

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

Statement of Reasons

Contents

	Page No.
1. INTRODUCTION	3
2. BACKGROUND	6
3. DESCRIPTION AND LOCATION OF THE ORDER LAND	11
4. DESCRIPTION OF THE SCHEME	15
5. PLANNING STATUS OF THE ORDER LAND	20
6. DELIVERY STRUCTURE AND FUNDING	31
7. EXPLANATION OF THE USE OF THE ENABLING POWERS	35
8. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS	38
9. HUMAN RIGHTS	42
10. EFFORTS TO ACQUIRE AND RELOCATION STRATEGY	44
11. SPECIAL CONSIDERATIONS	46
12. ASSOCIATED ORDERS	49
13. CONCLUSION	50
14. OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER	51
15. DOCUMENTS TO BE REFERRED TO IN THE EVENT OF AN INQUIRY	52

**THE LONDON BOROUGH OF BARNET (WEST HENDON REGENERATION AREA)
COMPULSORY PURCHASE ORDER No. 1 2014**

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 1) 2014 (“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 35 of Circular 06/2004: Compulsory Purchase and the Criche! Down Rules (“the Circular”).
- 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. This Statement is submitted to the Secretary of State in respect of the Order Land falling within the first CPO for the Scheme.
- 1.6 The Order Land forms part of the West Hendon Estate (“the Estate”). Redevelopment on part of the Estate has already taken place pursuant previous planning permissions. However, following the economic downturn in 2009 those proposals became unviable. The Order Land comprises the land requirement for the delivery of Phase 3 of the Scheme.
- 1.7 The Council’s Core Strategy designates the Estate as one of the Priority Housing Estates requiring regeneration to meet Decent Homes Standards.
- 1.8 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.
- 1.9 The Scheme is to be 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 3 has been subdivided into development phases 3a, 3b and 3c.

Phase	Indicative Commencement Dates
3a	Construction commenced January 2014
3b	2015 – 2016
3c	2015 – 2017
4, 5 & 6	2016 – 2025

- 1.10 Vacant possession of the land required to enable the construction of Phase 3a has been achieved without the need to exercise compulsory purchase powers (further

details are set out in section 6 of this Statement) and construction commenced on 14 January 2014.

- 1.11 Compulsory purchase powers are sought at this stage in order to deliver Phase 3b and 3c. Further powers will be sought in due course in order to implement later phases of the Scheme.
- 1.12 The Council has procured the services of a property surveyor to commence 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.
- 1.13 Compulsory purchase powers are being sought in respect of the Order Land in order to ensure the timely delivery of Phases 3b and 3c 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 Department for Communities and Local Government (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.

- 2.12.2 The Resident Regeneration Group (RRG) has been established for over ten years enabling detailed discussions regarding the regeneration plans to take place. It is facilitated by a Resident Independent Adviser and is open to all residents of the Estate. The RRG is the body through which the Council consults residents on the Estate about the regeneration proposals.
- 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

- 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 5th and 8th December 2012, setting out full details of the proposals within the planning application for the Scheme
- 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
- Site visit and presentation for GLA Member for Barnet – Andrew Dismore and the Leader of the Labour Group – Alison Moore

2.14 **West Hendon Regeneration Partnership Board**

- 2.14.1 The West Hendon Regeneration Partnership Board (which replaces the RRG) will be formally constituted following the election of members at the next meeting on 17 June 2014. This board will act 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.
- 2.15 Over the past 12 months 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;
 - letters and booklets informing residents of the CPO process;
 - door knocking exercise undertaken by the Independent Resident Adviser July 2013;
 - meetings with residents (9 May, 5 & 26 September, 5 & 16 December 2013, 6 March, 1 April, 30 April and 28 May 2014);
 - consultation exercises (18, 22 & 25 March 2014);
 - commencement of negotiations to acquire properties.
- 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 and the Council and Developer are committed to continued public engagement activities.

