park

Response: This is answered in the response to objection 5

11. Objection: Concerns about education and medical facilities

Response:

During the planning application process, the impact of the new development on the local area and environment, including transport, highways, medical, education and other local services were considered. The scheme itself improves local services and infrastructure via the provision of a new school and community facilities, a new bridge, as well as new retail and commercial space. Through the usual planning obligation process, the Council's development partner, BMLLP, will make appropriate contribution towards the provision of any additional local services required as a result of the new development.

Taking these matters into account, the Council is satisfied that there will be no negative impact on local transport, highways, medical, education and other local services.

12. Objection: Council has not explored or considered the overall effects of the scheme

Response:

This is answered in the responses above by various assessments and the 23rd July 2013 Committee Report for planning application ref:H/01054/13. The Council and its development partner BMLLP have worked together with their advisers to design a scheme which achieves the regeneration of West Hendon, including the West Hendon Estate and West Hendon Broadway. The scheme received planning permission on 20 November 2013. Following this design and planning process, careful consideration has been given to the land and rights required in order to deliver the development.

13. Objection: Human rights

Response:

Section 9 of the Acquiring Authority's Statement of Reasons explains that in making the Order the Council has had regard to Article 1 of the First Protocol of the Convention and Article 8 of the Convention, both of which permit the interference with the right to peaceful enjoyment of possessions and the right to respect for private and family life home and correspondence where that interference is in accordance with the law and is in the public interest.

In accordance with the law

The compulsory purchase process is governed by statute and the Council has made the Order under the relevant statutory provisions. If the Order is confirmed by the Secretary of State, those whose interests are compulsorily acquired will be entitled to statutory compensation payments.

Interference in the public interest

The residential homes in the West Hendon Estate qualify as defective dwellings under the Housing Act 1985 and do not meet Decent Homes Plus standards. As stated at paragraph 3.5 of the Statement of Reasons, refurbishing the Estate to Decent Homes Plus standards would require considerable financial investment and would still fail to address some of the inherent problems arising from the Estate. The Council is of the view that there is a compelling case in the public interest to ensure that current and future residents of the Estate are afforded sustainable homes which meet Decent Homes standards and the comprehensive regeneration of the Estate and the wider area will afford the Council the opportunity to do so. The Council, therefore, believes that it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the community as a whole.

14. Objection: No assistance with business relocation

Response:

In the later phases of the scheme there will be some commercial units for sale. If you are interested in a commercial unit please contact the Council's surveyor Rosie Moore of Capita on 020 7544 2055. The Statement of Reasons does state that the Council's surveyor will assist commercial occupiers with a regularly updated schedule of vacant units within the local area which may be suitable for relocation purposes. If the commercial occupier requires more assistance with relocation then they should inform the Council's surveyor.

I hope the responses above have answered the queries and objections raised by your client. If you or your client have any further queries, or would like to discuss the matter further, please do not hesitate to contact Anna Morell on the telephone number above, who will be pleased to arrange a meeting.

Yours sincerely



Martin Cowie
Assistant Director
Strategic Planning & Regeneration

Cc Mr and Mrs Ahmed