

**The London Borough of Barnet**  
**(West Hendon Regeneration Area)**  
**Compulsory Purchase Order (No. 2) 2016**

**Statement of Reasons**

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# THE LONDON BOROUGH OF BARNET (WEST HENDON REGENERATION AREA)

## COMPULSORY PURCHASE ORDER No. 2 2016

### STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

#### 1 INTRODUCTION

1.1 The London Borough of Barnet (“the Council”) has made The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 2) 2016 (“the Order”) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”), the Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”). This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 154 of the Department for Communities and Local Government (“DCLG”) “Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” October 2015 (“the DCLG Guidance”).

1.2 The Council’s purpose in making the Order, and seeking its confirmation by the Secretary of State for Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (“the Order Land”) in order to facilitate the delivery of the comprehensive regeneration of the West Hendon Estate and its immediate environs, through the provision of: up to 2000 residential dwellings; a new two-form entry primary school; community facility; commercial uses and associated open space provision and improved infrastructure (“the Scheme”), as more fully described in Section 4 of this Statement. The Scheme forms part of the wider Brent Cross-Cricklewood regeneration area but is being progressed independently. The regeneration proposals will provide significant social, economic and environmental improvements for existing residents.

1.3 The Council granted planning permission for the Scheme on 20 November 2013. The planning permission is part detailed (in respect of Phase 3a) and part outline (Phases 3b, 3c, 4, 5 & 6).

- 1.4 The Scheme will be delivered by the Council's development partner, Barratt Metropolitan LLP ("the Developer"), a consortium of Metropolitan Housing Trust and Barratt London.
- 1.5 In order to secure the delivery of the Scheme the Council intends to make up to four Compulsory Purchase Orders (CPOs) for the acquisition of third party property and rights. The CPOs will be phased to reflect the proposed construction programme 2014 – 2029. By a letter dated 12<sup>th</sup> November 2015, the Secretary of State for Communities and Local Government confirmed the first CPO for the Scheme (CPO1), thereby enabling the development of Phases 3b & 3c of the Scheme to proceed.
- 1.6 This Statement is submitted to the Secretary of State in respect of the second CPO for the Scheme. The Order Land forms part of the West Hendon Estate ("the Estate") and comprises the land requirement for the delivery of Phase 4 of the Scheme.
- 1.7 The Council has also made The London Borough of Barnet (West Hendon Major Highways Works) Compulsory Purchase Order (No 2a) 2016, ("the Highways CPO") pursuant to section 239(1) of the Highways Act 1980 ("the 1980 Act") and the Acquisition of Land Act 1981, to facilitate the major highways works which are necessary to support the delivery of Phase 4 of the Scheme.
- 1.8 The Council's Core Strategy designates the Estate as one of the Priority Housing Estates requiring regeneration to meet Decent Homes Standards.
- 1.9 The Scheme reflects a revised Masterplan for the regeneration proposals and will result in the complete demolition of existing buildings within the Estate and redevelopment to provide new housing, a primary school and a community centre.
- 1.10 The Scheme is being delivered by a phased programme of demolition and redevelopment and is divided into phases 3, 4, 5 and 6 (numbering takes account of development phases already undertaken). Phase 4 has been subdivided into development phases 4a,4b and 4c.

<b>Phase</b>	<b>Indicative Commencement Dates</b>
3a	Construction commenced January 2014 Phase completed June 2016
3b	Vacant possession obtained March 2016 construction expected to commence in September 2016
3c	vacant possession expected September 2016
4a	2019
4b	2020
4c	2021
5 & 6	2024 & 2027

1.11 Bilfinger GVA are the appointed property surveyors and have commenced negotiations for the acquisition of third party freehold and leasehold interests in the Order Land, with a view to purchasing their interests by private treaty.

1.12 Compulsory purchase powers are being sought in respect of the Order Land in order to ensure the timely delivery of Phase 4 of the Scheme, in the event that attempts to acquire all the necessary interests and rights by agreement are not successful.

## 2 BACKGROUND

- 2.1 The West Hendon Estate is located in the southern part of the London Borough of Barnet and to the north west of the M1 motorway. It is part of the West Hendon ward, which sits between a section of the A5 Edgware Road known as The Broadway (comprising a number of small retail & service units on ground floor with offices and residential uses within the upper parts) and the Welsh Harp Reservoir, a site of Special Scientific Interest (SSSI).
- 2.2 In July 2001, the DCLG launched the Decent Homes Programme, requiring local authorities to ensure that their housing stock offer residents the opportunity of a decent home and promote social cohesion, well-being and self dependence.
- 2.3 The Council identified the homes within the Estate as failing to meet those requirements, and after consideration of various options decided that proposals to regenerate the Estate (with a proposed new local town square, improved transport links and improvements to the area surrounding the Welsh Harp Reservoir SSSI) would best achieve the delivery of those requirements.
- 2.4 In 2002 (following a competitive tendering exercise advertised in the Official Journal of the European Community in November 2001) the Council selected the West Hendon Consortium (Metropolitan Housing Trust, Lovell Partnerships and Bellhouse Joseph) as its development partner to undertake regeneration proposals for West Hendon.
- 2.5 On 31 May 2005, the Council approved a decision authorising Barratt Homes Limited as a development partner (replacing Lovell Partnerships and Bellhouse Joseph) alongside Metropolitan Housing Trust to form Barratt Metropolitan LLP.
- 2.6 The Council and its development partners entered into a Principal Development Agreement dated 11 August 2006 (“the PDA”) securing a commitment to invest approximately £450 million over a 10 year period.
- 2.7 On 20 March 2008, the Council granted planning permission (ref: W13230A/07) for a standalone ‘Pilot Phase 1a’ as part of the regeneration proposals. Outline planning permission (ref: W13987/04) for the comprehensive regeneration of the

Estate was granted on 1 July 2008 (“the 2008 Scheme”), with reserved matters approval (ref: H/04103/08) for Phase 2a Lakeside granted on 22 December 2008. 194 residential units have been constructed pursuant to those permissions.

- 2.8 Whilst both the Council and the Developer remained committed to delivering the aims of the West Hendon Regeneration Project, the changing economic climate was starting to impact on the proposals. It was agreed between the Council and the Developer that further development under the 2008 Scheme was not possible taking into account the emerging viability and deliverability issues in the period from 2009 onwards.
- 2.9 With input from the Council, the Developer prepared revised Masterplan proposals, and from autumn 2011 the Council and the Developer held pre-application discussions to revise the Masterplan with a view to securing a suitable and viable development proposal for the Estate and wider West Hendon area. The Developer subsequently submitted the part-detailed part-outline planning application (ref: H/01054/13) for the Scheme in March 2013.
- 2.10 On 19 November 2013, the Council and Developer entered into an agreement pursuant to section 106 of the Town and Country Planning Act 1990 (the “s106 Agreement”), in respect of the Scheme. Planning Permission for the Scheme was subsequently granted on 20 November 2013. The parties also agreed a deed of variation to the PDA dated 5 February 2014.
- 2.11 In developing its proposals for the regeneration of the Estate and surrounding area, the Developer has, together with the Council, undertaken extensive consultation with the residents of the Estate and the surrounding local community, as outlined below.
- 2.12 **Consultation Undertaken between 2002 – 2010**
- 2.12.1 Consultation on the regeneration proposals for the Estate has been ongoing with residents and local stakeholders since 2002. The Council selected its preferred development partner in June 2002 following an assessment procedure involving residents and local stakeholders. In November and December of that year the Electoral Ballot Reform Services administered a non-statutory Test of Opinion to

determine the level of support amongst residents towards the principle of regenerating the Estate. Of those eligible, 63% voted with 75% in favour (2002 Ballot).

2.12.2 A Resident Regeneration Group (RRG) was established to enable detailed discussions regarding the regeneration plans to take place. It was facilitated by a Resident Independent Adviser and was open to all residents of the Estate. The RRG was the body through which the Council consulted residents on the Estate about the Regeneration Project.

2.12.3 Between 2003 and 2008 large scale consultation on the design process relating to the 2008 planning application was undertaken. The consultation process included: the circulation of leaflets to residents on the Estate, 5,000 neighbouring residents and the wider local community; an exhibition and community development events; the launch of a website providing information about the regeneration proposals; and drop in sessions for local stakeholders. The RRG and community groups were kept apprised throughout this period.

2.12.4 A financial review of the development proposals took place during 2008 – 2010. The RRG received regular updates in order to keep residents of the Estate informed of any changes to, and progress with, the development of the 'Pilot & Lakeside' phases.

## 2.13 Consultation Relating to the Scheme

2.13.1 A full review of the regeneration Masterplan commenced in 2010, regular updates were provided to the RRG and public meetings and exhibitions were held to inform the wider community on the changing approach to the regeneration proposals. Engagement on the revised Masterplan was carried out in two stages.

2.13.2 Stage One was carried out at an early stage of the design process in February / March 2012 and included:

- Dialogue with the RRG and ward councillors;
- Distribution of a newsletter to 680 households on the Estates and businesses along the Broadway; and

- A public exhibition and consultation event held on 27 March 2012, attended by 70 local residents, business owners and community group members.

Feedback from the exhibition and consultation event identified that of those attending, the majority were positive about the proposals and the vast majority considered the regeneration of the Estate to be an urgent priority. All of the responses were reported to the RRG in May 2012.