3 DESCRIPTION OF THE ORDER LAND AND SURROUNDINGS

- 3.1 The Order Land comprises approximately 22,825 square metres of land and forms part of the Estate, part of The Broadway and land adjacent to the Cool Oak Bridge, lying to the south west of the Borough in the West Hendon Ward bordering the London Borough of Brent. It is bounded by Marriotts Close to the north, Edgware Road (A5) to the east, the Welsh Harp Reservoir and Warner Close to the west and south and Cool Oak Lane.
- 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.
- 3.3 The Estate properties were constructed in the 1960s using large panel pre-cast concrete 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 Broadway shopping district is characterised by small convenience stores, 'pound shops', restaurants and a selection of necessity shops. There are a small number of specialty stores including a boating shop, an anglers shop and a lighting store. The Broadway shopping area is of poor quality with many shops in need of refurbishment or redevelopment. 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.
- 3.5 The buildings on the Order Land vary from three storey buildings fronting the Broadway to blocks ranging between 6 to 14 storeys in height and includes housing stock which is time expired, in poor condition and in terminal decline. The Estate properties are in a poor state of repair, provide sub-standard accommodation for residents and qualify as defective dwellings under the Housing Act 1985. Estimates undertaken by the Council suggest that upgrading the existing

estate housing within the Order Land to Decent Homes Plus standards would require considerable investment and in any event, 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 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.

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

Property	Description
181 -197 (odd numbers only) The Broadway	commercial and residential units
2 Perryfield Way, flats 1 -5	5 residential units
2 - 5a Parade Terrace	10 residential units
1 - 76 Franklin House	76 residential units
11 - 98 Marriotts Close	88 residential units
1 - 32 Tyrell Way	32 residential units
Electricity sub-station at Franklin House	Infrastructure

Land adjacent to existing Cool Oak Bridge	Land and the creation of new rights over land adjacent to the existing Cool Oak Bridge
Land and property adjoining 199 - 201 (odd numbers) The Broadway	Land over which the creation of new rights will be sought

- 3.8 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.
- 3.9 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.
- 3.10 Vehicular access to the Order Land is from the Perryfield 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 Order Land and wider Estate. Later phases of the Scheme will include 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.
- 3.11 To the west of the Order Land is the Welsh Harp Reservoir SSSI. The Welsh Harp is a major natural local asset which is currently hidden from view due to the imposing nature of the Estate and has a poorly managed boundary often leading to unauthorised access to the SSSI. Due to the existing layout of the Estate and its buildings, it is possible to stand at various points within the majority of the Estate and be unaware of the Welsh Harp Reservoir. The implementation of the Scheme will enable the Welsh Harp Reservoir to be viewed from the Broadway for the first time since the Estate's construction. It is also proposed to integrate the SSSI with the new development to create a new natural asset for the benefit of the local community.

- 3.12 The existing vehicular bridge at Cool Oak Lane lies to the south of the Order Land and land adjoining it is included within the Order in order to deliver a new pedestrian and cycle crossing. The bridge itself is not included in the Order, further detailed information about this element of the Scheme is given in section 11 of this Statement.
- 3.13 Overall, the current layout of the Estate contributes to the current problems experienced by residents such as anti-social behaviour. Evidence gathered as part of the Socio-Economic Assessment within the Environmental Statement from the DCLG Indices of Multiple Deprivation, 2010, suggests that crime rates are higher in West Hendon than in any surrounding neighbourhoods, with data showing that West Hendon is amongst the 40% of the most deprived areas nationally.
- 3.14 The Estate does not offer a mixed and balanced community (76% affordable housing units); has poorly designed public and private space; no clear hierarchy of streets or desirable through routes; offers no sense of orientation within the Estate; a lack of natural surveillance on public routes; 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.

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
- Creating linkages through from the estate to West Hendon Broadway and Welsh Harp reservoir
- New education & community facilities as well as retail and commercial space
- Appropriate landscaping, open space and parking provision
- 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 3,870m² (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m² (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 131m² (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 proposal.

