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Date: 22 August 2014

Dear Angela

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

**Re: Your clients: Mr and Mrs Coleman, Plot no. 20, 30 Tyrrel Way, West Hendon**

Following my letter dated 28<sup>th</sup> 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.

**Objection/Response:**

**1. Objection:** Lack of adequate consultation

**Response:**

LBB 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 LBB 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.

At the commencement of the project London Borough of Barnet (LBB) and its development partners outlined a number of proposals to the residents, these were

known as the 'pledge'. Since proposals were first made the scheme has varied considerably to reflect changing market conditions and estate occupation to ensure the regeneration remains deliverable. LBB and its development partners continue to ensure all secure tenants presently occupying the estate will be rehoused in the new properties delivered by the scheme in accordance with the original pledge. Likewise a shared equity scheme is also available to eligible long leaseholders to enable them to purchase a new property within the scheme.

## 2. **Objection: Conflicting messages re vacant possession dates**

### **Response:**

The Council notes the concerns raised in respect of vacant possession dates, and understands that this information is very important to those affected. The Council has set out the dates when vacant possession of various properties will be required within the Statement of Reasons, and these are repeated below for your convenience.

Property	Estimated Vacant possession date
1-76 Franklin House	March 2015
11-98 Marriotts Close	March 2015
1-32 Tyrell Way	March 2015
187-197 (odd numbers) The Broadway,	March 2017
2 Perryfield Way (flats 1-5)	March 2017
2-5a (inclusive) Parade Terrace	March 2017
Land adjacent Cool Oak Bridge	Late 2018

The dates indicated may change as the development progresses given that the West Hendon regeneration project is large and complex. If it is proposed to change these dates the Council will ensure early notification and discussion with those affected.

## 3. **Objection: Lack of negotiation**

### **Response:**

From the 5th March 2014, Capita, the Council's appointed surveyors, have actively been pursuing private treaty negotiations to acquire properties in advance of the CPO. Letters have been sent to all registered interests to open and commence negotiations. Inspections and initial discussions and negotiation took place on a weekly basis through property visits by Capita and correspondence via email, phone and face to face at CPO surgeries. During this period March/April/May 2014 significant efforts were made to engage with property owners and their instructed agents with a view to

progressing negotiations. By the end of May 2014 approximately 85% of the properties had been inspected and discussions had been held with owners. The remaining 15% were unresponsive. Initial offer letters were sent to all estate properties on 4th June 2014 to be acquired in March 2015, containing offers for the market value of the property, prior to the making of the CPO on 17th June 2014. Therefore it is clear that the Circular 06/2004 CPO guidance notes have been followed and significant efforts have been made to conduct pre CPO negotiations. To date there has been minimal engagement from the property owners or their agents, however the Council and Capita will continue to push for progress on negotiations with a view to agreeing settlements as soon as possible.

The Council remains committed to acquiring interests by private treaty and will be happy to engage with you or 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.

#### **4. Objection: Insufficient Level/ tenure split of affordable housing**

##### **Response:**

This issue 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 summary the redevelopment of the site will deliver 25% affordable housing comprising of a minimum 500 affordable units. Of this a minimum of 43% will be social rented units, enabling the re-housing of all secure tenants on site, with the remainder to be intermediate or shared equity accommodation.

The planning application complies with London Plan 3.12 in that it results in no-net loss in affordable housing floorspace. Although it does not meet the target set Local Plan Policies CS4 and DM10 which set a borough-wide target of 40% housing this is subject to affordability. An independently assessed viability review was undertaken by the Council in parallel to the planning process which supported the level of affordable housing proposed

#### **5. Objection: Excessive density**

##### **Response:**

This issue was also considered as part of the process for determination of the planning application relating to the scheme and is covered in detail in the 23rd July 2013 Committee Report for planning application ref:H/01054/13. In summary 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 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.

## 6. **Objection:** Excessive building height

### **Response:**

This issue was also considered as part of the planning application process. In summary 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 iterative design process involved a range of stakeholders, and high quality of architectural quality was controlled through the parameters and design codes, it was considered that the scale and massing principles proposed for the development were acceptable. The scheme is considered to be of high quality in terms of urban design and is considered to be compliant with policies set out in the Local Plan and London Plan. An independent assessment of the tall buildings was commissioned by the applicant to provide a peer review of the development. Peter Stewart is a registered architect. (Ex-Director of the design review programme at CABE from 1999 to 2005), concluded:

*“One of the successes of the design approach is that the four towers, while prominent and distinctive, are not treated as separate from this pattern but as part of it. The overall effect is of local variety and visual incident set within strongly controlled overall coherence”.*

The Height of the towers was not considered to represent a significant risk to the environmental qualities of the Welsh Harp SSSI.

## 7. **Objection:** Justification for the Scheme

### **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.

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.

## **8. Objection: Human Rights**

### **Response:**

Section 9 of the 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.

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**