2.13.3 Stage Two took place between October and December 2012, and comprised:

- Meetings with stakeholder groups (Welsh Harp Joint Consultative Committee, West Hendon Ward Members, Leader of the Barnet Labour Group and the RRG);
- The distribution of a letter to 5,500 Barnet residents informing them of the status of the regeneration project;
- An advert in the West Hendon Times on 29 November 2012, inviting the public to an exhibition on the regeneration proposals
- A public exhibition held on 5 and 8 December 2012, setting out full details of the proposals within the planning application for the Scheme; and
- A dedicated helpline and contact email address for all residents (operational during the determination period relating to the planning application for the Scheme).

2.13.4 Following the submission of the planning application to the local planning authority in March 2013, the Developer undertook the following community engagement:

- Attendance at and participation in regular RRG meetings;
- A presentation of the planning application to the Welsh Harp Joint Consultative Committee;
- Distribution of a newsletter and survey to leaseholders [and freeholders] within the Estate;
- Attendance at a residents open meeting;
- Site visit and presentation for the Welsh Harp Conservation Group; and
- Site visit and presentation for GLA by Member for Barnet – Andrew Dismore and the Leader of the Labour Group – Alison Moore.

2.13.5 Although some residents have expressed the view that the 2002 Ballot on the regeneration proposals should have been repeated following the revision to the Masterplan, the Council is of the view that there was no need, nor any legal obligation, to do so. That was accepted by the Inspector into CPO1 at IR:615, and agreed by the Secretary of State at DL:22.

## 2.14 **West Hendon Regeneration Partnership Board**

2.14.1 The West Hendon Regeneration Partnership Board (the Partnership Board) was formally constituted on 17 June 2014 and replaced the RRG. The Partnership Board acts as a consultative body comprising representatives from residents on the Estate, the Council, the Developer and stakeholders for the purposes of providing feedback on issues related to the redevelopment, regeneration proposals and future management of the Scheme.

2.14.2 The Partnership Board open meetings are open to all Estate residents and are held quarterly. The closed meetings are attended by the elected representatives from the Estate, the Council, the Developer and stakeholders and held monthly.

2.15 The Council and the Developer have continued to engage with residents of the Estate through:

- the distribution of newsletters and fliers providing updates on the regeneration proposals;
- a Partnership Board open meeting (11 January 2016) to notify residents about the process and key dates for the implementation of CPO1, indicative dates relating to phasing and planning consultations for the Scheme and an outline of the process for CPO2;
- regeneration newsletter (February 2016) included information regarding rehousing plans for Phase 4 and preparations for CPO2;
- targeted leaflets (March 2016) to residents likely to be affected by CPO2 inviting them to a workshop held on 18 April 2016;
- a Partnership Board closed meeting (6 April 2016) for a briefing regarding CPO2;
- Partnership Board open meeting held on 11 April 2016, providing a high level presentation on CPO2; and

- Two workshop sessions for residents regarding CPO2 in the week commencing the 18 April 2016.

2.16 There has been significant and extensive consultation and engagement with residents, the wider community and relevant stakeholders on the regeneration proposals for the Estate. Residents were consulted on the revised Masterplan and as part of the planning process relating to the 2013 Permission were able to make their views known. The Secretary of State accepted in relation to CPO1 that the consultation had been adequate: see DL:23.

2.17 Resident consultation has contributed positively to decision making, including:

- the decision to exclude Ramsey Close from the Scheme;
- agreement that the moving costs incurred by non-secure tenants would be paid for;
- the setting up of a Homeowners Support Group

2.18 The Council and the Developer are committed to continued public engagement activities.

*Update following Secretary of State confirmation of CPO1*

2.19 The Council has obtained vacant possession of all land interests required for Phase 3b of the Scheme. Of the 34 leasehold interests held within that Phase, the Council was able to acquire 33 leasehold interests through private treaty negotiations, only vesting the interests of one Estate property through the exercise of compulsory powers.

2.20 In respect of Phase 3c, statutory notices have been served on remaining third party interests with a view to obtaining vacant possession of all land interests in September 2016, where it has not been possible to acquire those interests through private treaty negotiations.

### 3 DESCRIPTION OF THE ORDER LAND AND SURROUNDINGS

- 3.1 The Order Land comprises approximately 6,513 square metres of land and forms part of the Estate. It is bounded by land included within CPO1 to the north, properties adjoining Edgware Road (A5) to the east, properties adjoining Cool Oak Lane to the South and Shearwater Drive to the west.
- 3.2 The Order Land falls within the wider Cricklewood, Brent Cross and West Hendon Regeneration Area. In order to address issues of poor quality housing and social isolation which pervade the Estate, the proposals to regenerate the Estate will be advanced in parallel with, but independently of, the wider Brent Cross – Cricklewood regeneration which is currently in progressing its land assembly through the promotion of two separate compulsory purchase orders. The Secretary of State decided to hold a public inquiry in respect of the Brent Cross Cricklewood compulsory purchase orders which was held between 17 May and 6 July 2016.
- 3.3 The Estate properties were constructed in the 1960s using large panel pre-cast concrete with exterior cladding. In the 1980s horizontal weatherboarding was used to clad over the buildings and pitched roofs were added. The Estate originally comprised 680 residential dwellings in 6 separate blocks of flats ranging from 6 to 14 storeys.
- 3.4 The nature of the West Hendon Broadway and its associated gyratory system has contributed to the creation of an uncomfortable environment for pedestrians and cyclists to navigate due to the heavy traffic flows. This adds to the neglected appearance of the area.

#### Housing Stock Condition

- 3.5 The buildings on the Order Land include 4 storey residential blocks comprising housing stock which is time expired, in poor condition and in terminal decline. The Estate properties are in a poor state of repair and provide sub-standard accommodation for residents. Estimates undertaken by the Council (and provided at the time of the CPO1 Inquiry) suggest that upgrading the existing estate housing within the Order Land to Decent Homes Plus standards would require an estimated investment of £4,815,000. A further £6,613,500 (including leaseholder

contributions totalling £1.6m) would still need to be spent on external areas of the Estate. The Inspector who held the inquiry into CPO1 accepted that there was no evidence to dispute those figures at IR:583. In any event, that approach would still fail to address some of the inherent problems arising from the Estate, in particular:

- poorly defined public and private space;
- no clear hierarchy of streets and desirable through routes;
- poor sense of orientation within the Estate;
- lack of natural surveillance on public routes;
- no clear relationship between the streets, buildings, open space and the Welsh Harp;
- lack of clear connection between the Estate, the Broadway and other surrounding streets;
- the dominant feature of the Perryfield Way gyratory; and
- poorly managed boundary with the SSSI.

3.6 Following the decision to regenerate the Estate in 2002, no capital works were progressed and any work that was carried out on the Estate was undertaken on an ad-hoc responsive basis.

3.7 By 2007 it was apparent that this approach was no longer feasible (due to the delays encountered to the Regeneration Project) and that it would be necessary to carry out some capital works on the Estate. The following works were therefore carried out:

- 2008/2009 – windows to selected elevations (i.e. those suffering the greatest level of failure) were replaced. These works would have contributed to the Decent Homes Standard;
- 2008/2009 – replacement of communal TV system, these works had no impact on the Decent Homes Standard;
- 2012/2013 – partial refurbishment of lift to extend life expectancy in accordance with regeneration phasing timescales and to ensure ongoing insurance cover, these works had no impact on the Decent Homes Standard;
- 2013 – roof access works, these works had no direct impact on the Decent Homes Standard;

- electrical upgrades within flats (the majority have not required a full rewire) undertaken to extend the current life span. In the event that the Scheme does not proceed a full rewire would need to be carried out to meet Decent Homes Standards; and
- 2014/2015 - following initial inspections, survey reports, an increasing number of power outages and a fire in a similar residential block in London, the Council accelerated a Borough-wide programme to replace electrical rising mains. Those works were undertaken to selected blocks and were essential to meet the requirements of Health and Safety legislation and did contribute to meeting Decent Homes Standard.

3.8 Regeneration is therefore seen as the most appropriate solution to meeting the housing needs of the current and future residents of the Estate. The comprehensive regeneration of the Estate and surrounding area provides an ideal opportunity to build high quality sustainable homes through private sector investment, thereby creating a vibrant place where residents would want to live, with an associated enhanced retail and commercial offering on the Broadway.

Order Land in the Context of the wider Regeneration Project

3.9 The Order Land is bordered on 2 sides by earlier phases of the Regeneration Project and the delivery of Phase 4 is integral to delivering the Scheme. Skylark and Lakeside properties constructed pursuant to the 2008 Permission lie to the south east of the Order Land, whilst Bullfinch House (constructed as part of Phase 3a of the Scheme) and the land requirement for Phase 3b (currently vacant with site preparation works being undertaken) & 3c lie to the north west of the Order Land.

3.10 The Order Land comprises the following as set out in the schedule to the Order (“the Order Schedule”):

<b>Property</b>	<b>Description</b>
33 – 125 Tyrell Way	93 residential units
11 – 72 Warner Close	62 residential units

3.11 The detailed boundary of the Order Land is shown on the Order Map appended to this Statement. The land coloured pink identifies the land over which the Council

seeks to compulsorily acquire third party proprietary interests and rights. The land coloured blue identifies the land over which new rights over land are to be acquired compulsorily.

