
Meeting	Cabinet Resources Committee
Date	2 April 2014
Subject	West Hendon Regeneration Project
Report of	Leader of the Council
Summary of Report	Members are asked to note that the map appended to the resolution authorising the making of CPO1 of the West Hendon Regeneration Scheme made by the Leader on 11 February 2014, was subsequently amended (to include a slightly larger area at Cool Oak Lane Bridge). The leader made a resolution authorising the making of CPO1 reflecting the amended map on 27 th February 2014. As a result, the resolution signed on 11 February 2014 no longer applies.

Officer Contributors	Anna Morell, Regeneration Officer, Strategic Planning & Regeneration
Status (public or exempt)	Public
Wards Affected	West Hendon
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Executive
Enclosures	None

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1. RECOMMENDATION

1.1 That the Committee note that the Leader of the Council on 27th February 2014:

- (i) made a resolution authorising the making of CPO1 and approved the amended CPO1 Map**

2. RELEVANT PREVIOUS DECISIONS

2.1 Relevant background papers between July 2005 and July 2013 are as listed in the report to Cabinet Resources Committee, 16 December 2013, item 11.

2.2 On 12 September 2013, the Leader authorised the following action:

1. The appropriation of the land shown coloured blue on plan 716_00_SK_099, (excluding the area shown coloured blue with hatched red) to planning purposes in accordance with the provisions of S.122 of the Local Government Act 1972;and
2. The delegation of authority to the Strategic Director Growth and Environment (formerly the Director for Place) to appropriate the land shown coloured blue and hatched red on plan 716_00_SK_099 for planning purposes following the closure of the highway in accordance with the provisions of S.122 of the Local Government Act 1972; and
3. Subject to Secretary of State consent the transfer the land shown coloured blue on plan 716_00_SK_099 to Barratt Metropolitan LLP in accordance with the relevant provisions of the Principal Development Agreement.

2.3 Cabinet Resources Committee 16th December 2013 resolved the following:

1. The making of 4 Compulsory Purchase Orders and necessary General Vesting Declarations to acquire all non-Council owned property and other proprietary interests (including as appropriate new rights over land) in the West Hendon Regeneration Scheme within phase 3a
2. That due to there being no scheduled CRC meeting in January 2014 and the restricted timescales for the making of the CPO for phase 1 (CPO1), the Leader grant the resolution to make CPO1 in January (following receipt of officer report setting out relevant details), with such resolution being reported to the next CRC meeting in February for information purposes.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 The regeneration of the West Hendon estate supports the Corporate Plan 2013-2016

- To maintain a well designed, attractive and accessible place, with sustainable infrastructure across the borough.

- To maintain the right environment for a strong and diverse local economy.
- To create better life chances for children and young people across the borough.
- To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
- To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.
- To promote family and community well-being and encourage engaged, cohesive and safe communities.

3.2 The regeneration of the West Hendon regeneration estate also supports the Sustainable Community Strategy for Barnet 2010–2020 through the following objectives:

- A new relationship with citizens - the new developments will offer more choice and promote independence by providing a number of different housing options such as shared ownership to residents and to other people in the wider community.
- A one-public-sector approach - the Council is working together with other public sector partners to ensure the delivery of the schemes.
- A relentless drive for efficiency - the Council is working with development partners to ensure that the scheme is delivered in the most cost effective way.

3.3 The regeneration scheme also complies with strategic objectives in the Council's Housing Strategy 2010-2025 which include:

- Increasing housing supply, including family sized homes
- To improve the range of housing choices and opportunities available to residents
- Promoting mixed communities and maximising opportunities available for those residents wishing to own their own home.

4. RISK MANAGEMENT ISSUES

4.1 Subsequent approval was sought given the inclusion of additional land at Cool Oak Lane Bridge.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, and social and community life of the Borough. The West Hendon Regeneration Scheme will provide a mix of affordable and private sale properties. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet

residents. This supports the overall aim of the Council's Equalities Policy and the Council's duties under the Equality Act 2010.

- 5.2 The public sector equality duty under section 149 of the Equality Act 2010 ("PSED") requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.
- 5.3 The Council will promote equalities and address the impact of inequality and discrimination on persons regardless of gender, sexual orientation, race, religion/brief, age, their social or economic status. We will offer a translation service when sending out our CPO literature; additionally we will advise all owners to seek independent legal advice so they fully understand the CPO process.
- 5.4 All residents but especially elderly people living on the estate may be sensitive to empty properties on the estate in fear of crime that empty properties can generate; this negative impact will be managed by using Guardians to occupy properties until demolition is necessary
- 5.5 Consideration has been given to the provisions of the Human Rights Act 1998 including Article 8 (respect for private and family life and home) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions). A decision to make Compulsory Purchase Orders must strike a fair balance between the public interest in the regeneration of the land and interference with private rights
- 5.6 Extensive consultation has and will continue to be undertaken with the community to ensure that the scheme reflects local needs. In this regard, the Council and the Development Partners appointed an Independent Resident Advisor to work with the residents on the estate & a Partnership and homeowners board/group has been established who meet on a regular basis. Residents have had consultation bi monthly over the past 12 months.
- 5.7 As part of the planning application for the West Hendon regeneration programme an Environmental Statement dated March 2013 was submitted. Following consideration of the submission by the Council an addendum to the Environmental statement document was provided in June 2013. The equalities implications will be regularly reviewed and updated during the life of the project with the submission of Reserved Matters planning submissions.
- 5.8 Of particular relevance to Equality and Diversity issues is the chapter on Socio-economic factors and the Health impact assessment within the Environmental Statement.
- 5.9 The assessment established the baseline socio - economic conditions for the application site and its surroundings, in order to identify possible receptors that may be impacted by the development proposals. This review highlighted a number of possible socioeconomic receptors, including the housing market,

