

London Borough of Barnet  
Building 4, North London Business Park  
Oakleigh Rd South,  
London N11 1NP

Dan Knowles  
Sawyer Fielding Ltd  
PO BOX 1519  
Hemel Hempstead  
Hertfordshire  
HP1 9QL

Contact: Anna Morell  
Tel: 020 8359 2387  
e-mail: anna.morell@barnet.gov.uk  
Date: 15 September 2014  
Our Ref: 44

Dear Dan Knowles

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

**Re: Your clients:-**

|   |                 |
|---|-----------------|
| Sarah Simmons   | 11 Warner Close |
| Shirley Backes  | 12 Warner Close |
| Genevieve & Lisa Ellis  | 14 Warner Close |
| Oliver Holder & Clara Osedumme                                | 25 Warner Close |
| Samil & Bijal Shah  | 46 Warner Close |
| Mario Forsyth   | 59 Warner Close |
| Yvonne Longuet  | 2 Marsh Drive   |
| May & Joe Swan  | 4 Marsh Drive   |
| Michael & Sandra Chiltern                                     | 11 Marsh Drive  |
| Haroon Khalick, Kalim Khalick, Zahida Hussain and Soraya Omar | 36 Marsh Drive  |
| Adewale Bakare  | 124 Marsh Drive |
| Carmen Perrott  | 161 Marsh Drive |
| Leonard Brewster  | 164 Marsh Drive |
| Lloyd Smith   | 229 Marsh Drive |

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:** Sustainable Development - housing density

### **Response:**

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

### **3. 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, highways, medical, education and other local services.

#### **4. 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 the Council 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.

#### **5. 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.

**6. Objection:** Insufficient local services to cope with increased housing density

**Response:**

As stated above in the objection 3 response, 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 Environmental Statement has demonstrated that existing capacity exists within surrounding GP services and the scheme will contribute to the wider community and health provision through its CIL contribution. This is explained further in the 23rd July 2013 Committee Report for planning application ref:H/01054/13 on page 81 under the heading Healthcare.

The new scheme will deliver a new 2 form entry primary school and community facilities. The 23rd July 2013 Committee Report for planning

application ref:H/01054/13 states that there are 24 secondary schools within three miles of the application site. Statistics for the academic year 2012-2013 suggested that these schools have a total registered capacity to accommodate 30,695 pupils with spare capacity to accommodate a further 3,225 pupils. (DfE's Edubase website). For more information on Educational provision please see the 23rd July 2013 Committee Report for planning application ref:H/01054/13 on page 77 under the heading Education Provision.

**7. Objection:** Construction works and mitigation

**Response:**

The scheme will be built in accordance with all relevant statutory legislation, including the Construction (Design & Management) Regulations, Health & Safety at Work Act, and the Control of Substances Hazardous to Health Regulations. The scheme is registered with the Considerate Constructors Scheme which aims to improve the image of construction by promoting good work practices in and around the development site.

BM LLP's site and construction managers undertake mandatory training in health and safety good practices such as the Site Management Training Safety Scheme (SMSTS) and complete 3 day first aid awareness course by St Johns Ambulance. All of the work force from labourers, to trades persons, and managers hold a Construction Skills Certification Scheme (CSCS) card which demonstrates that individuals have the necessary competence to undertake the work they do on site.

Residents are consulted with regularly via newsletters, open meetings, a residents consultative forum, and a web site to inform them of upcoming works in the programme.

When hazardous activities like demolition are planned, residents will be fully informed of how these works are programmed, the safety measures that will be adopted, and what impact the works may have on surrounding routes or nearby property.

**8. Objection:** Blight

**Response:**

The Town and Country Planning Act 1990 (as amended) sets out the relevant statutory criteria with regard to Blight Notices. The Council does not consider that properties in Warner Close or Marsh Close meet the criteria required to qualify for statutory blight.

The Council is committed to engaging in private treaty negotiations with those parties affected by the Order. Please contact Rosie Moore, Capita of Capita

on 020 7544 2055 should you wish to discuss the options which may be available to your clients.

This approach of negotiation and the compulsory purchase process running in parallel is endorsed by government guidance within Circular 06/04.

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

|   |                 |
|---|-----------------|
| Sarah Simmons   | 11 Warner Close |
| Shirley Backes  | 12 Warner Close |
| Genevieve & Lisa Ellis  | 14 Warner Close |
| Oliver Holder & Clara Osedumme                                | 25 Warner Close |
| Samil & Bijal Shah  | 46 Warner Close |
| Mario Forsyth   | 59 Warner Close |
| Yvonne Longuet  | 2 Marsh Drive   |
| May & Joe Swan  | 4 Marsh Drive   |
| Michael & Sandra Chiltern                                     | 11 Marsh Drive  |
| Haroon Khalick, Kalim Khalick, Zahida Hussain and Soraya Omar | 36 Marsh Drive  |
| Adewale Bakare  | 124 Marsh Drive |
| Carmen Perrott  | 161 Marsh Drive |
| Leonard Brewster  | 164 Marsh Drive |
| Lloyd Smith   | 229 Marsh Drive |