4.7 As stated, CPO1 is required to deliver sub phases 3b & 3c of the Scheme.

4.8 Given the lengthy construction timeframe to deliver all phases of the Scheme, the Council proposes to make up to three additional separate CPOs for the latter phases.

4.9 The table below outlines the proposed number of residential units to be delivered within Phase 3 of the Scheme (for which the Order Land is being sought to secure its delivery):

	Social Rent	Intermediate	Private / Market
3a	74	0	142
3b	41	0	46
3c	58	18	280
Total	173	18	468
Grand Total	659		

- 4.10 The Scheme will deliver a new generation of high quality homes. All new housing will comply with Lifetime Homes Standards; include wheelchair provision, meet Code for Sustainable Homes Level 4 energy and sustainability standards; 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.
- 4.11 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 re-housed 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 28% of the residential units to be constructed within Phase 3 will be provided as affordable housing.
- 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. It is also proposed that later phases of the Scheme will deliver additional improvements to the Broadway and Station Road.
- 4.13 The majority of the properties fronting The Broadway will not be physically affected with selective demolition taking place as necessary in order to enable the Scheme to be built. 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.
- 4.14 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 all 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.

- 4.15 At present there is a poor linkage between the Estate and the West Hendon Recreation Ground. The land at Cool Oak Lane is included within the Order Land to enable the construction of a new pedestrian and cycle bridge alongside the existing one, enabling pedestrian/cycle connections between the Estate and the West Hendon Recreation Ground. The section 106 Agreement also secures contributions for significant improvements/enhancements to off-site leisure and recreation provision within this area.
- 4.16 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. In addition an interim temporary community space will be provided to off-set the early demolition of current community floorspace at 189 The Broadway.
- 4.17 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 two of the 21 'A' grade Trees to be removed.
- 4.18 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 its 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 Order Land, 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.

- 4.19 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 to Code for Sustainable Homes Level 4 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.
- 4.20 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.

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 following paragraphs summarise how the Scheme meets key planning policy objectives.

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 Borough's 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 represents 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 to and achieve a Code for Sustainable Homes Level 4;
- 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;
- 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. In terms of housing provision the London Plan sets a strategic target to provide 22,550 additional homes in the London Borough of Barnet between 2011 and 2021, 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.

5.9 The provision of housing at West Hendon is therefore an important component 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.

5.10 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).

5.11 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.

Density

5.12 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.

5.13 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.

5.14 It is considered that the following issues support the Scheme density:

- 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;
- 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.

Affordable Housing

5.15 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.

- 5.16 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.
- 5.17 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.
- 5.18 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.
 - The provision of 75% private housing, in addition to the intermediate housing units which are to be constructed as part of the Scheme, is considered to 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).
- 5.19 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

- 5.20 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

- 5.21 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.
- 5.22 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.
- 5.23 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.

5.24 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.

5.25 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.

- The Scheme incorporates high quality design which will substantially 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

5.26 The approach to tall buildings in this location is consistent with that of the Local Plan and London Plan policies.

5.27 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 Guidance on Tall Buildings (2007) by English Heritage and CABE.

5.28 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

5.29 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.

5.30 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.

5.31 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

- 5.32 The NPPF promotes healthy communities. The provision of open space and play space makes an important contribution to achieving this (paragraph 69).
- 5.33 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.
- 5.34 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.
- 5.35 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.
- 5.36 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.
- 5.37 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.

Trees

5.38 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.

5.39 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 will submit details relating to landscaping to the Council for its approval in accordance with the planning permission. Once approved, those landscaping details will identify the locations of new trees and other planting across the Scheme.

Environmental Impact Assessment (EIA)

5.40 The Scheme proposals fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment - England and Wales) Regulations 2011 falling within the description of an urban development project. The Developer submitted an Environmental Statement (ES) assessing the environmental impacts of the Scheme.