- 3.12 The Council is the freehold proprietor of the majority of the Order Land. Details of all parties with an interest in the Order Land are set out in the Order Schedule.
- 3.13 Vehicular access to the Order Land is primarily from the Perryfield Way one-way gyratory system. The Perryfield Way gyratory is the dominant feature on arrival to the Estate, isolating the existing buildings on the Estate from their surroundings and resulting in constant traffic movements that build up through the Estate. Phase 4 of the Scheme includes highway improvements along The Broadway and Station Road in addition to the removal of the Perryfield Way gyratory system, thereby resulting in reduced traffic flows through the Estate creating a better environment for pedestrians and vehicular movements.
- 3.14 The removal of the Perryfield Way one-way gyratory system is wholly dependent upon the delivery of the Major Highway Works at The Broadway and Station Road. The Major Highway Works are a requirement of the Section 106 Agreement and the Council intends to make the Highways CPO in order to secure the land required to deliver the Major Highway Works.
- 3.15 The impact assessment set out within the Transport Assessment for the Scheme concludes that, when measured against the baseline position, the Scheme will bring about improvements in capacity at junctions, general traffic and journey times.
- 3.16 Overall, the current layout of the Estate contributes to the problems experienced by residents such as anti-social behaviour. As evidenced by the findings of the 2015 Index of Multiple Deprivation (IMD), West Hendon is one of the two most deprived neighbourhoods in the Borough that have experienced the highest increases in comparative deprivation in Barnet since 2010. The 2015 IMD indicates that the West Hendon estate forms a Lower Level Super Output Area (geography for the collection and publication of small area statistics) that is amongst the 10 per cent most deprived in England and the top 5 per cent most deprived in London.

3.17 The Estate does not offer a mixed and balanced community (approximately 73% affordable housing units); has poorly designed public and private space; has no clear hierarchy of streets or desirable through routes; offers no sense of orientation within the Estate; lacks natural surveillance on public routes; has no clear relationship between streets, buildings, open space and the Welsh Harp; and has no clear connection with the Broadway and surrounding streets.

## 4 DESCRIPTION OF THE SCHEME

4.1 The Scheme is part of the comprehensive redevelopment of the Estate and wider West Hendon area to provide a high quality residential regeneration scheme with associated infrastructure and community facility improvements. It is the culmination of a Regeneration Project that has been an aim of the Council for over a decade.

4.2 The primary aims of the Council in promoting the Scheme can be summarised as follows:

- Demolition of existing estate and part of West Hendon Broadway;
- Creation of approximately 2,000 new homes of a variety of types and tenures;
- Improvements to the entrance to the Estate and linkages from West Hendon Broadway through to the Welsh Harp reservoir;
- New education & community facilities as well as retail and commercial space;
- Appropriate landscaping, open space and parking provision; and
- Appropriate phasing of the development to allow for the decant and rehousing of the Estate's secure tenants and home owners within the new development.

4.3 Details of relevant planning policies are given in Section 5 of this Statement.

4.4 Following the change in the economic climate and the recognition of the need to reconsider the Masterplan to deliver the regeneration of the area, the Developer worked with its professional team and the Council to design a scheme which would achieve these aims.

4.5 Following comprehensive consultation and engagement, on 15 March 2013 the Developer submitted a revised application for:

*“the demolition and redevelopment of the West Hendon Estate to accommodate up to 2,000 residential units, a new 2 form entry primary school, community*

*building and commercial uses and associated open space and infrastructure comprising:*

- Outline permission for the demolition of existing buildings and the construction of up to 1,642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 storeys, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp.*
- Full planning permission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the demolition of existing buildings and construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 storeys, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre and interim works”.*

4.6 On 20 November 2013 the Council granted planning permission for this development. Phase 3a of the Scheme is nearing completion. The Council approved the Reserved Matters application for Phases 3b & 3c of the Scheme on 26 March 2015. Demolition works associated with Phase 3b began in June 2016 with construction works anticipated to commence October 2016.

4.7 As stated above, the Order is required to deliver Phase 4 of the Scheme. Phase 4 will be split into 3 sub-phases. Reserved Matters application(s) in respect of Phase 4 are anticipated to be submitted late October 2016.

4.8 Given the lengthy construction timeframe to deliver all phases of the Scheme, the Council proposes to make separate CPOs for the latter phases and the delivery of the Major Highway Works as required under the Section 106 Agreement.

4.9 The Scheme will deliver a new generation of high quality homes. All new housing will comply with Lifetime Homes Standards; include wheelchair provision; meet the

minimum requirements of Part L of the Building Regulations 2010; include communal heating and cooling via a combined Heat & Power Plant; incorporate a tenure blind design; comply with the Mayor's Housing SPG (2012); and incorporate Secure by Design principles.

- 4.10 As part of the Scheme 25% of the residential units to be constructed across the Scheme will be provided as affordable units. Of those affordable housing units, 43% will be social rented units (enabling all existing secure tenants to be rehoused within the new development), with the remainder to be provided on an intermediate /shared equity basis. The table at paragraph 4.9 above demonstrates that up to 22% of the total of 539 residential units to be constructed within Phase 4 will be provided as affordable housing.
- 4.11 In accordance with the Section 106 Agreement requirement for an affordable housing review mechanism, the Developer must submit an updated financial appraisal (and pay for an independent expert to assess this on behalf of the Council) prior to the submission of any reserved matters application in respect of each of Phase 4, Phase 5 and Phase 6 of the Scheme. If following this process it is agreed, or determined, that it would be financially viable to do so, then the Developer must either provide additional affordable housing units in the Scheme or make an additional financial contribution to the provision of affordable housing elsewhere in the Borough.
- 4.12 The Scheme will re-integrate the development with the surrounding residential streets and facilitate improved pedestrian and cycle connections throughout the local area. In particular, Phase 4 of the Scheme will ensure improvements to traffic movement along West Hendon Broadway by the removal of the Perryfield Way gyratory. The removal of the gyratory system will also reduce traffic flows within the Order Land and the Estate itself. Phase 4 of the Scheme will deliver improvements to the junction of The Broadway and Station Road.
- 4.13 In accordance with the Section 106 Agreement the Developer will submit a detailed specification (to be approved by the Council) for the Major Highway Works with the first reserved matters application for Phase 4. The Developer is required to complete the Major Highway Works (as approved by the Council) as

part of Phase 4 and more specifically, prior to the occupation of the 1059<sup>th</sup> residential unit of the Scheme.

4.14 The Major Highway Works comprise the following:

- construction of a new access at Ravenstone Road connecting with West Hendon Broadway facilitating two outbound and one inbound lane, signalisation of the pedestrian crossing over the estate access road;
- improvements to Cool Oak Lane signalised junction with the A5;
- provision of a two lane approach for the A5 northbound and Cool Oak Lane;
- provision of staggered pedestrian crossings with a central island on the northbound A5 approach;
- carriageway widening to A5 northbound and southbound approaches;
- removal of Perryfield Way gyratory and widening of Station Road to allow two-way flow with two right turn and one left turn lane westbound and one merging lane eastbound including provision of staggered crossing;
- controlled pedestrian crossings north of Brorthwick Road and south of Stanley Road;
- removal of northbound and southbound bus lanes between Cool Oak Lane and Perryfield Way and Garrick Road and Park Road respectively;
- creation of a left-in left-out priority junction with West Hendon Broadway at Milton Road;
- reversal of one-way traffic flow on Herbert Road and creation of two-way traffic flow on Wilberforce Road between Station Road and Herbert Road;
- closure of vehicular access to Stanley Road and Borthwick Road;
- provision of a right turn lane into Garrick Road from the A5; and
- construction of relayed footways between Ramsey Close and Cool Oak Lane on the A5 and to the junction with Hendon Station along Station Road.

4.15 The removal of the Perryfield Way gyratory system is an integral part of the Scheme objective to create a new residential neighbourhood as it facilitates the removal of heavy and constant traffic from the area.

4.16 The Perryfield Way gyratory cuts off the existing Estate from the high street. Its removal and the provision of a new street serving the new residential buildings will improve access to the high street and Hendon station and will also create a more acceptable environment for current and future residents.

- 4.17 Residential roads to the east of The Broadway will also benefit from the removal of the one-way gyratory system given that its existence displaces unwanted traffic onto those roads.
- 4.18 The delivery of Phase 4 of the Scheme will provide visual and qualitative improvements to retail and commercial floorspace within the West Hendon local centre and as an indirect consequence of these wider improvements will seek to return vacant elements of The Broadway into active use.
- 4.19 The existing open spaces within the Estate are poorly laid out with little used communal amenity space and play space. Whilst there is a reasonable quantum of space, it is largely undefined, lacks ownership and its structure fails to meet the inclusive needs of a modern community. The Scheme will provide an increase in the quantity of useable on-site amenity space and will significantly improve the quality of open space in comparison to the existing provision. Part of the existing York Park will be reconfigured with improved landscaping and boundary treatment to the Welsh Harp reservoir, together with two new equipped play areas. Further provision will be made as part of a linear space connecting The Broadway with York Park. In addition all new blocks within the Order Land will be provided with communal courtyards and/or terraces, and private amenity space in the form of a balcony or terrace.
- 4.20 At present there is a poor linkage between the Estate and the West Hendon Recreation Ground. A new pedestrian and cycle bridge will be constructed alongside the existing one at Cool Oak Lane prior to the first occupation of a residential unit within Phase 3c, enabling pedestrian/cycle connections between the Estate and the West Hendon Recreation Ground. The s106 Agreement also secures contributions for significant improvements/enhancements to off-site leisure and recreation provision within this area.
- 4.21 An interim temporary community space was submitted to the Council in July 2016 to off-set the demolition of the current community floorspace at 189 The Broadway (as part of Phase 3c).

