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## Responses to Objections

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

February 2017

ENV/3164290 &  
NPCU/CPO/N5090/77105

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## Contents

1.	Response to Objections.....	1
2.	Objections Group 1 .....	1
3.	Objections group 2.....	15
4.	Objections Group 3.....	25
5.	Objections group 4.....	26
6.	Objections group 5.....	26
6.	Objections group 6.....	26

# 1. Response to Objections

- 1.1 The Secretary of State has received objections to the confirmation of the Orders **CDD.01**. A schedule of objections to each order is in the Core Document library at **CDD.03**.
- 1.2 This document has been prepared to provide the Inspector and Secretary of State with a comprehensive response on behalf of the Council to these objections. Further details on a number of areas is provided within individual proofs of evidence, and this is signposted within the document.
- 1.3 Although a number of individual objections were made it has been possible to identify a number of common themes in these, as set out below.

## 2. Objections Group 1

- 2.1 Six objections were submitted by Dan Knowles of Sawyer Fielding on behalf of parties owning long leasehold residential properties in CPO2. These objectors are shown in the table below:

ADDRESS	PROP No. CPO2	OBJECTOR	AGENT	Occupation status	Objection status	Plot Number
Tyrrel Way	60	Sailesh Kumar Saxena of 7 Dunnock Close, Borehamwood, WD6 2EL	Sawyer Fielding	Investor owner	Withdrawal agreed	20
Tyrrel Way	92	Dr Khalid Al-Hammdany of 7 Tadawi Medical Center, Fereej Kulaid, Bin Omran, PO Box 3585, Doha, Qatar	Sawyer Fielding	Investor owner	Remaining objector	24
Warner Close	41	Roland Akinyede of 46 Edbrooke Road, London, W9 2DG	Sawyer Fielding	Investor owner	Remaining objector	35
Tyrrel Way	50	Marlene Guimaraes of 12 Glenwood Avenue, London, NW9 7PJ	Sawyer Fielding	Investor owner	Withdrawal agreed	20
Warner Close	58	Stephen & Maria Collinge of 58 Warner Close, West Hendon, London, NW9 7QN	Sawyer Fielding	Owner occupier	Withdrawal agreed	33

Tyrrel Way	71	Sadaf Ahmed of Southlands, Denam Road, Iver Heath, SL0 OPH	Sawyer Fielding	Investor owner	Remaining objector	21
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2.2 Objection withdrawals have been negotiated with three of these objectors including the only residential owner occupier. The others are investor owners who do not reside within their properties and use them to deliver an income by letting them at a market rent to private tenants. These investor owners are not part of the estate community, but their tenants are.

2.3 The remaining objectors have raised a number of common objection themes to which a response is set out below:

### Group 1 theme 1: Social, environmental and economic wellbeing

2.4 The objections claim that the scheme will not contribute towards the social, environmental and/or economic wellbeing of the area.

This objection theme is addressed by:

- *Mr Bailey at section 7*
- *Mr Heyns at section 3.14*
- *Mr Garner at sections:*
  - *PLANNING PERMISSION FOR THE CURRENT SCHEME- section 3*
  - *ADOPTED PLANNING FRAMEWORK FOR THE AREA- section 4*

### Response

2.5 Paragraphs 8.5 to 8.30 of the Statement of Case **CDA.13** explain how the Regeneration Project will deliver social, environmental and economic benefits to the area. The provision of a minimum of 25% of the total number of new housing units as affordable housing (including no net loss of affordable housing), provision of a site for a new two-form entry primary school and construction of a community centre facility will contribute to the social well-being of the area.

2.6 The improvements to (i) the access and management of the Welsh Harp Reservoir and open spaces, (ii) the highway network, (iii) public realm, and (iv) housing provision will all contribute significantly to the environmental well-being of the area. The new housing stock will provide a significant improvement in terms of the quantum, quality and sustainability of the stock including an improved tenure mix and significant improvements in energy efficiency.

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Enhancements to the retail and commercial floorspace through the provision of new shops, leisure facilities and cafes, when considered alongside the variety of job opportunities that will be available to local residents, will also make an important contribution to the achievement of well-being objectives.

- 2.7 The highway, infrastructure and public realm improvements associated with the Scheme will provide an impetus for the wider regeneration of the West Hendon area, thereby also improving social, environmental and economic wellbeing.
- 2.8 In respect of CPO1, the Inspector considered wellbeing at IR:583-608, stating that the Regeneration Project and the Scheme within CPO1 contributed ..... **CDA.19**. The Secretary of State accepted those findings at DL:13 – 20 **CDA.20**. In summary, the Secretary of State concluded that the purpose for which the land was being acquired (delivery of phase 3b and 3c of the Regeneration Project) would “contribute significantly to the economic, social and environmental wellbeing of the area,” and this Order will make an equally significant contribution towards that wellbeing. See Group 1 Theme 10 below in regard to shared equity and Mr Shipways evidence at sections 5 regarding the impact on Council tenants.
- 2.9 The wellbeing benefits are considered in further detail in the evidence of Mr Bailey at section 7.
- 2.10 Overall the Council considers that the orders will deliver significant social environmental and economic wellbeing benefits.

## Group 1 theme 2: Loss of Community Spirit / Cohesion

- 2.11 The objections have expressed the view that there is a strong sense of community within the Estate, and that the Regeneration Project will disperse members of that community.
- 2.12 This objection theme is addressed by:
- *Mr Bailey at paragraphs: 3.2, 3.4, 3.9, 3.11, 5.4, 7.11, 7.15, 7.18*
  - *Mr Smith at paragraph 8.2*

## Response

- 2.13 The Council and Developer consider that, the overall impact of the Scheme will be to encourage and enhance community spirit, not to diminish it.
- 2.14 Within this group of objections only 1 was made by a resident leaseholder, agreement has been reached for this objection to be withdrawn and for the resident to access the shared

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equity scheme. Following reaching agreement with the owner/occupier of 58 Warner Close the only remaining resident remaining objector to CPO2 is Mr Siddiqui of 65 Tyrrel Way who objected on various grounds that are addressed below. The remainder of this group of objectors do not reside on the estate and are not part of the estate community, but are investor owners who let their properties at a market rent to secure an income. The dwellings do not constitute social housing but instead meet market demand as part of the overall private letting market. At IR:596 the Inspector considered community break up associated with CPO1 and concluded that: "Those who have security of tenure have the potential to remain on the estate and as such their community has no reason to be broken. However it is also evident that many seek a choice of property rather than a choice to remain together which rather limits this particular concern." The same potential to remain exists for eligible parties with the same security of tenure within these CPOs through the shared equity scheme and secure tenant offer.

