

APPENDIX 4 CONSULTATION RESPONSES

RESIDENTS' OBJECTIONS

Residents' Objections	Officer Comments
<p>Objections have been received on the grounds that the Whitefield Estate residents have not been contacted or consulted with respect to concerns over the relocation, or on alternatives to the relocation, in connection with Compulsory Purchase Order (CPO) 1 and CPO 2.</p> <p>Residents also raised concerns with the existing "Relocation Resident Strategy" document and the "Summary Shared Equity Offer for CPO 2 Leaseholders" document, which do not satisfactorily address the residents' queries and concerns.</p> <p>The objections received also comprised a series of requests for clarification in connection with the relocation arrangements, protection and process that residents would expect to see a response to.</p>	<p>Whilst the concerns of the Whitefield Estate Residents are noted, the application under consideration and consulted upon is a Conditions Application (pursuant to Conditions 4.2, 2.4 and 2.5) to amend the indicative phasing of development and as such the information has been submitted to clear specific conditions applied to the s73 Permission.</p> <p>Although this application seeks to re-phase the plot within which replacement homes for the Whitefield Estate (Part 2) residents are expected to be provided, the application does not make any proposal regarding the design of the replacement homes.</p> <p>Planning details concerning the siting, layout, scale, external appearance, means of access and hard and soft landscaping for the Whitefield Estate (Part 2) replacement units will be addressed through the submission of a Reserved Matters application for Phase 1B (South).</p> <p>Moreover, a Residential Relocation Strategy was approved under application reference 15/00659/CON in 03rd December 2015 pursuant to condition 1.10. The strategy sets out the principles of relocation and appropriate arrangements for the satisfactory relocation of the residents in the Whitefield Estate and the sheltered housing units at Rosa Freedman Centre to the Replacement Whitefield Units in accordance with the parameters and principles contained in the RDSF and relevant planning obligations contained in paragraph 1 of Schedule 2 and principles contained in Schedule 24 of the S106 Agreement. In essence, this document establishes the principles of how to facilitate the provision</p>

	<p>of replacement homes for eligible residents within the Whitefield Estate and their relocation.</p> <p>The BXN (CPO1) and BXS (CPO2) Development partners have consulted and engaged with residents directly throughout the regeneration process as well as through the Whitefield Estate Steering Group, Open Meetings and Information Briefings, Residents Surgeries and through other organised meetings including the Cricklewood Community Forum.</p> <p>This engagement is on-going and includes presentations of the design proposals which are being prepared for the forthcoming Reserved Matters proposal expected in September.</p> <p>Consultation Engagement with Residents of the Whitefield Estate:</p> <ul style="list-style-type: none"> • The BXN and BXS Development Partners held a special surgery with residents on the Residential Relocation Strategy in March 2016. • The Development Partners prepared a Frequently Raised Concerns document to address concerns raised by residents about the relocation and this document was sent to residents in November 2016. • In June 2017, the BXN and BXS Development Partners produced a Regeneration Update for residents and this also contained information on relocation arrangements e.g. 'rent' and service charges' etc. • The BXS Development Partners are also undertaking a series of consultation events with residents on the Whitefield Estate and in
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>the wider community. This includes holding a series of design workshops with the Whitefield residents in May and June 2017.</p> <ul style="list-style-type: none"> • The Council has commissioned 'Open City' to hold independent design training for residents on 7th June 2017. <p>The Summary Shared Equity Offer is a matter related to CPO 2 and the associated legal processes. Such issues are currently under discussion between the residents of Whitefield Estate, the Council's Regeneration Officers, Development Partners and the selected Affordable Housing Providers. Engagement is taking the form of both wider meetings and tailored individual meetings to discuss individual circumstance.</p> <p>In this instance, the matters raised concerning the relocation of these residents are not subject to consideration under the current application and, as such, are not a material consideration in the determination of this application. Conditions 4.2, 2.4 and 2.5 clearly set out the matters that are to be taken into account in the consideration of submissions made under these conditions, namely,</p> <p>(i) compliance of the proposed re-phased development to the approved Environmental Statement (as submitted with the s73 Outline Permission F/04687/13); and, (ii) the re-phasing not having a detrimental impact upon the comprehensive delivery of the wider regeneration scheme. These matters are fully addressed within the main body of the planning report before this Planning Committee.</p> <p>It should be noted that objections on the basis of the wider planning proposals, beyond the re-phasing changes sought with this application, are not considered to have any material weight in relation to this Conditions Application, given its specific nature relating to re-phasing and consequential minor amendments.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>It should also be noted that extensive representations have already been made both in writing and in person by residents of the Whitefield Estate at the CPO 1 and CPO 2 Public Inquiry.</p>
<p>Objections have been received concerning the 'resultant lack of greenery'; pollution from 'proximity to traffic and a waste handling facility' and its consequences on health, including children's health.</p> <p>In addition, concerns have been raised over impacts on the environment and ecology of the area, trees and sustainability credentials of the scheme as well as the impacts from the demolition and construction works.</p>	<p>While the application seeks a change to the phasing of the delivery of a number of infrastructure items and plots there is no amendment to the quanta or mix of development, or to the total expected open space provision, or to the location of residential development within this Conditions application.</p> <p>It is worth noting that overall, the Brent Cross Cricklewood Regeneration scheme is expected to deliver an uplift in green space provision.</p> <p>The impact of the re-phasing proposals on highways, traffic generation and construction traffic have been accounted for within the Environmental Statement of Compliance, which is fully assessed within the main body of the report.</p> <p>The principle of redevelopment has been established by the 2010 Outline Permission and the 2014 Section 73 Permission. In the circumstances, it is worth drawing attention to the fact that the effects of the development, as addressed by the objectors, in terms of 'pollution', 'lack of greenery', environment, sustainability and during construction works have already been assessed as part of the process of determination of the s73 Permission.</p> <p>The appropriate mitigation measures, where deemed necessary and appropriate, have been secured as part of a suite of conditions and planning obligations in the decision notice of the s73 Permission and s106 legal agreement, respectively.</p>