labour market and social infrastructure (for example: GP/dental surgeries, education facilities, community facilities).

- 5.10 The assessment identified the likely impacts of the development proposals on these receptors. Moderate adverse impacts were identified in relation to housing demolition during the construction stage, and provision of primary school and open space infrastructure in the operational stage. Mitigation measures have been proposed to alleviate the possible adverse impacts associated with these receptors during operation including the provision of a primary school on the site. The proposals will provide a number of beneficial impacts for other receptors, through an increase in affordable housing supply and opportunities for wider regeneration.
- 5.11 The aim of the health impact assessment was to assess the potential effects on the physical, social and mental health of current and future residents of the West Hendon estate, and the distribution of the health effects within those residents.
- 5.12 The baseline information shows that the health of people in Barnet is generally better than the England average. However, there are significant pockets of deprivation within Barnet and about 15,700 children live in poverty, which is significantly worse than the England average. The West Hendon estate is one of the most deprived areas of Barnet and this deprivation has an influence on health.
- 5.13 The assessment showed that there are likely to be negative health effects for some future residents of the estate, for example, related to the existing poor air quality and noise disturbance during construction and demolition. However, these will be effectively mitigated through the implementation of good site management during construction.
- 5.14 The health impact assessment found that there would be uncertain health effects on existing residents that will have their homes demolished as part of the redevelopment, with some people more content with their new accommodation than others. Existing residents who are secure tenants will be re - housed on - site, whereas non - secure tenants will be re - housed elsewhere in the Borough. However, continued communication with residents throughout the redevelopment should help to minimise any negative health outcomes.
- 5.15 The redevelopment is expected to have many positive health outcomes. Indoor housing conditions are likely to significantly improve from current conditions and there will be improvements to the communal areas, footpaths and road safety, in particular the removal of the current high traffic use of Perryfield Way. There will also be significant improvements to the quality of recreational and play space and much improved access to nearby recreation areas, such as the Brent Reservoir and West Hendon Playing Fields. A new on - site primary school, nursery and community centre and increased retail provision will help maintain or improve social networks, provide job opportunities and increase the opportunities for walking and cycling.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 None

7. LEGAL ISSUES

- 7.1 Section 226 (1) (a) of the Town and Country Planning Act 1990, (as amended by the Planning and Compulsory Purchase Act 2004), provides that a local authority shall, on being authorised to do so by the Secretary of State, have power to compulsorily acquire any land in their area if they are satisfied that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. However, the power must not be exercised unless the authority thinks that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of their area. The compulsory acquisition of third party proprietary interests and/or rights in the Order Land will enable the delivery of Phases 3b & 3c in accordance with an agreed programme and will provide certainty with regard to land assembly and the implementation of the Scheme. The ability to deliver Phases 3b & 3c will enable the Council and the Developer to progress the delivery of future Phases and the Scheme in its entirety.
- 7.2 The regeneration of the West Hendon Estate is a key priority for the Council and has remained so since 2002. This is set out in saved policies from the London Borough Barnet UDP 2009, the Adopted Core Strategy 2012 and within the associated Development Plan Documents (DPDs).
- 7.3 The estate was constructed in the late 1960s. Due to its design, layout and construction it is characterised by a number of issues such as:
- poorly defined public and private space;
 - lack of orientation within the estate
 - no clear connection between the estate and the Broadway and other surrounding streets;
 - Unappealing entrances to blocks and poorly maintained internal communal areas;
 - Building fabric in need of repair and upgrade to meet current environmental and building standards
- 7.4 Through the regeneration scheme the housing stock will be significantly improved to meet current building and construction standards, improving the environmental and social wellbeing of the area. It will also include training and employment opportunities for residents within the borough, as well as proposals for a new primary school, community centre, town centre and improved transport links, improving the economic, social and environmental well-being of the area.
- 7.5 As already stated, the Order Land forms part of the wider Estate and represents land to be included in the first of up to four CPOs required to secure Scheme delivery.
- 7.6 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 provides for the acquisition of new rights over land where such rights are not in existence when the order specifying them is made. In order to facilitate the delivery of Phases 3b & 3c it may be necessary to acquire new rights in

respect of the Order Land for purposes such as crane oversailing. The land over which the acquisition of new rights may be required are shown edged green.

