

**THE LONDON BOROUGH OF BARNET (WEST HENDON
REGENERATION AREA) COMPULSORY PURCHASE**

ORDER (No 2) 2016

and

**THE LONDON BOROUGH OF BARNET (WEST HENDON MAJOR
HIGHWAY WORKS) COMPULSORY PURCHASE ORDER**

(No 2a) 2016

SUMMARY PROOF OF EVIDENCE - TERENCE GARNER. Dip TRP.

(Planning Manager for Major Developments, the London Borough of Barnet)

PLANNING INSPECTORATE REF:

1. ENV/3164290
2. NPCU/CPO/N5090/77105

Date: 1 March 2017

1. INTRODUCTION

1.1. QUALIFICATIONS AND EXPERIENCE

1.2. My name is Terence Garner Dip TRP.

1.3. I am the Planning Manager for Major Developments, which is part of the Strategic Planning and Regeneration Section within the Development and Regulatory Services Department of Capita plc. I have been employed by Capita plc. since 20 October 2014, within Re (Regional Enterprise Limited), a Joint Venture formed between the London Borough of Barnet and Capita plc to run the Council's development and regulatory services for the next ten years.

2. BACKGROUND TO THE SCHEME.

- 2.1 As outlined under Part 3 of the Project Synopsis, the London Plan 2004 recognised Cricklewood/Brent Cross as an Opportunity Area in North London. A Supplementary Planning Guidance (SPG) document entitled “*Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework*” (“the Development Framework”) [CDC.08] was subsequently approved by the Council in April 2004 and established the fundamental underpinnings for the Regeneration Project.
- 2.2 The 2008 Permission, a Masterplan comprised of six development phases, was subsequently submitted in December 2004 and approved in July 2008. Following development of Phases 1 and 2, a revised Masterplan for the remaining phases of the Regeneration Project was submitted and planning permission (“the 2013 Permission”) covering Phases 3 to 6 was subsequently granted in December 2013. Full details with respect to the planning history that led to the development of the 2013 Permission are described in full in Part 3 of the Project Synopsis.

3. PLANNING PERMISSION FOR THE CURRENT SCHEME

3.1 The 2013 Permission established a clear framework for the development of the Scheme. The 2013 Permission was a hybrid permission and comprised both detailed and outline components. The detailed element of the 2013 Permission related solely to Phase 3a and provided for the construction of 358 new Residential Units and 131 square metres of commercial floor space in buildings ranging from five to twenty-six storeys in height. The outline element of the 2013 Permission related to all remaining phases which are subject to separate reserved matters applications.

3.2 The first Reserved Matters Application (RMA) pursuant to the 2013 Permission was received by the Council in December 2014 seeking detailed approval for Phases 3b and 3c of the Scheme. Planning permission was subsequently granted on 26 March 2015 (“the 2015 Permission”) and provided for the construction of 298 Residential Units, commercial floor space totalling 1,245 square metres and 18 square metres of Warden Accommodation associated with the Welsh Harp SSSI. Full details of the Scheme are given in Part 2 of the Project Synopsis, with phasing details described in Part 3.

3.3 PHASE 4 RESERVED MATTERS APPLICATION (REF: 17/0017/RMA)

3.4 The Phase 4 RMA was received by the Council on 28 December 2016, seeking approval for reserved matters relating to layout, scale, appearance, access and landscaping in respect of Phase 4 of the Scheme. The Phase 4 RMA also incorporates Major Highway Works that will be described in the evidence of Mr Mileham.

3.5 HIGHWAYS MATTERS

3.6 The 2013 Permission incorporates significant highway infrastructure improvements secured under the Section 106 Agreement [**CDB.36 Schedule D, p46**]. Details of Major Highway Works are set out in Part 5 of the Project Synopsis and the evidence of Mr Mileham.

3.7 HIGHWAYS ORDERS

3.8 At present, a total of six Stopping-Up Orders, necessary to facilitate delivery of Phase 3, have been submitted by the Developer and subsequently confirmed, unopposed, by the Council. Discussions between the Developer and the Council (as Highway Authority) regarding key access ways that will require Stopping-Up to facilitate delivery of Phase 4 have not raised any significant concerns.

3.9 Stopping-Up Order No.7 has been made and advertised by the Council and the objection period closed on 3 March 2017. The Council is content that there are no likely impediments that would prevent Stopping-Up Order No. 7 from being secured.