5.41 In granting planning permission, the Local Planning Authority fully considered the environmental impacts of the Scheme.

- 5.42 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.
- 5.43 Planning permission has been granted for the Scheme and it is anticipated that details relating to outline phases of the Scheme and requiring reserved matters approval can be addressed satisfactorily. In accordance with the s106 Agreement the planning obligations relevant to the Scheme will be discharged on a phased basis and 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.

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 5.42 of this Statement, the Developer has been granted planning permission (part detailed and part outline) for the entire proposed Scheme. Part of the detailed permission relates to land underlying this Order. The Scheme will be 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 For over 30 years Barratt has been at the forefront of regeneration in London, building more than 27,000 homes. Over the past 10 years it has completed 13,500 new homes in London.

6.5 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.

6.6 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 36,000 affordable homes for rent and sale to those with greatest housing need, along with a range of care and support services.

- 6.7 Metropolitan provides a diverse range of service to over 80,000 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.
- 6.8 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.
- 6.9 Accordingly, the Developer is well placed to undertake and deliver a scheme of this nature and scale.

Delivery and Funding

- 6.10 The Council and its development partners entered into the PDA to secure the delivery of the regeneration of the Estate. The PDA was varied on 5 February 2014 to reflect the Scheme and changes to its commercial aspects.
- 6.11 The Scheme is financially viable and 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. Through the negotiation and completion of the PDA the Developer has demonstrated its ability to finance the Scheme. The Council is satisfied that the Developer is able to finance the delivery of the Scheme and the Developer remains committed to doing so.
- 6.12 The delivery of Sub Phase 3a is supported by £5.5M social housing grant through the Affordable Homes Programme, as well as £6.8M Get Britain Building funding. The funding streams are allocations at this time to be drawn down as and when relevant pre-conditions are achieved. Neither the Developer nor the Council consider any of these pre-conditions to represent a risk in the Developer's ability to draw down funding when required.

- 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 three additional subsequent CPOs, again including land acquisition costs.
- 6.14 The Council and the Developer are satisfied that the Scheme is 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 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
181 – 197 (odd numbers) The Broadway	March 2017
2 Perryfield Way (flats 1-5)	
2 – 5a (inclusive) Parade Terrace	
1 - 76 Franklin House	March 2015
11 – 98 Marriotts Close	
1 – 32 Tyrell Way	
Land adjacent to Cool Oak Lane Bridge	Late 2018

- 6.17 The Council is the freehold proprietor of part of the land falling within Sub Phase 3a which includes the former car parks at Perryfield Way and land at York Park. On 12 September 2013, the Council appropriated the land at York Park (formerly

public open space) and the car parks at Perryfield Way (formerly held for highway purposes) for planning purposes. The Council stopped up the public highway rights over the former car parks on 4 July 2013. The Developer acquired the freehold interest in the remaining land required to deliver Sub Phase 3a (land formerly known as the Catalyst site).

- 6.18 The Council and Developer have therefore achieved vacant possession in respect of the land required to enable the construction of Phase 3a enabling construction works to commence on site. As previously stated, the Order Land is required to deliver Phases 3b & 3c and to ensure the extinguishment of any third party interests in parts of Phase 3a.
- 6.19 The Developer intends to submit a reserved matters application in respect of Sub Phase 3b & 3c to the Council in mid-late 2014. Construction is estimated to commence in spring 2015.
- 6.20 In accordance with the PDA, the Council will appropriate additional parcels of York Park immediately before the relevant land transfer to the Developer as required for each phase.
- 6.21 Further phases of the project will deliver the overall objectives of the Council, and are expected to commence in 2016 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 allows a local authority to acquire compulsorily any land within its area if 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; and (ii) permanent rights of access for the construction, maintenance and public use of a pedestrian / cycle bridge at Cool Oak Lane which oversails the reservoir and its banks.

7.5 Section 8 below sets out in more detail how the well-being powers have been considered in relation to the redevelopment of West Hendon.