- 7.7 In using the enabling powers pursuant to section 226 (1) (a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is using the most specific powers available to it for the purposes of the redevelopment of West Hendon.
- 7.8 Government guidance on the use of compulsory purchase powers is set out in Circular 06/2004 "Compulsory Purchase and the Crichel Down Rules", which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 7.9 In resolving to make CPO1 the Council has had full regard to the guidance set out in Circular 06/2004. The regeneration of the West Hendon Estate provides a compelling case for the making of the CPO. The existing housing stock is outdated and does not meet current environmental and building standards. The West Hendon regeneration proposals will improve the economic and social well-being of existing and future residents through the creation of training / job opportunities (e.g. during construction phases of development), updated housing stock, proposals for a new school and community centre and improved transport links. Vacant possession of each phase will be required in advance of its implementation.
- 7.10 The Council remains committed to securing the delivery of the Scheme, and the need for the comprehensive redevelopment of the Estate is recognised in adopted planning policy including the NPPF, the London Plan, the Barnet Core Strategy and Saved policies from London Borough Barnet UDP 2009, adopted Development Management Policies (DMP).
- 7.11 The Scheme will deliver the following real and tangible benefits:
- Residential homes built to Lifetime Standards, incorporating higher standards of build quality applying Secure by Design principles and achieving a tenure blind design;
 - Mixed and balanced communities delivered through a wider choice of tenure and unit mixes, offering wider opportunities for home ownership and creating sustainable, inclusive and mixed communities;
 - The transformation of unappealing groups of buildings and disconnected external spaces into thriving and cohesive neighbourhoods through the integration of the Estate with its surrounding context (achieved through public parks, play spaces and community facilities);
 - The removal of the Perryfield Way gyratory which represents a significant obstacle to pedestrian and vehicular movement in the locality;
 - Public realm improvements to the Broadway and Station Road;
 - 1766m² commercial floorspace (Class A1-A5 & B1) to replace 1,073.19m² existing commercial floorspace
 - Connecting the community to the benefits of the Welsh Harp;
 - Improved green spaces and play spaces;
 - Proposed new bridge connections (an improved Cool Oak Bridge and new Silk Stream Bridge)
 - New two-form entry primary school and community centre.

- 7.12 At present properties within the Estate fail to meet Decent Homes Standards. Taking into account the significant investment required to bring the existing buildings up to current standards and the commitment to secure the comprehensive regeneration of the Estate, the Council considers that there is a compelling case in the public interest to secure the delivery of the Scheme (and its associated benefits). To that end, the Council intends to utilise the powers under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 because it is not certain that it, or the Developer will be able to acquire all third party proprietary interests and/or rights by agreement.

Human Rights

- 7.13 The Human Rights Act 1998 requires (amongst others) that every public authority acts in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). The following parts of the Convention are relevant to the Council's exercise of its compulsory purchase powers:

Article 1 of the First Protocol – the right to peaceful enjoyment of possessions;
Article 8 – respect for private and family life and home.

- 7.14 A decision to make CPO1 must strike a fair balance between the public interest in the regeneration of the land and interference with private rights. Bearing in mind the fact that the exercise of compulsory purchase powers is a statutory process, the provisions for compensation to be paid to those affected and the compelling case in the public interest for the regeneration, it is considered that the interference with private property rights is necessary, proportionate and strikes a fair balance towards meeting the Council's objectives.
- 7.15 Those affected by CPO1 will be informed and advised of their right to make representations to the Secretary of State, to be heard at public inquiry and of a fair entitlement to compensation (where applicable). Thus ensuring consistency with Article 6: right to a fair hearing.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Constitution, Responsibility for Functions - paragraph 4.2 details the responsibilities of the Leader of the Council, which include the power to discharge any function of the Executive.
- 8.2 At its meeting on 16 December 2013, the Cabinet Resources Committee resolved to authorise the Leader to grant the resolution to make CPO1, and report that decision to the next Cabinet Resources Committee

9. BACKGROUND INFORMATION

- 9.1 At its meeting of 16 December 2013, the Cabinet Resources Committee resolved in principle the making of up to four separate Compulsory Purchase Orders (CPOs) to secure the delivery of the West Hendon Regeneration

Scheme. It also delegated authority to the Leader for the approval of the resolution for the making of the first such CPO required to deliver Phases 3b and 3c (CPO1). The Leader approved the resolution to make CPO1 on 11th February 2014, however the CPO1 Map was subsequently amended to include a slightly larger area at Cool Oak Lane Bridge.

- 9.2 The slightly larger area at this location is required to enable construction of the pedestrian and cycle crossing.
- 9.3 The leader approved the amended map on 27 February 2014
- 9.4 The Committee are therefore required to note that the Leader DPR dated 27 February 2014 should be regarded as the resolution to make CPO1.

10. LIST OF BACKGROUND PAPERS

- 10.1 Leader Action Report dated 12 September 2013
- 10.2 Leader DPR dated 11 February 2014
- 10.3 Leader DPR dated 27 February 2014

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	AK