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Date: 15 September 2014  
Our Ref: 23

Dear Dan Knowles

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

**Re: Your clients: James & Mary Benham, Table 2 - Plot 20, 61 Tyrrel Way, 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: Social**

**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 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.

**2. Objection:** Environmental and **3. Objection:** Sustainable development – environmental impact

**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.

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 25<sup>th</sup> 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.

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 from page 46 onwards and the decision notice granting planning permission. 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 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.

During the planning application process the impact of the new development on the local area and environment were considered by undertaking various assessments

including an Environmental Impact Assessment. This can be found on the website [www.west-hendon.co.uk/download](http://www.west-hendon.co.uk/download) by searching for WH 5.0 Environmental Statement.

**3. Objection:** Sustainable development – environmental impact

**Response:**

Answered above in Objection 2 and 3 response.

**4. Objection:** Public & Stakeholder 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 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 the Council 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. The Council 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 purchase a new property within the scheme.

**5. Objection:** Lack of information

**Response:**

In order to deliver the West Hendon Regeneration works within the Order, units 1-32 inclusive Tyrell Way will be demolished, and the car parking area to the north of units 62-77 Tyrell Way will be required for construction. The Council and BMLLP confirm that pedestrian access (including level / ramp access for pushchairs etc) will be maintained to Tyrell Way properties, and all other retained properties on the West

Hendon Estate both during and after construction. However, the access routes will be need to be varied during this time period and this is the reason why they have been included within the Order.

BMLLP confirm that during construction changes to access arrangements will be notified in advance and clearly signposted (if required) in order to minimise any disruption to visitors or residents.

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.

**6. Objection:** No attempts to negotiate prior to CPO being made

**Response:**

On behalf of the Council, Capita commenced negotiations to acquire affected parties by agreement on 5th March 2014. The initial priority were those owners and occupiers whose property would need to be acquired as a whole for the scheme to proceed. Capita wrote to all those who had rights affected by the scheme on 4th July 2014 to offer to discuss the rights affected. Verbal discussions with instructed agents were had prior to this date. As set out above, access will be maintained to your clients property throughout construction works and after construction works are completed. If you or your client wish to discuss this further, please contact Rosie Moore of Capita on 020 7544 2055 who will be pleased to assist.

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 James & Mary Benham