Circular 06/2004 – Compulsory Purchase and the Crichel Down Rules

- 7.6 Government guidance on the use of compulsory purchase powers is provided in Circular 06/2004 which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 7.7 Paragraph 17 of the Circular further requires 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 Appendix A of the Circular provides specific guidance on the making of orders under section 226 of the 1990 Act. Paragraph 16 of Appendix A 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 16 of Appendix A to the Circular 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 Core Strategy for the area;
 - the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
 - the potential financial viability of the scheme for which the land is being acquired; and
 - whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means
- 7.10 Appendix M to the Circular 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 guidance in the body of the Circular and in Appendices A and M 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 The Broadway, which will 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 the next phase 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 Careful consideration has been given to the inclusion of each parcel of land within the Order Land, and the Council is satisfied that all of the Order Land is required to enable the completion of phase 3b and 3c of the Scheme.
- 8.3 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.
- 8.4 In particular, the redevelopment of the Order Land will significantly improve the overall quality of the housing accommodation available, benefiting the social and environmental well-being of the area. The overall appearance of the area will be improved, benefiting the environmental wellbeing. Current and future residents will enjoy an improved quality of life from homes built to Lifetime Homes Standards, benefiting the social and environmental wellbeing of the area.
- 8.5 The development will create a more attractive, vibrant and sustainable neighbourhood through high design standards; an improved mix of housing tenures and sizes; clear distinct improvements to the public realm; and overall a more balanced and inclusive community. This will benefit the environmental and social wellbeing of the area and also the economic wellbeing of the area.
- 8.6 The redevelopment of The Broadway will seek to return vacant units to active uses and will result in visual and qualitative improvements to the retail and commercial floorspace on offer within the locality, thereby benefiting the economic wellbeing of the area.

8.7 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 2029. Given the lengthy construction period the Council is likely to require the use of up to three additional compulsory purchase orders in order to secure the delivery of the later phases.

8.8 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;
- 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 Code for Sustainable Homes Level 4

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

8.9 Having considered how the redevelopment is to be carried out, in order to ensure delivery 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: (i) erecting scaffolding and undertaking works; and (ii) construction, maintenance and public use of the pedestrian and cycle bridge over the reservoir and its banks are required to implement and complete the redevelopment of the Order Land. At the time of making the Order the Council confirms that such rights were not in existence over that part of the Order Land.

- 8.10 As is set out in section 10 of this Statement, the Council has contacted all freeholders and long leaseholders within the Order Land inviting them to commence negotiations by agreement. These negotiations will continue in parallel with the compulsory purchase process, but, 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. Any uncertainty with regard securing the site, and the site assembly timescale would create difficulties in delivering the required regeneration proposals.
- 8.11 Rights for crane oversailing and rights of access for the erection of scaffolding are only required for a finite period during the construction phase. Furthermore, as well as acquiring land, permanent rights of access are also proposed to be acquired for the construction, maintenance and public use of the new pedestrian and cycle bridge (including the placing of bridge supports) at Cool Oak Lane over the reservoir and its banks. 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, and therefore the rights have been included within the Order.
- 8.12 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 phases 3b & 3c 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.
- 8.13 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.
- 8.14 Having regard in particular to the benefits to be achieved from the regeneration proposals, 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 3b & 3c of the Scheme.

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 ofthe 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 regards 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 the Developer has been unable to acquire those interests by agreement within the timescales required to deliver the next phase of the Scheme. As explained in section 11 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 in the Order Land. The Council therefore, believes that a fair and proportionate balance has been struck between the interests of those whose Convention rights will be affected and the community as a whole.