- 2.15 Resident long leaseholders in CPO2 who meet the eligibility criteria will be offered a shared equity home. The shared equity scheme offers those residents owning their property the opportunity to remain on the estate within the local community. Shared equity homes were offered to residents in CPO1 and surplus units were recently offered to eligible residents in CPO2. Agreement has been reached with 21 out of 34 leaseholders including 8 out of 13 owner occupiers. Further details of the shared equity scheme are set out at appendix 2 of Mr Smith's evidence.
- 2.16 The Developer and Council are taking a range of steps to ensure that the existing community at West Hendon is maintained. Nevertheless, a number of residents have chosen and continue to choose to relocate elsewhere, usually for personal or family reasons.
- 2.17 The Regeneration Project will also deliver high quality sustainable homes for market and shared ownership sale, providing an improved housing tenure mix. In addition to housing, the Regeneration Project also provides a site for a new primary school and community centre facility, and greater access to improved open spaces and recreational facilities. These new homes and infrastructure will bring new people into the area and help to build a stronger sense of community.
- 2.18 For those reasons, the Council and Developer believe that a strong sense of community will remain and is likely to be enhanced once the Regeneration Project is delivered. Delivery of Phase 4 will constitute a significant step in bringing forward overall benefits resulting from the Regeneration Project. The Secretary of State concluded in relation to CPO1 at DL:27 that the "redevelopment and regeneration of the area, would have positive effects on the economic social and environmental wellbeing of the area."

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2.19 The project office that is situated within the estate is Mr Smith's usual place of work. Mr Smith has seen the local community remain as leaseholders and secure tenants have relocated to new homes within the development. The Council and the Developer's position is that any potential loss of community spirit or cohesion will have been mitigated by the wider benefits of the Regeneration Project proposals.

### **Group 1 theme 3: Environmental concerns regarding the loss of Public Open Space**

2.20 Concerns have been raised in these objections that there will be a net loss of public open space.

2.21 This objection theme is addressed by:

- *Mr Bailey at paragraphs 3.3, 3.5, 3.7-3.9, & 7.6*
- *Mr Heyns at paragraphs 3.5 & 3.6*

#### Response

2.22 The Regeneration Project will deliver an overall increase in the quantity and quality of on-site amenity space, and significant improvements to the quality of existing public open spaces that will make them more sustainable and accessible than at present, including the reconfiguration of York Park and a green corridor from The Broadway to the Welsh Harp SSSI. Furthermore the Regeneration Project includes 2 new bridges over the Welsh Harp which will provide significantly enhanced access to other open space in the locality.

2.23 Neither Order includes any existing open space. However, the Orders facilitate the delivery of a significant amount of new open space and public realm by providing the land to deliver the new linear park running between The Broadway and the Welsh Harp along with a new pedestrian corridor linking the Broadway to Hendon rail station.

2.24 The layout of the new open spaces is considered in Mr Heyns' evidence at section 3.5 and section 4 under each individual building in Phase 4. A new playground will be provided to the south of Block K2, Blocks H, J and K will all provide significant amounts of new open/green space for residence of these individual blocks. Large new back gardens will also be provided by the Block M row of terraced houses.

2.25 At DL:16 the Secretary of State concluded, in agreement with the Inspector, that: "The redesign of the open space has the potential to improve social interaction, physical activity and health as well as enhancing the environment and making better use of environmental

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resources." The design of the open space within the approved planning consent and masterplan has not changed between CPO1 and CPO2 consequently this finding remains relevant.

- 2.26 The Council confirms that there will be no overall loss of public open space across the Regeneration Project.

### **Group 1 theme 4: Significant increase in housing density**

- 2.27 The objections raise concerns with the density of the consented developed, stating that "The density greatly exceeds the recommendations by the Greater London Authority."
- 2.28 This objection theme is addressed by Mr Garner.

#### *Response:*

- 2.29 This issue was rigorously assessed by the Council at the planning application stage for the 2013 permission **CDB.37**. The CPO1 Inspector considered this issue at IR:592, indicating that it was evident that the suitability of proposed density levels had been rigorously assessed in terms of guidance and advice at planning application stage. Impacts in terms of daylight and sunlight were also assessed and found to be acceptable, and the residential accommodation proposed to be built must adhere to specified standards, controlled by the planning permission and associated conditions. The CPO1 Inspector concluded that, taking all factors into account, the density of development did not mean it would result in an unacceptable impact in terms of environmental or social or well-being.
- 2.30 Policy 3.3 of the London Plan ("**CDC.02**") 'Increasing Housing Supply' maintains a clear policy imperative to ensure that housing need is met through not only achieving but exceeding the Borough wide annual housing supply targets stipulated under Table 3.1 of the London Plan ("**CDC.02**"). Notwithstanding the increase in Borough wide annual housing supply targets that is now called for under the current London Plan ("**CDC.02**"), the Scheme creates a level of density appropriate to its setting and as provided for under Policy 3.4 of the London Plan ("**CDC.02**") 'Optimising Housing Potential'.
- 2.31 In confirming CPO1, at DL:12 the Secretary of State found that the "*scheme substantially accords with the adopted planning framework.*" Since confirmation of CPO1 the London Plan has been updated and would now provide support for a greater density of development than the consented scheme.