- 4.22 Later phases of the Scheme will provide land for the construction of a new two-form entry primary school and nursery together with adjacent community floorspace. Additional community floorspace will be provided on the Broadway.
- 4.23 The existing built environment is unattractive and run-down in appearance. The proposed townscape will provide long-term beneficial enhancements characterised by clearly defined public realm and high quality landscaped areas. Every effort will be made to retain existing high quality trees within the Scheme, with only one of the 21 'A' grade Trees to be removed.
- 4.24 The Welsh Harp Reservoir SSSI lies to the west of the Order Land. It is a semi-natural habitat and includes amenity grassland, mature trees and ornamental shrubberies noted primarily for their breeding and wintering bird interest. The proposals seek to facilitate and manage increased community interaction with the natural habitat through a range of proposed measures such as an ecological management framework and the appointment of an on-site warden. Ecological enhancements designed to promote biodiversity will also be made to the SSSI. The introduction of green corridors between The Broadway, 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.
- 4.25 The Scheme has been designed to minimise its impact on the environment and with an emphasis on using less energy. All of the residential units will be built in compliance with Part L of the Building Regulations 2010 and the development will deliver a carbon saving of 36% through efficient building design, the installation of a District Heating Network fuelled by CHP and the installation of solar photovoltaic panels at the most efficient locations.
- 4.26 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. That was accepted by the Secretary of State in relation to CPO1 at DL:14.

## 5. PLANNING POLICY CONSIDERATIONS

5.1 A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Planning and Environment Committee on 23 July 2013. The Secretary of State found in relation to CPO1 that the Scheme substantially accords with the adopted planning framework (DL:12). The following paragraphs summarise how the Scheme meets key planning policy objectives and "fits in with the adopted Local Plan" for the purposes of paragraph 76 of the DCLG Guidance.

### Principle of the Approved development

5.2 The NPPF seeks to ensure that in the pursuit of sustainable development positive improvements in the quality of built, natural and historic environment as well as in people's quality of life are made (paragraph 9). Section 6 of the NPPF seeks to deliver a wide choice of high quality homes. The NPPF requires the Local Plan to meet its housing needs in full for both private and affordable tenures.

5.3 London Plan policy 2.14 *Areas for Regeneration* encourages London Boroughs to identify areas for regeneration and set out integrated spatial policies that bring together regeneration, development and transport proposals.

- The West Hendon Estate and wider area has been identified as a long term regeneration commitment through the Cricklewood, Brent Cross West Hendon SPG and associated saved UDP policies as set out in Appendix A of the Local Plan Core Strategy.
- Further, it is identified as one of the Borough's major priority estates for regeneration in the Local Plan Core Strategy (Policies CS1 and CS3).
- It is identified as a failed housing estate that will be subject to long-term regeneration in order to tackle the problems of poor quality housing, physical isolation, social exclusion and to create revived, mixed tenure neighbourhood providing access to affordable and decent new homes.

5.4 The Local Plan Core Strategy Development Plan Document sets out the core objectives of the Local Plan vision developed in accordance with the Council's

Sustainable Community Strategy. These core objectives can be summarised as follows:

- The management of housing growth and the provision of a range of accommodation and tenures;
- Meeting social infrastructure needs and ensuring inclusive and accessible provision to community facilities arising from housing growth, including new and improved primary and secondary schools;
- The promotion of Barnet as a place of economic growth and prosperity;
- The provision of safe, effective and efficient travel;
- The promotion of strong and cohesive communities including designing out crime and reducing anti-social behaviour;
- The promotion of healthy living and well-being;
- Protect and enhance the suburbs;
- Ensure efficient use of land and natural resources by promoting mixed use development of previously developed land and promoting sustainable design and construction;
- The enhancement and protection of our green and natural open spaces improving access and enhancing the quality.

5.5 The following are the key ways in which the Scheme will meet those core objectives:

- The replacement of existing sub-standard residential accommodation with new sustainable energy efficient homes. All residential units will be built in compliance with Part L of the Building Regulations 2010;
- Provision of land for a new two-form entry primary school, replacement community centre and nursery with improved facilities and access to the wider community to meet the infrastructure needs arising from the housing growth;
- The provision and enhancement of public open space and improved access to existing areas of open space and recreational facilities including the Welsh Harp and surrounding Metropolitan Open Land;
- Improvements to commercial floorspace as part of an enhanced local centre along West Hendon Broadway;
- Improvements to the local highway network including the removal of the Perryfield Way one-way system;

- Promoting efficient use of land through increasing housing density on the site, benefiting from improved urban design principles;
- Improved connections through the Scheme to the wider West Hendon area, transport links and the surrounding open space; and
- The protection and Enhancement of the Welsh Harp Reservoir SSSI.

5.6 The development therefore accords with the Council's corporate objectives. It has the potential to deliver substantial benefits in terms of housing, social, community and physical improvements.

5.7 Further specific policy issues relevant to the Scheme are identified below.

### Housing

5.8 London Plan Policy 3.3 *Increasing Housing Supply* seeks to ensure the identified housing needs are met to improve housing choice and affordability and provide better quality accommodation. It also identifies the contribution that sensitive renewal of existing residential areas can make to realising brownfield housing capacity.

5.9 In terms of housing provision the London Plan sets a strategic target to provide 23,489 additional homes in the London Borough of Barnet between 2015 and 2025, 10,000 of which are proposed within the Cricklewood, Brent Cross, West Hendon Opportunity Area. The Local Plan Core Strategy Development Plan Document envisages the delivery of 450 new homes at West Hendon between 2011/12 and 2015/16, a further 450 between 2016/17 to 2020/21 with the remainder to be delivered post 2021.

5.10 The provision of housing at West Hendon is therefore a very important contributor to the Council meeting this housing target. The Scheme will introduce a greater choice of housing tenure and will ensure a better design and quality of housing stock for residents. The Scheme will also contribute towards the delivery of the borough's housing target.

5.11 The NPPF requires that LPA's significantly boost the supply of housing and deliver a mix of housing based on current and future demographic trends, market trends and needs of different groups in the community (paragraphs 47 and 50).

5.12 London Plan Policy 3.3 *Increasing Housing Supply* seeks to ensure that identified housing needs are met in order to improve housing choice and affordability and provide better quality accommodation. It also identifies the contribution that sensitive renewal of existing residential areas can make to realising brownfield housing capacity.

### Density

5.13 London Plan policy 3.4 seeks to optimise the housing potential of sites and references the density matrix which provides a guide to appropriate density ranges for particular locations, depending on Public Transport Accessibility Level (PTAL) and setting.

5.14 Saved UDP Policy C1(a) allocates the West Hendon Estate as a site for "high density housing". The Local Plan Core Strategy also identifies the delivery of "2,200 new homes" at West Hendon, identified as a priority housing estate within Policy CS3. Policy CS5 notes that West Hendon is a location where tall buildings may be appropriate.

5.15 The following matters are relevant to the density of the permitted Scheme:

- The proposed block structure, with four landmark towers is supported in urban design terms, providing a more integrated and legible environment compared to the existing, and the resultant density is considered to be an important component within this. This is supported by Core Strategy policy CS5 and saved UDP policy C1a;
- Daylight/sunlight assessment (see below) undertaken as part of the ES demonstrates that all units will 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 is considered to be sufficient provision to support the proposed population;

- The Scheme is located close to West Hendon station which will benefit from the current upgrade to Thameslink services and its integration into the Crossrail Farringdon interchange;
- The level of development (2,000 units) complies with that proposed within the Core Strategy housing trajectory and has been demonstrated to be a requirement in viability terms through the independent viability assessment;
- The Inspector for CPO1 found that the Scheme's density was acceptable at IR:592.

### Affordable Housing

- 5.16 London Plan Policy 3.9 *Mixed and Balanced Communities* promotes a balanced mix of tenures and requires new development to foster social diversity, redress social exclusion and strengthen neighbourhood identity. It emphasises the need to create a more balanced mix in all parts of London particularly in some neighbourhoods where social renting predominates.
- 5.17 London Plan Policy 3.11 *Affordable Housing Targets* requires all boroughs to maximise affordable housing provision in order to contribute towards an average annual London-wide target of 13,200 with a priority for family housing.
- 5.18 London Plan Policy 3.12 requires LPA's to seek the maximum reasonable amount of affordable housing in residential and mixed-use schemes. London Plan policy 3.14 aims to resist the loss of housing, including affordable housing, unless it is replaced at existing or higher densities with equivalent floorspace.
- 5.19 Supporting paragraph 3.82 states that estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area and the amount of affordable housing to be provided elsewhere in the Borough.
- There is no net-loss of affordable housing floorspace arising from the Scheme. Although it does not meet the target set Local Plan Policies CS4 and DM10 which set a borough-wide target of 40% housing provision to be affordable, or the mix of affordable housing as 60:40 (social/affordable rent: intermediate), this policy is subject to viability considerations and, as set out in supporting

paragraph 3.82 of the London Plan, the wider regeneration benefits of estate renewal have been taken into account.

