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Date: 15 September 2014
Our Ref: 48

Dear Dan Knowles

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

Re: Your clients: Laurence and Trina Welford, Plot 18&19, 13 Tyrrel Way, West Hendon

Following my letter dated 28th July 2014, the Council has now had an opportunity to consider your clients' objection and I have set out the Council's response to each heading of objection below.

The Council is keen to address your clients' objection and resolve their concerns, if this is possible. Once you and your client have had an opportunity to consider the responses below, we would be very happy to arrange a meeting to discuss these concerns if you think this would be helpful.

1. Objection: 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 report to the committee. In summary the proposed development was not considered to have a significant impact upon the value of the adjacent Welsh Harp SSSI. Dialogue with Natural England was undertaken throughout the planning application process and their concerns have been enshrined into planning conditions and the Section 106 agreement which now includes a contribution for an onsite warden. Natural England raised no objection to the proposed development subject to their required conditions and Planning Mitigation measures.

York Park existed prior to 1939 ('York Park' is shown on the 1914 O.S map and the reference to the name 'York Park' appears in the 1930's O.S plan)

and based on the information that the Council has considered there is no evidence to confirm that the park was created as a memorial to the Second World War. The 1951 and 1955 O.S. plans show that a hole left by a bomb fell to the north of York Park within an area which appears to be outside the Order Land, beneath Marsh Drive and the 3 bedroom houses adjoined to Marriotts Close.

The only parcels of open space included within the Order Land lie to the north of the Cool Oak Bridge (specifically plot numbers 41a, 41b, 42, 43 and 43a). York Park is not included within the Order Land. Some parts of York Park falling outside the CPO and owned by the Council are within the proposed development and were appropriated to planning purposes by the Council on 12 September 2013. A Notice of intention to appropriate public open space under Section 122(2A) of the Local Government Act 1972 was placed on site and in the local press for a period of 2 weeks commencing 11th July 2013 requesting any representations by 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.

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: Funding

Responses:

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.

4. Objection: Lack of negotiations

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. Initial offer letters were sent to all estate properties on 4th June 2014 to be acquired in March 2015, containing offers for the market value of the property, prior to the making of the CPO on 17th June 2014. Therefore it is clear that the Circular 06/2004 CPO guidance notes have been followed and significant efforts have been made to conduct pre CPO 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.

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.

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.

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 Laurence and Trina Welford