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2.32 The Council considers that the density of the scheme is appropriate for the locality and that the planning permission and purpose for which the land is to be acquired fits in with the adopted Local Plan for the area.

### **Group 1 theme 5: Strain on Local Transport**

2.33 The objections claim that the development will have a negative impact on local transport.

2.34 This objection theme is addressed by:

- *Mr Garner at section 4 of his evidence*
- *Mr Mileham at sections 3, 4 and 5*

#### Response:

2.35 The impacts on existing infrastructure were rigorously assessed during the planning application process. Under the Section 106 Agreement the Developer is required to make contributions towards a Travel Plan Incentives Fund, improving Bus Service Capacity, and the review of and amendments to controlled parking zones.

2.36 CH2M performed an integral role in developing the proposed solution, in assessing the failings in the current infrastructure and preparing transport related documentation for the planning application.

2.37 Phase 4 and the overall Regeneration Scheme include new local transport infrastructure through delivery of highway improvements to West Hendon Broadway and Station Road together with new and improved public realm and pedestrian links. These improvements will be of benefit not only to the Regeneration Project but also to the wider area.

2.38 CPO2a will enable delivery of an enhanced pedestrian link to Hendon Rail Station. This is served by the cross London Thameslink line which will be significantly upgraded by 2018/19 and intersect with Crossrail at Farringdon providing a sustainable way to access central London.

2.39 The Council considers that the scheme will have an overall positive impact on the local transport network.

### **Group 1 theme 6: Potential Harm to the Environment, Flora & Fauna and the Welsh Harp**

2.40 The objections claim that the scheme will have a negative impact on the Welsh Harp.

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2.41 This objection theme is addressed by:

- *Mr Garner at sections 3 and 4 of his evidence.*
- *Mr Heyns at sections 2.7, 3.5 and 3.6 of his evidence*

Response:

2.42 The scheme developed by Allies and Morrison was carefully designed to minimise any negative impact on the Welsh Harp. For example, no lighting will be installed on balconies, and balconies will include solid 'fronts' facing the Harp to reduce the potential impact on wildlife. Phase 4 includes only Block K facing the Harp and all the environmental considerations applied to the earlier phases will be applied to this block. The overall landscaping for Phase 4 will bring a substantial increase in the number of street trees and planting within the courtyards. All planting is carefully specified by the landscape architects to enhance the environment and increase habitat for wildlife and insects.

2.43 The impact of the Scheme on the Welsh Harp Reservoir SSSI was addressed in the officer's report to the Planning and Environment Committee of 23rd July 2013 ("**CDB.34**"). The Council also engaged with Natural England throughout the planning application process, as a result of which the Developer is required to comply with conditions relating to the Welsh Harp Reservoir SSSI and is also required to pay a contribution towards the funding of a warden. The Council does not consider that the Scheme will have a significant impact on the Welsh Harp Reservoir SSSI, but will improve both public access to and the management of the SSSI.

2.44 The CPO1 Inspector set out her conclusions in respect of these issues at IR:625 and IR:626 ("**CDA.19**"). She found that (i) the impacts on the Welsh Harp SSSI had been found acceptable through the planning application process, (ii) there was no substantiated evidence of harm to the SSSI, so no reason to conclude that CPO1 would harm the environmental well-being of the area in that regard, and (iii) avoiding harm to protected wildlife is controlled by the Wildlife and Countryside Act 1981 so was not a matter for the CPO process.

2.45 The Council does not therefore consider that the scheme will have a negative impact on the Welsh Harp reservoir.

## **Group 1 theme 7: Funding – Developer's Ability to Acquire Interests**

2.46 The objections raise concerns over the Developer's ability to both fund the scheme and undertake property acquisitions.

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Response:

- 2.47 This is theme addressed in the evidence of Mr Smith at paragraphs 7.16-7.19 and 7.24-7.27
- 2.48 The Developer has already delivered Phases 1, 2, and 3a of the Regeneration Project, and is currently delivering and funding Phase 3b and 3c, having acquired all land interests in those phases. The Developer and Council are currently undertaking negotiations to acquire interests in CPO2 and CPO2a by agreement. Six properties have been acquired since the Developer commenced preparations for CPO2 and Heads of Terms are with solicitors for a further 15 acquisitions. Therefore the Developer has a proven track record of funding and delivering the very project for which these Orders are being made.
- 2.49 Mr Smith has set out funding arrangements at section 7.16-7.19 of his evidence.
- 2.50 The CPO1 Inspector found at IR:611, and the Secretary of State accepted at DL:21, that "there is a developer in place with an experienced background in this form of development", and there was "every indication that development would proceed, and proceed promptly." This applies equally to CPO2, as is demonstrated by the Developer's continued commitment to and delivery of the project.
- 2.51 The Council is entirely satisfied that the Developer remains committed to delivering of the Regeneration Project, and has the necessary resources to deliver the Scheme.

### **Group 1 theme 8: Rights of Non-Resident Leaseholders**

- 2.52 The objections raise concerns that investment owners are prohibited from selling their properties until summer 2018.
- 2.53 This objection is addressed by:
- *Mr Bailey at paragraphs at 6.10 and 7.20 of his evidence.*
  - *Ms Blackman section 5 and paragraphs 5.12 and 5.35 of her evidence.*

Response:

- 2.54 The Council has not prohibited any investment owner from selling their property until 2018.
- 2.55 However, it is the Developer's and Council's preference to acquire investment properties by way of deferred purchases. This allows the occupiers to remain in occupation longer, provides the opportunity for investor owners to secure income for a longer period and provides more

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time for them to find an alternative investment property. It also assists in maintaining the community on the estate, avoiding issues associated with vacant property..

2.56 The Developer and Council continue to undertake negotiations to acquire properties by agreement. Agreement has been reached to acquire a number of properties earlier than required by the project programme where it is reasonable taking account of individual circumstances. The Council and Developer will continue to acquire properties earlier than required by the project programme where it is reasonable to do so. Neither of the remaining objectors in this group have requested an immediate purchase.