- The Scheme was subject to an independent viability assessment which tested and justified the provision of 25% affordable housing level. Part 2 to Schedule B of the Section 106 Agreement requires the Developer to submit updated financial appraisals to the Council prior to the submission of each reserved matters application for each of Phase 4, Phase 5 and Phase 6. If it is determined that it would be financially viable to do so the Developer must either provide additional affordable housing units in the Scheme or make an additional financial contribution to the provision of affordable housing elsewhere in the Borough.
- The provision of 75% private housing, in addition to the intermediate housing units which are to be constructed as part of the Scheme, will assist in the rebalancing of the area in accordance with the aims of creating balanced and mixed communities in neighbourhoods where social renting predominates and there are concentrations of deprivation (London Plan Policy 3.9).

5.20 The Mayor's Housing Supplementary Planning Guidance states that replacement affordable housing can be of a different tenure where this achieves an improved mix of provision reinforcing the objectives of strategic policy.

- In excess of 70% of the residential units on the Estate are social rent affordable housing units. The Scheme will redress this imbalance by providing an improved housing mix of 25% affordable housing units (minimum 43% social rented and remainder intermediate housing). The remaining 75% of the residential units will comprise open market housing.

#### Standard of accommodation

5.21 Inclusive design principles and practices have been incorporated into the Scheme in accordance with Policy 3.5 of the London Plan *Quality and Design of Housing Developments* and Policy DM02 of Local Plan Development Management Policies *Development Standards*.

- All residential units have been designed in accordance with the London Housing Design Guide (LHDG) standards which outline minimum space standards for individual units, room sizes and amenity space provision.
- 10% of the overall residential unit provision has been designed to be wheelchair accessible or easily adaptable for wheelchair users.

- All dwellings will comply with 'Lifetime Homes' standards.

## Design

- 5.22 The NPPF highlights that good design is indivisible from good planning and a key element in achieving sustainable development. It states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.
- 5.23 London Plan policy 7.1 *Building London's neighbourhoods and communities* sets out a series of overarching design principles for development in London. It recommends that development is designed to contribute to people's sense of place and enhance the character, legibility, permeability and accessibility of the neighbourhood.
- 5.24 The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.
- 5.25 Policy 7.7 of the London Plan sets out criteria for the location and design of tall and large buildings. It states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise reflective glare, aviation, navigation and telecommunication interference and should not impact on strategic views.

- 5.26 Local Plan policy DM01 highlights that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM15 states that development adjacent the green belt should not have a detrimental impact on visual amenity and respect the character of its surroundings.
- 5.27 The Scheme incorporates high quality design which is substantially improving, and will continue to improve, the local character of the West Hendon Estate and wider area through the creation of a defined street scene, improvements to the appearance of buildings and the provision of quality amenity and open spaces.

### Tall Buildings

- 5.28 The approach to tall buildings in this location is consistent with that of the Local Plan and London Plan policies.
- 5.29 Local Plan Core Strategy Policy CS5 states that West Hendon is a strategic location where “Tall buildings (8 Storeys or 26 metres or more)” may be considered in accordance with Local Plan Policy DM05 and London Plan Policy 7.7 and Advice Note 4 on Tall Buildings (2015) by English Heritage.
- 5.30 Paragraph 10.6.6 of the Core Strategy refers specifically to West Hendon noting that the scheme will create a focal point for the area around the local centre square which will be linked to the Welsh Harp and surrounding green spaces by landscaped green corridors. Tall buildings ranging from 8 to 20 storeys will mark out these green corridors.

### Education and Community Facilities

- 5.31 London Plan policy 3.18 *Educational Facilities* supports development proposals that enhance education and skills provision including new build, the expansion of existing facilities or changes of use to educational purposes. The policy states that proposals which address the current projected shortage of primary school places will be particularly encouraged. The Policy also encourages extended or multiple use of educational facilities for community or recreation use. Paragraph 72 of the NPPF notes that the Government attaches great importance to ensuring

that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

5.32 Local Plan Policy CS10 seeks to ensure that community facilities and education uses are provided for Barnet's communities. It seeks to promote the role of schools as community hubs and seeks to promote the inclusive design of community facilities at a single accessible location. It identifies that development that increases the demand for community facilities will make appropriate contributions towards new and accessible facilities.

5.33 Local Plan Policy DM13 considers that new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

- The Scheme will provide land for the provision of a new two-form entry primary school to meet the needs of the new community.
- A community centre will also be provided within the new development.

#### Amenity Space and Open Space Provision

5.34 The NPPF promotes healthy communities. The provision of open space and play space makes an important contribution to achieving this (paragraph 69).

5.35 London Plan policy 2.18 *Green infrastructure: the network of open and green places* sets out strategic applications and planning decisions and LDF guidance supporting the protection, promotion and management of London's green infrastructure.

5.36 London Plan policy 7.18 *Protecting local open space and addressing local deficiency* sets out guidance for assessing local open space needs, and promoting the protection, management, creation and enhancement of open space within strategic applications, planning decisions and LDF policies.

5.37 Local Plan policies CS5 and DM01 seek to ensure that development respects local context and distinctive local character and includes the requirement for

development to provide hard and soft landscaping. It advises that proposals should achieve an appropriate level of new habitat including tree and shrub planting, and a suitable visual setting for buildings, in order to positively contribute to the surrounding area.

5.38 Local Plan policy DM15 relating to green belt and open spaces is also relevant given the proximity of the site to the West Hendon Recreation Ground to the north west which is designated Metropolitan Green Belt.

5.39 The Barnet Open Space and Recreational Facilities Assessment (2009) examined the existing availability of public open space in Barnet against relevant standards. This open space assessment identifies that the Estate is not within an area of recognised open space deficiency. The majority of open spaces within proximity of the site are classified overall as good or fair.

- The public realm is an integral part of the Scheme and the improvement of York Park, together with additional areas of open space and private amenity space, are important components of the Scheme.
- Two pedestrian bridges will facilitate a circular walking route connecting the Scheme, York Park to the Welsh Harp Reservoir and recreation ground, significantly improving access to open space and the strategic Capital Ring long distance walking route, in accordance with London Plan Policies 2.18, 3.2 and 7.18, Barnet Local Plan Policies CS7, CS11, DM15.
- Because of the overall increase in the quantity of usable open space, the provision of new high quality and flexible public open spaces, the increase in private and semi-private amenity spaces, and the enhancements secured towards the extensive recreational resources available in the immediate surrounding area, the Scheme is considered to accord with London Plan and local development plan policies.
- The Secretary of State accepted in relation to CPO1 that the redesign of open space has potential to improve social interaction, physical activity and health, as well as enhancing the environment and making better use of environmental resources (DL:16).

## Trees

5.40 London Plan Policy 7.21 *Trees and woodlands* seeks to ensure protection, maintenance and enhancement of trees and woodlands. The policy states that

existing trees of value should be retained and any loss should be replaced. Where appropriate, planting of additional trees should be secured.

- 5.41 Local Plan policy DM01 seeks to ensure trees are safeguarded, and when protected trees are to be felled, replanting with a suitable size and species will be required. The developer has submitted details relating to landscaping to the Council for its approval in relation to Conditions 21, 22 and 43 including a Landscape Management Scheme, reference H/05566/14 which was approved on 31<sup>st</sup> March 2015 which is in accordance with the planning permission. The landscaping details identify the locations of new trees and other planting across the Scheme.

#### Environmental Impact Assessment (EIA)

- 5.42 The Scheme proposals are an urban development project within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment - England and Wales) Regulations 2011. The Developer therefore submitted an Environmental Statement (ES) with the planning application describing the significant environmental effects of the Scheme.
- 5.43 In granting planning permission, the Local Planning Authority undertook an EIA in which the environmental effects of the Scheme were comprehensively addressed and found to be acceptable.
- 5.44 The Council acting in its capacity as Local Planning Authority determined that the Scheme is acceptable in planning policy terms. On 23 July 2013, the Planning & Environment Committee resolved in principle to grant planning permission (part detailed part outline) for the Scheme subject to the completion of the s106 Agreement.
- 5.45 Planning permission was granted for the Scheme on 20 November 2013 and details relating to the various phases of the Scheme requiring reserved matters approval are being addressed satisfactorily. The Council is satisfied that obligations required as conditions of the planning permission are being met and that obligations required at a later date arising from conditions of the planning permission will be fulfilled as the development proposals are progressed.

- 5.46 In accordance with the s106 Agreement the planning obligations relevant to the Scheme will be discharged on a phased basis. To date, the Council has secured £1,630,632.94 in accordance with the s106 Agreement. A total of £1,539,783.88 has been received for Mayoral CIL in respect of Phases 3a, 3b and 3c. With regard to Barnet CIL, exceptional circumstances relief has been granted in respect of Phases 3a, 3b and 3c and as such no funds have been received by the Council under this obligation. The Council is satisfied that those obligations required at a later date will be fulfilled as the development proposals are progressed. This means there are no planning impediments to the delivery of the Scheme.
- 5.47 The CPO1 Inspector found that there is strong planning policy support for the CPO to be confirmed, and that the Scheme represents and adherence to the main planning objectives for the area: IR:581-582. The Secretary of State accepted those findings at DL:12.