10 EFFORTS TO ACQUIRE AND RELOCATION STRATEGY

Acquisition

- 10.1 The Council holds a freehold proprietary interest over the majority of the Order Land. Of that part of the Estate falling within the Order Land, there are 199 residential properties within the Council's registered freehold title, of which 73 are occupied by secure council tenants and 88 are occupied under other arrangements. There are 38 properties where a leasehold interest has been acquired by a third party.
- 10.2 The Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through the use of 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 The properties (within the Estate) where a leasehold interest has been acquired by a third party are included within the Order. The Council's 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 will 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, and the property is their principal home at the time an offer is made and has been for at least 36 months out of the previous 5 years.
- 10.5 The Council's surveyor has contacted all remaining third party commercial and residential interests identified within the Order Land inviting them to enter into negotiations to acquire those interests by agreement, including payment of appropriate compensation. The Council's surveyor will also assist commercial occupiers with a regularly updated schedule of vacant units within the local area which may be suitable for relocation purposes.

10.6 The Council remains committed to negotiating the acquisition of all third party interests and its surveyor will continue discussions with all third party interests with a view to reaching an 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. As set out in paragraph 10.2 above, it will achieve vacant possession of units occupied by Council tenants through possession proceedings. For completeness, the relocation strategy for the redevelopment is set out below, demonstrating that this is not an impediment to Scheme delivery. Upon completion of Phase 3a, 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 the offer of a new home will be within one of the new units within 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 Non-secure tenants displaced from the properties they occupy as a result of the Order will be provided with suitable alternative accommodation.

11. SPECIAL CONSIDERATIONS

- 11.1 The existing vehicular bridge at Cool Oak lies adjacent to the Order Land. It was built in 1835 (at the point of the damming of the River Brent) of brown brick laid in English bond. The bridge was listed (Grade II) on 16 August 2000.
- 11.2 At present the bridge allows for both vehicular and pedestrian crossing however, both users have to share the same narrow carriageway which is not ideal.
- 11.3 The Scheme proposes a new pedestrian and cycle bridge (secured through a planning obligation in the s106 agreement) the design of which will be approved as part of the reserved matters application for sub phases 3b & 3c. The new pedestrian and cycle bridge will not directly abut the listed bridge.
- 11.4 Including land and new rights over land immediately adjacent to the existing bridge within the Order Land is necessary in order to ensure the delivery of improved pedestrian and cycle access within Phase 3c, as required by the s106 Agreement. The existing listed bridge will remain in situ. The Order Land includes land to be acquired for the construction of landing strips for the new bridge as well as the creation of new rights over land required to facilitate the construction, maintenance and public use of the enhanced pedestrian / cycle crossing.
- 11.5 A new pedestrian / cycle bridge at this location will assist in the wider connectivity of the new development and its locality. It will also provide greater access to the Woodfield Park Sports Ground and the Welsh Harp open space.
- 11.6 Later Phases of the Scheme will also deliver a new bridge over the Silk Stream (to the north of the Order Land). The provision of the new bridges at Cool Oak Lane and Silk Stream will provide access to the West Hendon Playing Fields, Silver Jubilee Park, Woodfield Sports Ground and their associated facilities, ensuring that the whole regeneration area is within a target 800m walking distance of youth provision. Thereby mitigating the existing shortfall of playspace provision for older children aged 12+.

Open Space – section 19 and schedule 3 paragraph 6 of the Acquisition of Land Act 1981

- 11.7 Land to the north of the existing bridge which is required for the construction and maintenance of the new bridge is public open space within the meaning of section 19 of the Acquisition of Land Act 1981 (“ALA 1981”) and for this reason plot numbers 41A, 41B, 42, 43 and 43A constitute special category land.
- 11.8 Order Lands south of the existing bridge (i.e. plot numbers 38, 38A, 39, 40, 40A and 44), do not constitute public open space within the meaning of section 19 ALA 1981, for the following reasons: land falling within plot 44 is inaccessible to the public at large and in any event use of the land falling within those plot numbers has always required the permission of the freeholder (i.e. under lease or licence).
- 11.9 Plot number 42 as shown coloured pink on the Order Map and in which all existing interests are to be acquired, equates to less than 250 square yards in extent; therefore the Secretary of State will be requested to certify, in accordance with section 19(1)(b) ALA 1981, that the giving of exchange land is unnecessary.
- 11.10 In relation to the land constituting public open space over which rights only are to be acquired for the new bridge (plot numbers 41A, 41B, 43 and 43A) shown coloured blue on the Order Map, Schedule 3 paragraph 6 ALA 1981 applies. Therefore the Secretary of State will be asked to certify, in accordance with paragraph 6(1)(a), that the land, when burdened with the proposed rights, will be no less advantageous to the landowner and the public.