2.57 Six properties have been acquired since the Developer commenced preparations for CPO2 and Heads of Terms are with solicitors for a further 16 acquisitions within CPO2. This includes 11 properties owned by investment owners.

2.58 The Developer has recently agreed to purchase a further property in Marsh Drive (outside this CPO and in a later phase of the scheme) on account of the medical needs of the owner.

## Group 1 theme 9: Adequacy of Local Services & Infrastructure

2.59 The objections claim that local services such as healthcare and secondary school education are overstretched and that the Scheme could have a negative impact on the quality of these services.

2.60 This objection is addressed by:

- *Mr Garner at section 4 of his evidence*
- *Mr Mileham at sections 3, 4 and 5 of his evidence*

### Response:

2.61 The planning process, which included Environmental Impact Assessment, required a comprehensive assessment of impact on local services and infrastructure to be undertaken.

2.62 This process identified the need for a number of new local infrastructure improvements to resolve existing failings and provide capacity for the Regeneration Project. A key aspect of this new infrastructure is facilitated by the Orders including the major highway works.

2.63 The Environmental Statement **CDB.24** submitted in support of the Planning Application identified spare capacity within existing surrounding GP services, and this was addressed in the Officer's report to the Council's Planning and Environment Committee of 23rd July 2013 **CDB34**.

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- 2.64 The Regeneration Project includes provision of a site for a two-form entry primary school, a new community facility, improved retail and commercial floorspace and a new pedestrian and cycle bridge. Under the Section 106 Agreement the Developer is also required to make contributions towards a Travel Plan Incentives Fund, improving Bus Service Capacity, and the review of and amendments to controlled parking zones. Overall the Regeneration Project will deliver an improvement in local services and infrastructure.
- 2.65 In granting the Scheme planning permission the Council determined that adequate local services and infrastructure either already exist within the area or will be provided by the scheme. **CDB.37 & CDB.34.**
- 2.66 The CPO1 Inspector took account of the range of existing and new services to be provided, and her conclusions are set out at IR:587-590 and IR:591 **CDA.19** which the Secretary of State accepted at DL:15 and DL:16 **CDA.20**. The Inspector concluded that the site is well located for public transport, that the Regeneration Project would improve links to the station and that the facility of the station was a positive benefit of the scheme, the detail of this is also considered by Mr Mileham at section 5. The Inspector also found that there was capacity within existing medical services and that there was capacity at existing secondary school level. She noted that there was concern over existing primary school capacity, but that that was being addressed through provision of land within the masterplan for a new primary school if required and its provision is secured via the S106 Agreement. The Inspector further concluded that the approach to community space had “the potential to significantly improve social interaction, assist in healthy activity, and promote well-being.”
- 2.67 The Council therefore considers that the Regeneration Project will improve local services and Infrastructure.

## **Group 1 theme 10: Human Rights (Purchase Price of Shared Equity , SDLT & Service Charges)**

- 2.68 The objections claim the scheme will be in disproportionate contravention of Article 1 of the First Protocol to, and Article 8 of the European Convention on Human Rights (ECHR).
- 2.69 The objections also raise specific issues with regard to three policies associated with the shared equity scheme.
- 2.70 This objection is addressed by :
- *Mr Bailey at paragraphs 7.8-7.22 of his evidence.*
  - *Ms Blackman at section 5 and section 6 of her evidence.*

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- *Mr Smith at appendix 2*

Response:

- 2.71 As investment owners not living on the estate these remaining objectors (following reaching agreement and withdrawal of objection from 58 Warner Close) are not eligible for the shared equity scheme. This is because this non-statutory scheme is aimed at assisting existing owner-occupiers to remain within the community. Nevertheless a response to each of the issues raised is set out below:

**Policy 1:**

- 2.72 The objections state:

**Policy:** The full purchase price and the 10% Home Loss compensation are payable  
**Issue:** Where leaseholders are unable to invest their purchase price (e.g. amount of secured debt cannot be replicated), this becomes unviable

Response:

- 2.73 The policy requires the leaseholder to invest the full purchase price and 10% Home Loss payment to purchase the shared equity unit. The Council and Developer will take into account any mortgage difficulties residents may encounter, and where reasonably necessary will offer appropriate assistance. This has already happened for CPO1, where acquisitions have included support through mortgage brokers and in one instance utilising the Council's mortgage lending powers to assist a leaseholder and their family who were unable to readily access the mortgage market.

**Policy 2:**

- 2.74 The objections state:

**Policy:** Stamp Duty Land Tax being claimable  
**Issue:** The SDLT payable upon the purchase of a shared equity property is higher than that paid on the 'estate property'. It is the latter which is claimable under the compensation code. This leaves a shortfall which if not paid by the acquiring authority or development partner, could leave leaseholders unable to afford a shared equity property. In the last phase of regeneration, this was paid in addition by the buyer and our understanding is that the same is likely to happen in this phase. However, at present no written assurance that can be relied on has been provided.

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## Response

- 2.75 Where agreement is reached for the sale of a shared equity unit and the acquisition of an existing property the additional SDLT on the shared equity property will be paid by the Developer.

### **Policy 3:**

- 2.76 The objections state:

<p><b>Policy:</b> Service charge and ground rent subsidy <b>Issue:</b> The current policy is that a ten year service charge subsidy will be provided. However, evidence of this is yet to be provided in correspondence that can be relied on. If it were withdrawn, the new properties may prove unaffordable.</p>
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## Response

- 2.77 The service charge for new properties is likely to be higher than that for existing properties on account of the provision of significantly more (and better quality) services and therefore the Developer has offered a service charge subsidy to those choosing a shared equity property. The Developer initially agreed to benchmark the service charge against comparable new developments elsewhere in the Borough, and in order to address affordability concerns discounted this through a subsidy. This discount will be provided for a period of 10 years, with the greatest discount in the first 5 years, after which the subsidy will taper. The Developer has now agreed to benchmark service charges against the existing estate service charges which are significantly below typical new build charges in the Borough.
- 2.78 This information was included in shared equity packs sent to eligible residents. This is attached to the evidence of Mr Smith at Appendix 2.
- 2.79 If the Regeneration Project did not proceed it would be necessary for major repairs to be undertaken across the estate to the cost of which leaseholders would be required to contribute under their lease terms. Overall affordability calculations need to take account of both major works costs and service charge costs when comparing the cost of moving to shared equity with a "no scheme" scenario of the estate remaining. This scenario was highlighted by the CPO1 Inspector at IR:600.
- 2.80 Service charge commitments funded by the Developer are documented in the project development agreement. They continue to be available for those moving to shared equity in Phase 4, and will be documented between the leaseholder and Developer on a case by case basis as shared equity moves are agreed.