<p>Objectors also raised concerns regarding the position of the 'proposed new building' which will be surrounded by private blocks, lack of access to open space and subject to 'increased congestion' and 'loss of views'.</p>	<p>The application is submitted under condition 4.2 of the s73 Permission, which allows for items of infrastructure and plots to be re-phased provided that the criteria (as set out above) is met.</p> <p>The application does not seek to approve the position of any building or any relationship of a building with other existing or proposed development.</p> <p>Such provision will be subject to an application for Reserved Matters approval as discussed above, rather than a Conditions application such as the one under consideration by the Planning Committee.</p>
<p>The objections submitted engage the issue of whether the right under Article 8 of the Human Rights Act (HRA) applies (Respect for Home and Family Life).</p>	<p>The grant of planning permission for development may affect rights protected under Article 8 of the HRA.</p> <p>Article 8(2) of the HRA allows public authorities to interfere with the right to respect the home if it is "in accordance with the law" and "to the extent necessary in a democratic society" in the interest of "the well-being" of the area.</p> <p>Under s70 of the 1990 Planning Act, Parliament has entrusted planning authorities with the statutory duty to determine planning applications, and has said (s70(2)) that in dealing with such an application the authority "shall have regard" to the development plan and to "any other material considerations" - which will include HRA issues.</p> <p>The courts have held that a "balance" has to be struck in planning decisions between the rights of the developer and the rights of those affected by the proposed development. This involves the balance between: (a) on the one hand the specific interests of the individual objector as documented (see above), and (b) on the other hand, the interests of the applicant to obtain the planning permission he has</p>

	<p>applied for, and lastly (c) the interests of the wider community, as expressed in Lough (2004) in the following terms “in an urban setting it must be anticipated that development may take place” and that it “is in the public interest that residential developments take place in urban areas if possible”.</p> <p>It is worth noting that planning permission has been granted for the BXC regeneration scheme, including the redevelopment of the Whitefield Estate and the decision to grant the s 73 permission had appropriate regard to HRA considerations. The approval of re-phasing conditions is not considered to give rise to any additional HRA considerations and officers therefore consider that any interference with individual rights is justified and the balance should be struck in favour of the approval of this re-phasing condition application.</p>
<p>Request for Financial Transparency and Information on;</p> <p>(a) Consultations; and,</p> <p>(b) Executive Committee Meetings</p>	<p>There are no financial considerations relating to this report.</p> <p>All relevant responses and representations received with respect to the Conditions Application before this Committee are accounted for in the main body of the report.</p>
<p>The objections and representations received also include a number of requests for the Council to undertake a number of actions in connection with the relocation and replacement homes process plus residents relocation questionnaires.</p>	<p>As aforementioned, the actions requested do not fall within the material planning considerations for the determination of the Conditions application, and as such, the Local Planning Authority is unable to give effect to these requests.</p> <p>However, the content of the petition and letters of objection have been forwarded to the Council’s Regeneration Services to continue the process of engagement with residents.</p>
<p>A number of representations include references to information/ data relating to health and</p>	<p>The council therefore have been obliged to account for the full contents</p>

personal circumstances which is considered to be of a private or sensitive nature.	of the letters of objection/ representation. However, these objections do not include material planning issues that can carry material weight in the considerations of this re-phasing application.
------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

STATUTORY CONSULTEE AND INTEREST GROUP RESPONSES

Consultee	Response
Transport for London (TfL)	TfL does not object to the re-phasing proposed under condition 4.2.
London Borough of Barnet Transport and Regeneration	Highways and Transport Officers raised no objections to the re-phasing application submitted under Condition 4.2.
London Borough of Barnet Trees Officer	No comments to the re-phasing application being considered under Condition 4.2.