Canal and River Trust

- 11.11 The Canal and River Trust (CRT) are the freehold proprietors of plot numbers 38 to 43A inclusive.
- 11.12 The statutory powers and duties underpinning CRT’s management of waterways in England and Wales were transferred to it from the British Waterways Board on 2nd July 2012, under The British Waterways Board (Transfer of Functions) Order 2012 (“the Transfer Order”).

- 11.13 The Brent Reservoir (also known as the Welsh Harp) over which the new pedestrian / cycle bridge is to be constructed, feeds the Paddington Arm of the Grand Union Canal and the management of these waters (plot 41) is likely to fall within CRTs statutory functions.
- 11.14 The Council is satisfied that the purchase of new rights over land required for the construction and maintenance of the new pedestrian / cycle bridge at Cool Oak Lane can be acquired (and not replaced) without serious detriment to CRTs undertaking.
- 11.15 There are no ancient monuments within the Order Land. The Order land is not within a conservation area and there are no issues concerning consecrated land, renewal area etc.

12 **ASSOCIATED ORDERS**

- 12.1 The Council confirmed stopping up orders in respect of the former car parks at Perryfield Way and part of Telford Road on 4 July 2013 and 27 February 2014 (respectively).
- 12.2 The stopping up orders mean that there are no highways-related impediments to the delivery of Sub Phase 3a.
- 12.3 Further stopping up orders will be required to enable the development of later phases of the Scheme. The Council will ensure that suitable alternative access routes will be provided to residents and therefore does not envisage any impediments to obtaining the additional orders.

13 CONCLUSION

- 13.1 The implementation of sub-phases 3b and 3c 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 sub-phases 3b & 3c.
- 13.2 The Scheme will deliver a comprehensive residential development with 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 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:

Anna Morell
Regeneration Officer
London Borough of Barnet
North London Business Park
Oakleigh Road South
London
N11 1NP
anna.morell@barnet.gov.uk
020 8359 2387

14.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:

Rosie Moore
Associate – Compulsory Purchase and Valuation
Property and Infrastructure
Capita
4th Floor
65 Gresham Street
London
EC2V 7NQ
020 7544 2055

hendon.regen@capita.co.uk

14.3 Those parties affected by the Order who wish to discuss matters with the Developer should contact the Developer's Surveyor:

Virginia Blackman
GVA
10 Stratton Street
London
W1J 8JR
Virginia.blackman@gva.co.uk
020 7911 2583

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

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;
- Leader of the Council decision dated 27 February 2014 – resolution to make CPO1;
- 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;

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
London Borough of Barnet Offices Main Reception – Building 4 North London Business Park Oakleigh Road South London N11 1NP 0208 359 2000	8:30am -5pm Monday to Friday
Hendon Town Hall The Burroughs London NW4 4AX 0208 359 2074	9-5pm Monday to Friday
Barnet House – Planning reception 1255 High Road Whetstone N20 0EJ 0208 359 2000	9-1pm Monday, Wednesday and Friday
Hendon Library The Burroughs London NW4 4AX 020 8359 2628	Monday 9.30am - 8pm Tuesday 9.30am - 5pm Wednesday 9.30am - 8pm Thursday 10am - 8pm Friday 9.30am - 5pm

	Saturday 9.30am - 5pm Sunday 2pm - 5pm
Housing Office 17 The Concourse Grahame Park London NW9 5XA 020 8359 2900	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

Documents relating to the Order can be downloaded 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