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2.81 Whether an individual is able or wants to acquire a shared equity housing unit within the Scheme will be dependent upon individual financial circumstances, as would be the case for any other shared equity product elsewhere. The structure of the shared equity product is bespoke to this scheme, was designed to be affordable for residents and has proved popular with those residents who have now relocated. However as previously noted some residents have chosen to relocate elsewhere, usually for personal or family reasons, and this will likely continue to be the case.

## Human rights

2.82 For the reasons given in Section 9 of the Statement of Case **CDA.13 & CDA.14**, the Council considers that in making the Orders it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

2.83 Statutory Compensation will be paid to all affected parties following the acquisition of their interest(s). This will be governed by the requirements of the Compensation Code. Furthermore, the proposed shared equity scheme will offer eligible residents the opportunity to continue to live on the estate, and substantially exceeds the statutory requirements.

2.84 In respect of CPO1 shared equity scheme the Inspector concluded at IR:603 that “the take-up rate .....for those seeking to remain... suggests that the price rises...are not considered to be prohibitive” **CDA.19**. The Council and Developer will continue to ensure the shared equity scheme remains affordable to provide resident leaseholders with the opportunity to remain within the community.

2.85 The CPO1 Inspector considered human rights at IR:634-637 **CDA.19** and concluded that “the interference with human rights would be proportionate”. Those conclusions were accepted by the Secretary of State at DL:24 **CDA.20**. The Secretary of State in confirming CPO1 stated at DL27 “that the proposed purpose of the Order (CPO1), including the redevelopment and regeneration of the area, would have a have a positive effect on the social and environmental wellbeing of the area....”, and considered “that there is a compelling case in the public interest to justify sufficiently the interference with human rights of those individuals affected by the Order.”

2.86 These Orders are necessary to deliver the next stage of the redevelopment and regeneration of the areas identified by the Secretary of State at DL27.

2.87 The Council considers that the impact on the Human Rights of those affected by the Orders will be proportionate and justified.



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## Public sector equalities duty

2.88 The objections also raise Equality Act considerations in regard to the affordability of shared equity homes for elderly leaseholders. The objections suggest that issues with the policies outlined above could impact on the ability of elderly leaseholders to access shared equity and the Council's equalities act considerations.

### Response:

2.89 All remaining objectors in this group are investor owners and therefore not eligible for shared equity as they reside elsewhere and use their property to derive an income stream by letting it at a market rent. The Statutory Compensation Code provides a framework for consistently making good their loss and assisting them to secure an alternative reinvestment property.

2.90 As outlined at [ref\*] the Council and Developer have designed a bespoke shared equity scheme which is readily accessible to resident leaseholders. The scheme is considerably in excess of the statutory requirements and is designed to ensure that resident leaseholders are able to remain on the regenerated estate, if they wish to do so.

2.91 In developing the project and undertaking negotiations to acquire land interests the Council has taken account of its Equalities Act obligations and any specific needs or challenges facing particular leaseholders. This is addressed further in the evidence of Mr Bailey at paragraphs 7.14 to 7.21.

## 3. Objections group 2

3.1 An objection was submitted by Jasmin Parsons and a petition was appended with 31 signatories. This has been treated as 31 individual objections, although the substance of each individual objection replicates Ms Parsons statement. These are summarised in the table below:

OBJECT OR No.	DATE OF OBJECTION	CPO PLOT NO. CPO 2	ADDRESS	PROP No.	OBJECTOR	Remaining objector?	Status of property interest
11.01	08/11/2016		Marsh Drive	62	Jasmin Parsons		

11.02	08/11/2016	35	Warner Close	38	Lubna Ahmad	R	Non-secure
11.03	08/11/2016		Bullfinch House, 76 Perryfield Way	9	Sandra Newman		
11.04	08/11/2016		Sarriet, Satchel Mead?	7	Katrina Newman		Non-secure
11.05	08/11/2016		Bullfinch House, 76 Perryfield Way	15	Yesim Mustafa	Withdrawn	
11.06	08/11/2016		Bullfinch House, 76 Perryfield Way	15	Erika Mustafa	Withdrawn	
11.07	08/11/2016		Believe: 170 Marsh Drive	170?	T Mitchell		Secure
11.08	08/11/2016		Marsh Drive	149	Amela Delkic		Non-secure
11.09	08/11/2016		Marsh Drive	149	Elmin Delkic	(minor)	Non-secure
11.1	08/11/2016		Marsh Drive	64	Michaela Lee		Non-secure
11.11	08/11/2016	20	Tyrrel Way	44	Ghazaleh Farnam	R	Non-secure
11.12	08/11/2016		Marriots Close	6	Patricia Cooke		Freeholder
11.13	08/11/2016		Marriots Close	7	C Smart		Freeholder
11.14	08/11/2016		Marriots Close	6	Paul Cooke		Freeholder
11.15	08/11/2016		Marsh Drive	206	Marion Farrell		Secure
11.16	08/11/2016		Marsh Drive	206	George Gorman		Secure
11.17	08/11/2016	20	Tyrrel Way	54	Pariba Andarz	Withdrawn	Non-secure
11.18	08/11/2016	20	Tyrrel Way	53	Ahmet Arlav?	R	Non-secure
11.19	08/11/2016	22	Tyrrel Way	65	Mohammed Naveed Siddiqui	R	Leaseholder Owner occupier
11.2	08/11/2016	22	Tyrrel Way	68	Hamood Farid & Hadillah Ahmed	R	Non-secure