## 6. DELIVERY STRUCTURE AND FUNDING

6.1 The proposed regeneration at West Hendon is an important policy priority for the Council, and it has worked with the Developer to ensure that the necessary funding, approvals and consents and all other matters required for delivery of the regeneration proposals are in place. Further information is given at section 10.

6.2 As set out in paragraph 5.44 of this Statement, planning permission (part detailed and part outline) has been granted for the entire Scheme, and this is currently being implemented by the Developer.

### The Developer

6.3 BDW Trading Ltd (formerly known as Barratt Homes Ltd until 30 November 2007) trading as Barratt Homes (“Barratt”) is one of the UK’s leading housebuilders, building homes and new communities across the UK. It was established in 1958 and listed on the London Stock Exchange in 1968 and is a constituent of the FTSE 100 Index.

6.4 Barratt has a broad range of regeneration experience and is used to working collaboratively with partners from both the public and private sectors. It has worked with successive government agencies and councils across London to transform derelict sites into quality homes and associated community facilities.

6.5 Metropolitan is the brand name for Metropolitan Housing Trust Limited (MHT) and Metropolitan Support Trust (MST). Metropolitan is a leading registered provider of integrated housing services, care & support and community regeneration. It manages over 38,000 affordable homes for rent and sale to those with greatest housing need, along with a range of care and support services.

6.6 Metropolitan provides a diverse range of service to over 71000 customers across London, the East of England and the East Midlands. It is a member of the g15, which represents London’s 15 largest housing associations. The g15 houses one in ten Londoners and builds a quarter of London’s new homes.

- 6.7 The Developer has a significant track record of delivering similar large scale residential projects, and has a team of in house experts covering development, finance, project management and construction working on this project, as well as external consultants covering design, planning, community engagement and site assembly.
- 6.8 In relation to CPO1, the Secretary of State accepted at DL:21 the Inspector's finding at IR:611 that "there is a developer in place with an experienced background in this form of development".
- 6.9 Accordingly, the Developer is well placed to undertake and deliver a scheme of this nature and scale, and is already doing so in this case.

### Delivery and Funding

- 6.10 The Council and the Developer entered into a Principal Development Agreement ("PDA") on 11 August 2006 to secure the delivery of the regeneration of the Estate. The PDA was varied on 5 February 2014 to reflect the Scheme further to the 2013 Planning Permission, and changes commercial updates.
- 6.11 The Scheme will be predominantly financed by the Developer who will achieve a commercial return from the sale of the private and affordable residential units, as well as some commercial units. Therefore Barratt Metropolitan LLP has considered and approved all elements of the scheme falling under this CPO. It is believed to be viable and deliverable, and the LLP remains committed to delivering the West Hendon regeneration as a whole.
- 6.12 In relation to CPO1, the Secretary of State found at DL:21 that "there is a reasonable prospect the overall scheme for the regeneration of the West Hendon Estate will proceed".
- 6.13 The Council and Developer also entered into a CPO Indemnity Agreement ("CPOIA") on 5 February 2014, under which the Developer undertook to indemnify the Council in respect of costs incurred in promoting, making and securing the compulsory acquisition of the Order Land and the compensation payments arising from those acquisitions. The CPOIA will also indemnify the Council in respect of

costs related to the making and promotion of up to two subsequent CPOs, again including land acquisition costs.

6.14 The Developer is due to commence construction of Phase 3b later this year. The Council and the Developer are satisfied that the remaining Phases of the Scheme are deliverable.

6.15 The strategic phasing of the Scheme has been developed according to the number of units required to support Scheme viability, number of units required for decant, number of parking spaces required per phase, and the number of units triggering associated infrastructure provision (e.g. improvements to the highway network, footbridges, two-form entry primary school and community centre).

6.16 Phase 3c of the Scheme is expected to be delivered by BMLLP ahead of the original estimated programme] A total of 358 new homes were delivered in Phase 3a by the summer of 2016. The Scheme is set to deliver a further 207 units with construction starting on site in early autumn 2016 for Phase 3b, and construction starting on a further 85 units on site in early 2017 as part of Phase 3c of the Scheme. BMLLP has reduced the delivery timeframe of the assumed Completion date for Phase 3c by 6 months from the time at which a Master Programme was first submitted to the Council, in December 2013.

6.17 As would be expected in such a large project, the Scheme will be delivered in phases. The Council and the Developer will seek to acquire Order Land properties within the following estimated timeframe of vacant possession dates:

Block / Property	Estimated Vacant Possession Date
33 – 61 Tyrrel Way	Summer 2018
62 – 125 Tyrrel Way	Summer 2018
11 – 72 Warner Close	Summer 2018

6.18 Subject to the acquisition of all third party proprietary interests within the Order Land construction of Phase 4 is expected to commence in 2019 following site clearance and preparatory works.

6.19 Further phases of the project will deliver the overall objectives of the Council, and are expected to commence in 2021 with completion of the overall Scheme by 2029.

## 7. EXPLANATION OF THE USE OF THE ENABLING POWERS

### Section 226(1)(a) of the Town and Country Planning Act 1990

7.1 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) confers power on a local authority to acquire land compulsorily for development and other planning purposes.

7.2 Section 226(1)(a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.

7.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- the promotion or improvement of the economic well-being of its area;
- the promotion or improvement of the social well-being of its area;
- the promotion or improvement of the environmental well-being of its area.

### Section 13 Local Government (Miscellaneous Provisions) Act 1976

7.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), enables local authorities to purchase compulsorily new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made. In the Order, new rights are sought for: (i) crane oversailing and rights of access for the purpose of erecting scaffolding during the construction period.

7.5 Section 8 below explains why the exercise of these powers is appropriate in order to facilitate the delivery of the Scheme.

## **DCLG GUIDANCE (October 2015) – Compulsory Purchase and the Crichel Down Rules**

- 7.6 Government guidance on the use of compulsory purchase powers is provided in DCLG Guidance which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 7.7 Paragraph 2 of the DCLG Guidance advises that an acquiring authority should ensure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Human Rights considerations are set out in Section 13 of this Statement.
- 7.8 Section 1 of the DCLG Guidance provides specific advice on the making of orders under section 226 of the 1990 Act. Paragraph 65 of Section 1 states that the powers under section 226 can be used by local authorities to assemble land necessary to implement regeneration schemes identified in local development documents which will contribute to the well-being of their area.
- 7.9 Paragraph 76 of Section 1 further provides that in making a decision whether to confirm an order made under section 226(1)(a), the Secretary of State will take the following factors into account:
- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF
  - the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area
  - whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability

- 7.10 Section 18 of the DCLG's Guidance is also relevant as it sets out guidance in relation to the compulsory acquisition of new rights.
- 7.11 The Council has taken into account the DCLG Guidance in making the Order. The Council is utilising the powers under section 226(1)(a) of the 1990 Act because the Scheme will facilitate the redevelopment of this dilapidated post war council estate and will significantly contribute to the improvement of the economic, social and environmental well-being of the Council's area. The use of section 13 of the 1976 Act is also required in order to facilitate development of Phase 4 of the Scheme (as set out in section 8 below).

## 8. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

8.1 The Council is committed to securing the regeneration of the Estate and the wider West Hendon area. The need for its comprehensive redevelopment is supported in adopted planning policy documents including the NPPF, the London Plan and the Barnet Local Plan - Core Strategy. The Council has followed a transparent and objective decision-making process leading up to the decision to exercise its compulsory purchase powers to ensure delivery of the regeneration scheme.

8.2 The need to regenerate the Council's housing estates (including West Hendon) has been consistently recognised since at least 2000 in the Council's Housing Strategies, as follows:

- The Council's 2000-2003 Housing Strategy noted "unequivocal evidence of the close association between the highest deprivation levels in Barnet and our largest social housing estates". The strategy noted proposals to regenerate the West Hendon estate, and particularly to "develop balanced communities by diversifying tenure mix" and to "break down the barriers that currently exist between these large estates and surrounding communities".
- The 2001 Housing Strategy noted that the "key strategic housing challenge for the next five years is the regeneration of the Borough's most deprived neighbourhoods – particularly our priority estates", of which the West Hendon estate is one.
- The 2002-2005 Housing Strategy maintained that the regeneration programme is the Council's "first priority" and noted that "West Hendon is a unique area with rich potential for comprehensive regeneration" and that "this remains the most exciting of the four priority estates".
- The 2003-2010 Housing Strategy updated the position at West Hendon, stating that a "major consultation with residents completed" and "successful resident test of opinion on the proposals".
- The Council's 2010-2025 Housing Strategy stated, "Our estate regeneration schemes will see the dismantling of our largest mono tenure council estates which have proved to be unpopular and limiting in terms of opportunities for residents living on them. These failing post war estates, Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley will be replaced by mixed

tenure estates with new social housing, but also opportunities for entry level and market home ownership”.

- The recently adopted 2015 – 2025 Housing Strategy states, “The council’s largest estates in Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley are being regenerated. Dilapidated, poor quality housing is being replaced with modern, high-quality mixed-tenure accommodation. The regeneration of Barnet’s biggest estates will see 3,000 existing council dwellings replaced with 7,000 mixed tenure homes.

