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Date: 22 September 2014
Our Ref: 32

Dear Dan Knowles

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

Re: Your client: L De Montfort, Plot 5, 48 Marriotts Close, 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

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.

The Statement of Reasons states that the introduction of a green corridors between the Order Land, the SSSI and York Park will re-engage the local community with this natural environment, permit views of the SSSI from The Broadway and ensure that it remains a valued community asset.

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.

With regard to public open space, 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.

3. Objection: Sustainable development – housing density

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 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.

4. Objection: Sustainable development –transport infrastructure

Response:

The proposed scheme which received planning permission on 20 November 2013 will deliver over 2000 new homes, a new school and community facilities as well as a new pedestrian and cycle bridge adjacent to Cool Oak Bridge. 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 Council's development partners BMLLP 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 and highways services.

5. Objection: Funding

Response:

The Council's development partners, BMLLP, and their professional team have prepared detailed budgets and costings for all elements of the West Hendon regeneration scheme, including property acquisition. The parties have entered into a development agreement to secure delivery of the scheme. The parties have also entered an indemnity agreement whereby BMLLP will reimburse LBB all costs to be incurred in property acquisition for the scheme.

Further, as set out in the Statement of Reasons, the scheme will be funded from a combination of sources including sale of residential /commercial units forming part of the scheme, a £5.5M social housing grant under the Affordable Homes programme and as well as a £6.8M Get Britain Building Fund.

The Council and its development partner are satisfied that there is adequate funding available to deliver the scheme including the acquisition costs of all necessary properties/interests.

6. Objection: Lack of negotiation prior to the Compulsory Purchase Order being made

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. The Circular 06/2004 CPO guidance notes have been followed and significant efforts have been made to conduct 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.

7. 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 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 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.

A Shared Equity frequently asked questions has been circulated to residents, agents and placed on the West Hendon website www.west-hendon.co.uk A copy of this has been attached to this letter for ease, however as your client only purchased the property this year they are not eligible for the Shared Equity offer. Please refer to Question 1 on the Shared Equity Questions and Answers.

8. Objection: Historical implications

Response:

As stated in Objection 2 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.

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 L De Montfort