11.21	08/11/2016	20	Tyrrel Way	46	Matt Phillips	R	Non-secure
11.22	08/11/2016		Tyrrel Way	57	Suko Khumalo	R	Barnet Homes tenant in privately owned property
11.23	08/11/2016	20	Tyrrel Way	34	Jemima Acheanpang	R	Non-secure
11.24	08-Nov	24	Tyrrel Way	89	Stacey Omakalwala	Withdrawn	MHT tenant
11.25	08/11/2016	20	Tyrrel Way	39	Fouza Chaudry	Withdrawn	Non-secure
11.26	08/11/2016	20	Tyrrel Way	38	Raffaele Raneri Machine	R	Non-secure
11.27	08-Nov	20	Tyrrel Way	43	Cedric Mugamda	R	Non-secure
11.28	08/11/2016	20	Tyrrel Way	40	M Mehadi Jahan Obadi?	R	Non-secure
11.29	08-Nov	20	Tyrrel Way	47	Hans Ekonje	R	MHT tenant
11.3	08/11/2016	20	Tyrrel Way	52	Mikolaj Blaszkiewicz	R	Non-Secure
11.31	08/11/2016		Marsh Drive	11	Mr and Mrs M Chilton		Leaseholder

3.2 As noted in the table above, of these objections:

- None falls within CPO2a
- 16 fall within CPO2 and are therefore remaining objectors
- Ms Parsons is not a remaining objector as her property is located outside CPO2 and CPO2a.
- One objection was submitted by a 14 year old minor.

3.3 Of the remaining objections:

- One was submitted by a leaseholder who resides on the estate.
- One was submitted by a private market rented Assured Shorthold tenant in a property owned by the Developer.

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- *The remainder were submitted by Council non- secure tenants.*

3.4 The Council and Developer have sought to engage with these objectors. Through this engagement :

- *5 objections have been withdrawn*
- *2 objectors have confirmed that their details were added to the petition without their consent. Therefore the objections were not validly made.*

3.5 Consequently 13 remaining objectors maintain a qualifying objection.

## **Basis of objection**

3.6 The objection prepared by Ms Parsons includes a number of themes which have been addressed by a number of different witnesses.

### **Group 2- Theme 1:**

3.7 The objections state that:

- *The estate properties are in a prime location*
- *The buildings are structurally sound and still have a reasonable useful life*
- *The Estate was protected from Edgware Road*
- *The failings in the buildings are attributable to or exacerbated by the Council*

3.8 This objection is addressed by:

- *Mr Shipway at section 4 of his evidence.*

## Response

3.9 The West Hendon Estate comprises post-war residential blocks constructed in the 1960s. As is common with local authority developments of that era, construction employed new industrialised methods. Tyrrel Way and Warner Close within the CPO were built using the "Large Panel System" (LPS) method. LPS is a method of construction which came under scrutiny during the 1970's and 1980s following the partial collapse in 1968 of Ronan Point, a tower block in Newham, killing four people and injuring seventeen others. This scrutiny impacted on the ability of residents to mortgage properties and to this day it is not possible to readily mortgage the estate properties on the open market. The Inspector also agreed that the Large Panel System form of construction used on the estate is a fundamental concern (para 583, page 97 CDA.19).

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3.10 Aside from the inherent construction deficiencies the Estate and housing stock also suffers from many of the problems associated with post-war public housing including:

- Poor thermal performance and condensation issues
- Poor access and layout
- Poor parking arrangements
- Severance from the adjoining area
- Relatively low density despite the brutalist appearance
- Mono-tenure structure
- Difficult to maintain and manage
- Poorly laid out and under used public spaces
- Lack of passive security/safe by design
- Lack of private amenity space
- Higher than average levels of crime and antisocial behaviour

3.11 The Secretary of State in confirming CPO1 agreed with the Council and Inspector that the residential accommodation on the estate is dated and significant financial resources would be required to bring the homes up to Decent Homes Standards DL:14 **CDA.20**.

3.12 Currently the Estate is severed from the adjoining area by Perryfield Way Gyratory which brings significant vehicle movements into the estate. The public realm on estate, the adjoining Broadway (Edgware Road) and link to the rail station via Station Road is of poor quality. Some of the Broadway retail offer has a run-down feel. The Regeneration Project will resolve many of the inherent failings within the Order land, enable the wider regeneration of the area and reintegrate the regenerated Broadway and estate into the wider area.

3.13 At IR:614 **CD19** the Inspector also concluded that: "There is no feasible alternative to the provision of comprehensive redevelopment..." The comprehensive development consists not only of the land within CPO1 but also the land within these Orders.

3.14 Overall the Council considers there to be fundamental problems with the existing Estate which can only be addressed through comprehensive redevelopment.

## **Group 2- Theme 2:**

3.15 The objections claim that the new buildings have been plagued with problems in other parts of the Regeneration Project.

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3.16 This objection theme is addressed by Mr Smith.

### **Response:**

3.17 This claim is not true and appears to be based on rumours not supported by evidence. The new development is designed and built to a high standard. It complies with all necessary structural standards and building regulations. As with any new development some minor problems have been reported, and these have been dealt with by the Developer as and when they have arisen.

3.18 Mr Smith's own experience is that the majority of those who have moved speak very positively about their new home, as do the new residents who have moved here.

3.19 At section 4 of his evidence Mr Shipway explains the problems with the existing Estate properties. The new buildings represent a substantial improvement on the existing housing stock.

### **Group 2- Theme 3:**

3.20 The objections state that:

- There is no longer a guarantee to stay or return to the estate
- Communities, families and social networks are being fragmented and people are being forced outside London.