8.3 In relation to CPO1, at DL:14 the Secretary of State found that the existing residential accommodation of the estate is dated, and significant financial resources would be required to bring the properties up to Decent Homes Standard.

8.4 In deciding to exercise its powers under section 226(1)(a), the Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment and will result in an improvement to the economic, social and environmental wellbeing of the West Hendon area.

### Social wellbeing

8.5 The Section 106 Agreement requires a minimum of 25% of the total number of housing units to be constructed under the Scheme to be provided as Affordable Housing Units. The Developer is also obliged to submit an updated appraisal in advance of any reserved matters application for Phase 4. Where it is determined that it would be financially viable to do so, the Developer will be required to provide additional affordable housing units in the Scheme or make an additional financial contribution towards the provision of affordable housing elsewhere in the Borough. The CPO1 Inspector accepted that position at IR:578.

8.6 The Scheme not only provides a net increase of 47 affordable housing units from the previously existing provision of 453 to 500 units, it also introduces intermediate housing units previously not provided for within the estate. The scheme will therefore deliver a significantly enhanced quality of housing stock whilst also providing for a more balanced dwelling tenure mix.

- 8.7 Eligible long leaseholders are also able to take up the offer of a new Shared Equity housing unit provided that they meet the eligibility criteria, including the ability to acquire a minimum 50% equity stake in the unit.
- 8.8 Overall, the Scheme provides an improved tenure mix compared with that which currently exists on the Estate: see IR:585 and DL:14 in relation to CPO1.
- 8.9 As part of the Scheme phasing, secure tenants have been and will be rehoused within the Scheme and in most cases in a single move (where secure tenants indicate a preference for a particular property in a later phase it may be necessary to temporarily rehouse the tenants before moving to a permanent home). The phasing also allows for the maintenance and improvements to infrastructure (e.g. interim community space and Major Highway Works).
- 8.10 Phase 5A of the Scheme proposes the construction of a 2-form entry primary school, nursery and community centre. The Section 106 Agreement also provides for the payment of an education contribution amounting to £5,286,043 to be paid in instalments.
- 8.11 In the summer of 2016, a temporary community centre will be provided to off-set the loss of the current provision at 189 West Hendon Broadway which is due to occur in late 2016. The temporary facility enhances community facilities currently available such as the provision of IT facilities. A brand new community facility will be delivered as part of the later phases of the Scheme at which stage the temporary facility will revert to commercial premises.

### Environmental wellbeing

- 8.12 The issues affecting the existing Estate are set out above at Paragraphs 3.3 to 3.7. The Scheme has been designed to address the already poor and deteriorating condition of the housing stock within the Estate and to provide a sustainable solution. Any attempt to retain the housing stock and bring it up to Decent Homes Standards would be very costly and would not in any event address the inherent problems already identified.
- 8.13 The completion of the Scheme will deliver a network of public open spaces including a reconfigured York Park, a green link corridor from The Broadway to the

Welsh Harp SSSI, and will contribute to the provision or enhancement of facilities for sport, recreation and open space.

### Economic Wellbeing

- 8.14 Dating back to 2000 the Council's Housing Strategy identified a correlation between Barnet's largest social-housing estates and high levels of socio-economic deprivation.
- 8.15 One of the Scheme's central objectives is to redress that level of deprivation through the promotion of economic benefits in and around West Hendon. New retail provision, greater spending power and higher quality retail outlets are some of the means through which this objective will be met.
- 8.16 The wider Cricklewood, Brent Cross and West Hendon Regeneration Area has a major focus on the creation of new jobs. The Scheme will assist in meeting that policy objective through an increase in local spending power, the creation of retail units, and the provision of community infrastructure (new school and community centre).
- 8.17 In relation to CPO1, at DL:14 the Secretary of State found that the Scheme will bring benefits in terms of income within the area likely to result in increased demand for local retail and service facilities boosting the local economy and improving economic wellbeing.
- 8.18 In accordance with the Section 106 Agreement the Developer is obliged to pay a total of £519,000 towards recruitment, employment and training initiatives in the borough. In addition, the Developer is obliged to provide information and liase with the Council on the following;
- Forecast of skills and jobs requirements for each Phase
  - Details of local contractors and sub-contractors providing goods and services for each Phase
  - Monthly reports detailing job vacancies in advance of these being advertised outside the Borough
- 8.19 Economic benefits to West Hendon and the wider area are already being achieved and will continue to be achieved as a result of the Scheme's implementation.

8.20 The acquisition of the Order Land is required in order to secure the delivery of the next phase of the Scheme, thereby facilitating the eventual delivery of the whole of it. Completion of the Scheme is anticipated in 2027/ 2028. Given the lengthy construction period the Council is likely to require the use of additional compulsory purchase orders in order to secure the delivery of the later phases.

8.21 The wellbeing improvements which will be achieved by the Scheme as a whole can be summarised as follows:

- the provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units;
- an increase in the overall quantum of housing to meet housing need;
- improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing off-site leisure and recreation facilities;
- the construction of a new two-form entry primary school and nursery and the provision of a new community centre;
- an increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space;
- improvements to the overall townscape to provide clearly defined public realm and landscaped areas;
- management of, and improved community interaction with, the natural habitat at the Welsh Harp Reservoir, ensuring it remains a valued community asset; and
- all residential units built to comply with Part L of the Building Regulations

all of which will result in a significant improvement to the economic, social and environmental wellbeing of the area.

8.22 In relation to CPO1, the Secretary of State accepted at DL:20 that the requirements of section 226(1)(A) of the Town and Country Planning Act 1990 are satisfied because the Order will contribute significantly to the economic, social and environmental wellbeing of the area.

8.23 In order to ensure delivery of Phase 4, the Council is seeking to exercise powers under section 13 of the 1976 Act for the compulsory purchase of new rights over

part of the Order Land. Crane oversailing rights and rights of access for the purposes of erecting scaffolding and undertaking works are required to undertake and complete the redevelopment of the Order Land. At the time of making the Order no such rights were in existence over the relevant parts of the Order Land.

- 8.24 As set out in Section 10 of this Statement, the Council has contacted all freeholders and long leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations will continue in parallel with the compulsory purchase process. However, due to the number of third party interests within the Order Land, it is unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, Phase 4 of the Scheme can still proceed.
- 8.25 Rights for crane oversailing and rights of access for the erection of scaffolding are only required for a finite period during the construction phase. It is unlikely that the Council will be able to negotiate the acquisition of these rights with relevant third parties within the required timescale. Without these rights, it will not be possible to deliver the regeneration proposals.
- 8.26 Confirmation of the Order will enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of Phase 4 of the Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and West Hendon area as set out in adopted policy.
- 8.27 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.
- 8.28 Having regard in particular to the benefits to be achieved from the regeneration proposals, the low density and the poor quality of existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers to be necessary and justified, and that in all the

circumstances there is a compelling case in the public interest to make the Order, in order to facilitate the delivery of Phase 4 of the Scheme. The Council does not consider that there is a reasonable alternative to delivering Phase 4 since it forms part of a comprehensive regeneration project for which planning permission has already been granted, and which is already well underway.

8.29 Failure to confirm the Order would have the following seriously adverse consequences:

- The loss of an opportunity to regenerate the Estate in accordance with planning policy and long standing Council housing policy.
- A regeneration project that would only be partially complete.

8.30 In relation to CPO1, the Secretary of State found at DL:27 that the public benefits of the Scheme outweighed the private loss and consequently there is a compelling case in the public interest sufficient to justify CPO1. Taking account of the considerations above, the Council considers there is an equally compelling case to justify this Order.

## 9 HUMAN RIGHTS

9.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

9.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

9.3 Article 1 of the First Protocol of the Convention states:

*“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”*

9.4 Article 8 of the Convention provides:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*

*(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ....the economic well-being of the country...”*

9.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

9.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

9.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the facts background to the Order as set out in this Statement, and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public

interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of West Hendon.

- 9.8 The Council and its development partner have carried out extensive publication and consultation exercises with residents on the Estate and the wider community on the regeneration proposals. Through the various consultation exercises residents of the Estate and the wider West Hendon community have had the opportunity to make representations to the Council on the regeneration proposals.
- 9.9 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if these have not already been acquired by agreement within the timescales required to deliver the next phase of the Scheme. As explained in Section 10 below, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 9.10 The Council is therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that that the public interest that is to be served by the development and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest. The CPO1 Inspector accepted that this was the case at IR:637, and the Secretary of State agreed at DL:24.

## 10 EFFORTS TO ACQUIRE AND RELOCATION STRATEGY

### Acquisition

- 10.1 The Council holds a freehold proprietary interest over the majority of the Phase 4 land. Of that part of the Estate falling within the Order Land, there are 153 residential properties within the Council's registered freehold title, of which 30 are occupied by secure council tenants. 33 long leasehold interests are held by third parties and the remainder are occupied under other arrangements.
- 10.2 The Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through possession proceedings under section 83 of the Housing Act 1985 and Ground 10A of Part II to Schedule 2 of that Act. Vacant possession of units occupied by non-secure tenants will be obtained through the service of notices to quit.
- 10.3 Properties in the Estate where a leasehold interest has been acquired by a third party are included within the Order. The appointed surveyor has contacted all of these leaseholders with a view to acquiring their interests by private treaty. Where appropriate offers to assist leaseholders to purchase units within the new development have been and will continue to be made.
- 10.4 Eligible resident leaseholders who cannot afford to purchase a new property in the Scheme outright will be offered shared equity options in the Scheme provided they purchased their home on or before 30 September 2003 (being the date on which the Council and Developer confirmed the regeneration proposal), and the property is their principal home at the time an offer is made, and has been their principal home for at least 36 months of the previous 5 years.
- 10.5 As part of the CPO1 process 33 out of 34 long leasehold interests within the Estate Properties (Phase 3b) were acquired through private treaty negotiations. The Council only needed to exercise its CPO powers in respect of 1 Estate Property. Negotiations to acquire remaining third party interests within Phase 3c of the Scheme are ongoing.