3.10 CONDITIONS AND SECTION 106 CONTROLS

3.11 The 2013 Permission [**CDB.37**] incorporates a number of conditions of approval to ensure delivery of a high quality scheme in keeping with the design ethos established within the Design and Access Statement [**CDB.05**]. Conditions encompass the following areas:

- Control over timing, delivery of phases and development quantum;
- Control over construction processes, methodologies and systems;
- Sustainable Design and Construction;
- Design controls to maintain a high quality and appearance of the Scheme as its implementation progresses through respective phases;
- Management of the Estate;
- Biodiversity and Environmental Controls;
- Design and delivery of dedicated pedestrian and cycle bridges;
- Highways; and
- Archaeology.

3.12 The Section 106 Agreement [CDB.36]

3.13 In addition, the Section 106 Agreement [CDB.36] includes requirements concerning financial contribution payments and mitigation measures. Obligations incorporated within the Section 106 Agreement include the following:

- Affordable Housing;
- Transportation and Highway Works;
- Recruitment Employment and Training;
- Community Centre;
- Leisure and Recreation;
- Bridges;
- Travel Plan; and
- Welsh Harp SSSI Mitigation and Monitoring.

3.14 To date the Developer has been proactive in engaging Council officers at each progressive stage of the Scheme, amendments have been made swiftly where necessary, and the Developer has met its obligations within the Section 106 Agreement in line with the relevant triggers.

3.15 Given the successful clearance of past conditions and compliance with the obligations of the Section 106 Agreement, I do not consider that outstanding obligations associated with subsequent phases of the Scheme are likely to present any impediment to the delivery of the Regeneration Project.

4. ADOPTED PLANNING FRAMEWORK FOR THE AREA

- 4.1** The Development Plan consists of the London Plan (March 2016) and the Barnet Local Plan, which incorporates saved UDP Policies for the Brent Cross, Cricklewood and West Hendon Regeneration Area (the Development Framework). These policies have provided the policy framework within which the Regeneration Project has been brought forward.
- 4.2** The benefits of the Scheme were reiterated with concluding remarks **[CDA.20, paragraph 27]** of the Secretary of State in respect of CPO1. That is, the *“redevelopment and regeneration of the area, would have positive effects on the economic, social and environmental wellbeing of the area”*.
- 4.3** Redevelopment of the Order Land, as proposed through the Phase 4 RMA, accords with the underlying principles, objectives and statutory requirements of the Development Plan.

5. ANY OTHER PLANNING IMPEDIMENTS

- 5.1** It is acknowledged that the implementation of the Scheme is dependent upon not only approval of reserved matters for each of its respective phases, but also the Major Highway Works that are crucial to the delivery of the Regeneration Project as a whole. Given the Major Highway Works are subject to the Developer entering into an agreement pursuant to section 278 of the 1980 Act with the Council for their implementation, it is crucial that CPO 2, CPO2a and all relevant Stopping-Up orders, proceed to be confirmed. I do not consider there to be any likely impediments that would have the potential to prevent the above orders from being confirmed.

6. RESPONSE TO OBJECTIONS

6.1 The Secretary of State has received objections against the confirmation of the Orders [CDD.01].

6.2 Although a number of individual objections were made it has been possible to identify a number of common themes which are identified in the Core Document library as Schedule of Objection Themes [CDD.04]. Responses to these objection themes have been collated in the Council's Response to Objectors [CDD.02] and I refer below to the objections relating to my evidence:

Objection Theme	Description
Group 1, Theme 1	Social, environmental and economic wellbeing
Group 1, Theme 4	Significant increase in housing density
Group 1, Theme 5	Strain on local transport
Group 1, Theme 6	Potential harm to the Environment, Flora & Fauna and the Welsh Harp
Group 1, Theme 9	Adequacy of local Services and Infrastructure

6.3 I do not consider that any the objections raised are substantiated with sufficient justification to prevent confirmation of the Orders.

7. CONCLUSION

- 7.1** The redevelopment of the Order Land represents the next step in delivering the Regeneration Project, a key objective of the Council.
- 7.2** Redevelopment of the Order Land, as proposed under the Phase 4 RMA, is consistent with the underlying principles, objectives and statutory requirements of the Development Plan. Confirmation of the Orders is necessary to enable delivery of Phase 4 and the Major Highway Works that will facilitate delivery of the remaining phases of the Scheme.
- 7.3** There are not considered to be any likely impediments that would prevent confirmation of the Orders. Redevelopment of the Order Land will significantly improve the social, economic and environmental wellbeing of not only the Estate, but also the wider community within the West Hendon area.

8. DECLARATION

I believe that the facts stated in this proof of evidence are true.

Mr Terence Garner dated []