3.21 This objection theme is addressed by:

- Mr Smith at paragraph 8.2 and appendix 2.
- Mr Shipway at section 5 of his evidence.
- Ms Blackman at section 5 of her evidence.
- Mr Bailey at paragraph 3.2, 3.9, 3.11 and 5.4 of his evidence.

3.22 Residents' rights differ depending on their tenure, and the response below is set out accordingly.

### **Response- Secure tenants**

3.23 A right to remain on the Estate remains for Council secure tenants. This is explained further in the evidence of Mr Shipway at section 5.

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### Response- Non-secure tenants

- 3.24 Council non-secure tenants were offered units on the Estate as temporary accommodation after the commencement of the Regeneration Project. This is why they have limited security of tenure and why they were not offered a right to remain on the Estate. The use of housing on the Estate as non-secure accommodation allowed the existing stock to perform a useful albeit temporary function.
- 3.25 It is accepted that many of these residents may now consider themselves part of the local community. These tenants will vacate their properties through exercise of lease termination provisions. However, prior to terminating leases the Council will assess residents' circumstances against the Council's housing allocations policy. This is a policy applied consistently across the Borough which was prepared and is implemented in light of the Council's Housing and Equality Act obligations (Mr Shipway's evidence para 5.11). Where residents are identified as eligible for housing assistance this will be provided. All non-secure tenants decanted from Phase 3a were eligible for or offered housing assistance, and the majority were rehoused within the Borough, many with greater security of tenure (see Mr Shipway's evidence at 5.24). Within Phase 4 the Council will attempt to relocate non secure tenants within the local area; however, this cannot be guaranteed because relocation will be dependent on their assessed housing need and availability of alternative accommodation and the timing of relocation.
- 3.26 At IR:596 the CPO1 Inspector in considering the approach to non-secure tenants in Phase 3b identified the use of use of vacant accommodation for non-secure tenants as practical for maintaining activity/use and providing homes. At IR:597 the Inspector highlighted that an alternative approach would only serve to encourage abandonment of the buildings.

### Response- Leaseholders

- 3.27 As set out at para 8.7 /10.5 of the Statement of Case **CDA.13** and Appendix 2 of Mr Smith's evidence, resident long leaseholders in CPO2 who meet the eligibility criteria will be offered a shared equity home. The shared equity scheme offers those owning their property the opportunity to remain on the estate. Shared equity homes were offered to residents in CPO1 and surplus units recently offered to eligible residents in CPO2. Agreement has been reached to move 6 residents in Phase 4 to surplus shared equity homes. These homes had initially been made available for residents in Phase 3b; however, a number of residents instead chose to move away from the Estate.
- 3.28 Whether an individual is able or wants to acquire a shared equity home within the Regeneration Project will be dependent upon individual financial circumstances, as would be the case for any other shared equity product elsewhere. The structure of the shared equity

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product is bespoke to this scheme, was designed to be affordable for residents and has proved popular with residents who have relocated.

- 3.29 The shared equity scheme and efforts to acquire properties by agreement demonstrates the Developer and Council have made appropriate efforts to ensure the community is retained. However some residents have and continue to choose to relocate elsewhere usually for personal or family reasons .
- 3.30 Only one resident leaseholder (Mohammed Naveed Siddiqui) has objected to the scheme via Ms Parsons' petition. We understand Mr Siddiqui currently resides on the Estate and therefore has access to the shared equity scheme. Mr Siddiqui has appointed a surveyor to act on his behalf but agreement has not yet been reached to acquire his property, or for him to acquire a shared equity unit.
- 3.31 It is noted that a small number of resident leaseholders who acquired their property through the "Right to Buy" after the commencement of the project will not be eligible to access shared equity. On exercise of their 'Right to Buy' these residents were advised that their choice would prevent them from accessing shared equity. Instead they choose to acquire the property and benefit from the Right to Buy discount. No leaseholders in this position have objected to the CPO.
- 3.32 Any leaseholders in this position in CPO2 have a right to receive statutory compensation for the acquisition of their property, and this compensation will not be discounted to reflect the Right to Buy purchase discount. Leaseholders will then have a number of potential options:
- Purchase an alternative property elsewhere of a higher value with a mortgage (if available)
  - Purchase an alternative property in the Borough/locality, which would probably need to be on another comparable social housing estate.
  - Purchase a property in another area where values are on average lower, thereby increasing choice.
  - Revert to a Council secure tenancy and move to a new property on the Estate. In this scenario the compensation received by the resident leaseholder will be discounted to reflect the benefit they obtain from a tenure providing them with a lifetime discounted social rent for which they would otherwise not be eligible.
- 3.33 Although the latter option is not popular with leaseholders, the cost is calculated to fairly represent the benefits of securing a long term low rent. This offer is outside of the Councils statutory compensation/rehousing obligations. It is offered to allow these leaseholders to remain as part of the community.



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## Group 2- Theme 4:

3.34 The objections state that:

- Insufficient information is provided regarding the costs of the scheme and funding arrangements.
- That without further information regarding funding and viability the CPO ought not to be confirmed.

3.35 This objection theme is addressed by:

- *Mr Bailey*
- *Mr Smith* at paragraphs 7.16-7.19 and 7.24-7.27 of his evidence.

### Response

3.36 The Scheme will be funded by the Developer who will make a commercial return from the sale of private units, as explained at Mr Smith's evidence at para 4.18 and b 7.14. Further information is provided at the preceding paragraphs 2.46 – 2.51 of this document.

3.37 Requests for disclosure of the project viability assessment were made in regard to CPO1. The Inspector considered this at IR:609-611 and determined it was not necessary to consider the viability assessment. The Secretary of State agreed with the Inspector's findings at DL:21, and also stated that "there is a reasonable prospect the overall scheme for the regeneration of the West Hendon Estate will proceed." This remains the case.

## Group 2- Theme 5:

3.38 The objections raise the balance between the rights of the individual affected property owners and the wider public interest in delivering the scheme. The objections question whether an appropriate balance has been struck and the implications for Human Rights Implications.