10.6 The Council and Developer remain committed to negotiating the acquisition of all third party interests by agreement where possible.

#### Relocation

10.7 Although required to notify all Council tenants of the making of the Order and list such interests in the Schedule, the Council does not intend to compulsorily acquire the interests of the secure and non-secure tenants unless possession proceedings fail to achieve vacant possession and relocation of tenants within a reasonable timeframe. As set out in paragraph 10.2 above, it will seek to achieve vacant possession of units occupied by Council tenants through possession proceedings. The relocation strategy for the redevelopment is set out below. Upon completion of Phase 3b (and in some cases Phase 3c), secure tenants will be decanted from the Order Land buildings in order to enable the next phase of the development to proceed.

10.8 All existing secure tenants within the Order Land will be eligible for re-housing and a new home will be offered in one of the new units in the Scheme. If a secure tenant opts to move away from the Estate the Council will facilitate and organise moves through other programmes accessible to the Council to other locations in London and the UK.

10.9 Provided that they meet the criteria in the Housing Allocations Scheme, non-secure tenants displaced from the properties they occupy as a result of the Order will be provided with suitable alternative accommodation.

10.10 Relocations in respect of secure and non-secure tenants will be managed and carried out in accordance with the Council's West Hendon Residential Decant Strategy, the West Hendon Regeneration Secure Tenants' Moving Pack and the Housing Allocations Scheme. These documents set out protocols which are compliant with the Council's legal obligations.

10.11 Of the non-secure tenants displaced as a result of CPO1, 84% were rehoused by the Council; the remaining 16% were not rehoused for various reasons including non-occupation, tenancy breaches, tenancy fraud and refusals to accept reasonable offers of alternative accommodation. Of the 84%, over half of the

tenants were rehoused on a form of secure tenancy and around 95% remained in the Borough.

## 11. **SPECIAL CONSIDERATIONS**

- 11.1 There are no special considerations applying to the Order Land. There are no listed buildings or ancient monuments located within the Order Land; the Order Land is not located within a conservation area; and there is no consecrated land, renewal area land, allotment land or open space included in it.
- 11.2 It is acknowledged that the Broadway, also known as Watling Street, is a former Roman Road, however there are no formal historic protections over a road which is widely used.

## 12 ASSOCIATED ORDERS

- 12.1 Compulsory purchase powers were obtained in order to deliver Phases 3b and 3c pursuant to The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 1) 2014 (CPO1) which was confirmed on 12<sup>th</sup> November 2015 following a local public inquiry.
- 12.2 A further compulsory purchase order, made under section 239 of the Highways Act, 1980 will be required to enable the highway improvements to the junction of Station Road and the Broadway to take place. This also forms part of Phase 4 of the Scheme. The Highways CPO will be progressed concurrently with the Order.
- 12.2 Stopping up orders to be sought for Phase 4 are summarised as follows:
- Highways over which Stopping Up Orders are to be sought under the Highways Act 1980 – Warner Close, Tyrell Way, Stanley Road and part of Milton Road.
  - Private means of access to be Stopped Up under the Highways Act 1980 – include the access ways that surround flats 1 to 124, and the access ways that surround flats 11 to 27.

## 13 CONCLUSION

- 13.1 The implementation of Phase 4 of the West Hendon regeneration proposals will result in a transformation of the Estate and the wider area by the removal of blighted post-war housing and its replacement with a high quality mixed-use development which will create a balanced, mixed and inclusive communities this will improve the quality of life of existing and future residents and the wider community. In order to achieve this, the compulsory acquisition of interests in the Order Land specified in the Schedule to the Order will be required so that if the Council and the Developer are unable to acquire such interests by private treaty it will still be able within a reasonable timescale to deliver Phase 4.
- 13.2 The Scheme will deliver a comprehensive residential development with an increased quantum of housing and an improved mix of affordable housing including family housing. It will also bring improvements to the quality of private amenity space, open spaces and the public realm. Through the regeneration proposals the locality will benefit from more varied and higher quality commercial floorspace on The Broadway. Greater access will also be afforded to recreation and leisure facilities through the construction of a new pedestrian and cycle bridge adjacent to the existing Cool Oak Lane bridge. All of this will also result in significant improvements to the overall townscape and visual appearance of the Estate and wider area.
- 13.3 The Council considers that the Scheme will bring about the transformation of an estate which it has identified as a “*priority housing estate for regeneration*,” and is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the redevelopment and improvement of the Order Land through the delivery of the Scheme. This will result in significant improvement in the economic, social and environmental wellbeing of the Council’s area.
- 13.4 In confirming the order for CPO1, the Secretary of State (DL:27) considered that:
- (i) the land to be acquired substantially accorded with the adopted planning policy framework for the area;
  - (ii) the proposed purpose for that order would have positive effects on the economic, social and environmental well being of the area;

- (iii) the potential financial viability of the wider scheme had been demonstrated and there is a reasonable prospect that the Scheme would proceed; and
- (iv) no reasonable alternatives exist in achieving the purpose of the proposal.

Overall, the Secretary of State agreed with the Inspector and found that the public benefits to be achieved through the Scheme significantly outweigh the private loss and consequently “... *there is a compelling case in the public interest to justify sufficiently the interference with the human rights of those individuals affected by the Order*”.

13.5 The Council, therefore, requests the Secretary of State to confirm the Order.

14. **OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**
- 14.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:
- Simon Bailey  
Regeneration Manager  
London Borough of Barnet  
Barnet House  
1255 High Road  
Whetstone  
N20 0EJ  
[simon.bailey@barnet.gov.uk](mailto:simon.bailey@barnet.gov.uk)  
020 8359 7671
- 14.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:
- Michael Walton  
Bilfinger GVA  
65 Gresham Street  
London  
EC2V 7NQ
- Michael.Walton@gva.co.uk  
020 7911 2773
- 14.4 The Royal Institution of Chartered Surveyors (RICS) operates a compulsory purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact RICS on 024 7686 8555 or via its website:  
[www.rics.org](http://www.rics.org)

15. **DOCUMENTS TO BE REFERRED TO IN THE EVENT OF AN INQUIRY**

15.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed below. The list is not exhaustive and the Council may also refer to additional documents in order to address any objections made to the Order.

- the Order, Order Schedule and Order Map;
- report to committee and decision notice granting planning permission ref:H/01054/13;
- CRC report and minutes of 16 December 2013, authorising resolution in principle for the making of up to 4 CPOs;
- Full Council – resolution to make CPO2 4 April 2016;
- Agreement pursuant to section 106 of the Town and Country Planning Act 1990, dated 19 November 2013;
- National Planning Policy Framework 2012;
- London Plan 2011;
- London Borough of Barnet Local Plan – Core Strategy 2012;
- London Borough of Barnet Local Plan Development Management policies 2012;
- SoS Decision Letter for CPO1;
- Inspector's Report for CPO1

15.2 Copies of the Order, Order Schedule, Order Map and this Statement can be inspected during the following times at these locations:

Location	Opening hours
<b>London Borough of Barnet Offices</b> Main Reception – Building 4 North London Business Park Oakleigh Road South London N11 1NP  0208 359 2000	8:30am -5pm Monday to Friday
<b>Hendon Town Hall</b> The Burroughs London NW4 4AX  0208 359 2074	9-5pm Monday to Friday
<b>Barnet House – Planning reception</b> 1255 High Road Whetstone N20 0EJ  0208 359 2000	9-1pm Monday, Wednesday and Friday
<b>Hendon Library</b> The Burroughs	Monday 9.30am - 8pm

<p>London NW4 4AX</p> <p>020 8359 2628</p>	<p>Tuesday 9.30am - 5pm Wednesday 9.30am - 8pm Thursday 10am - 8pm Friday 9.30am - 5pm Saturday 9.30am - 5pm Sunday 2pm - 5pm</p>
<p><b>Housing Office</b> 17 The Concourse Grahame Park London NW9 5XA</p> <p>020 8359 2900</p>	<p>Monday 9.00am-5.15pm Tuesday 1.00pm-5.15pm Wednesday 1.00pm-5.15pm Thursday 9.00am-6.00pm Friday 9.00am-5.00pm</p>

Documents relating to the Order can be dowloaded from the Council's website via the following link:

[http://www.barnet.gov.uk/info/128/compulsory\\_purchase\\_order\\_-\\_a\\_schedule\\_of\\_properties/563/compulsory\\_purchase\\_order\\_-\\_a\\_schedule\\_of\\_properties](http://www.barnet.gov.uk/info/128/compulsory_purchase_order_-_a_schedule_of_properties/563/compulsory_purchase_order_-_a_schedule_of_properties)