3.39 This objection theme is addressed by Mr Bailey at section 7 of his evidence.

### Response

3.40 Sections 7 of Mr Bailey's evidence explains the wider public benefits resulting from the Regeneration Project and how these were endorsed by the CPO1 Inspector both in regard to the land within CPO1 and the entire Regeneration Project.

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- 3.41 Paragraphs 7.18 to 7.22 of Mr Bailey's evidence address human rights and public sector equality duty considerations.
- 3.42 The Secretary of State in confirming CPO1 stated at DL:27 "that the proposed purpose of the Order (CPO1), including the redevelopment and regeneration of the area, would have a positive effect on the social and environmental wellbeing of the area...." and considered "that there is a compelling case in the public interest to justify sufficiently the interference with human rights of those individuals affected by the Order." These Orders are necessary to deliver the next stage of the redevelopment and regeneration of the areas identified by the Secretary of State at DL:27.
- 3.43 Overall the Council considers that the Orders strike an appropriate balance between the private rights of the individual and the benefits resulting from the Regeneration Project.

### **Group 2- Theme 6:**

- 3.44 The objections raise the question of valuations and assessment of compensation associated with the acquisition of long leasehold interests.
- 3.45 This objection theme is addressed by Ms Blackman at section 5 of her evidence.

#### Response:

- 3.46 Only one party holding such an interest falls within this group of objectors (Mr Siddiqui). Negotiations are on-going to acquire this interest with his appointed surveyor (Mr Knowles of Sawyer Fielding). As outlined in the evidence of Ms Blackman agreement has been reached to acquire 6 out of 34 long leasehold interest in CPO2. At paragraph 7.5-7.8 of her evidence, she explains the approach applied to assessing values and making offers. The successful track record in acquiring these properties and negotiations undertaken to date demonstrate that a reasonable approach has been adopted by the Council and Developer.

### **Group 2- Theme 7:**

- 3.47 Objections raise issues concerned with health and safety associated with on-going development on land outside of the orders.
- 3.48 This objection theme is addressed by Mr Smith.

#### Response

- 3.49 The Regeneration Project is being and will continue to be built in compliance with the Construction (Design & Management) Regulations, Health & Safety at Work Act and the

Control of Substances Hazardous to Health Regulations. The Scheme is also registered under the Considerate Constructors Scheme, which aims to improve the image of construction by promoting good working practices in and around construction sites. Residents will be informed when hazardous activities such as demolition are planned. Information relating to the works programme, safety measures to be adopted and the impact the works may have on neighbouring properties. The CPO1 Inspector considered on-going construction concerns and concluded at IR:628 (CDA.19) that there was no substantive evidence of construction issues on the adjoining site and she did not accord any weight to the allegation.

- 3.50 Since the Inspector's recommendation and Secretary of State's decision in relation to CPO1, the Developer has successfully and safely demolished 1-98 Marriotts Close, Franklin House and 11-32 Tyrrel Way and is commencing construction in 2017.
- 3.51 Hendon Waterside has also won the National House Building Council Health and Safety award for best practice in the country under the supervision of Project Manager Sury Patel.
- 3.52 If residents have any specific concerns regarding site management or health and safety these can be raised through the independent resident adviser (Robert Webb), the Developer's on site team or Barnet Council's Environmental Health department.

## 4. Objections Group 3

### Pathway 205-209 West Hendon Broadway – Mr Hamrouni and Habib Khanafer

- 4.1 Objections have been submitted in regard to the acquisition of land to the rear of 205-209 West Hendon Broadway. These object to the acquisition of land they own and/or occupy and the impact of the Regeneration Project on their businesses.
- 4.2 These objections have been withdrawn.

OBJECTOR No.	DATE OF OBJECTION	CPO PLOT NO.	ADDRESS	PROP No.	OBJECTOR	AGENT	
7	09/11/2016	CPO2- Plot 1 and	West Hendon Broadway	205-209	Belhassan Hamrouni	Raphael Law	Withdrawn

		CPO2a- Plot 22 & 23					
9	08/11/2016	CPO2- Plot 1 and CPO2a- Plot 22 & 23	West Hendon Broadway	207	Habib Khanafer of 207 The Broadway, West Hendon, NW9 7DE	n/a	Withdrawn

### Response

4.3 Agreement has been reached which has led to the withdrawal of these objections. On account of this it is no longer necessary to include plot 1 in CPO2.

## 5. Objections group 4

### National Grid

5.1 This objection theme is addressed by Ms Blackman at paragraphs 7.22 and 8.21.

5.2 National Grid objected to both orders. Agreement has now been reached with National Grid with is currently in the hands of solicitors .

## 6. Objections group 5

### William Noad – Plot 1(CPO2)

6.1 Mr Noad objects to the acquisition of land in unknown ownership over which his adjoining property holds access right.

6.2 This objection theme is addressed by Ms Blackman.

### Response

6.3 On account of reaching agreement with the objectors in Group 3 it is no longer proposed to acquire or include in CPO2 (plot 1) the land to which this objection relates.

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## 7. Objection group 6

### Kirit Chotai, Shakuntala Chotai and Pradeep Choitai

7.1 The objections raise a number of concerns in regard to the acquisition of their interests at plots 9, 10, 11, 12, 13 and 14 comprising No.229 West Hendon Broadway and adjacent land.

7.2 This objection is responded to by:

- *Mr Mileham*
- *Ms Blackman*

### Response

7.3 No.231 West Hendon Broadway is required to deliver the necessary highway alignment and visibility splay for Ravenstone Road which will form a new junction providing access to the Scheme. This will necessitate its demolition. As this forms a single terraced unit attached to No.229 it will not be possible for No.231 to be demolished whilst leaving No.229 in place. Once demolished, any parts of 229/231 West Hendon Broadway will form temporary public realm providing pedestrian access to the Estate before falling within the footprint of Phase 5 of the scheme.

7.4 The Developer's surveyor has met with the Choitais and their surveyor to further explain the scheme and is continuing to attempt to acquire the land by agreement.