

Satwant Beghal

From: NPCU
Sent: 23 June 2014 10:35
To: Satwant Beghal
Subject: FW: London Borough of Barnet , (West Hendon Regeneration Area) Compulsory Purchase Order No 1 -30 Tyrrel Way, West Hendon

From: fergus.coleman@talktalk.net [<mailto:fergus.coleman@talktalk.net>]
Sent: 22 June 2014 16:38
To: anna.morell@barnet.gov.uk
Cc: NPCU
Subject: London Borough of Barnet , (West Hendon Regeneration Area) Compulsory Purchase Order No 1 -30 Tyrrel Way, West Hendon

Dear Anna Morell,

As the leaseholder of 30 Tyrrel Way, I understand from a recent meeting held last Tuesday 17th June between LB Barnet/ Barnet Homes representatives and local residents of West Hendon Estate that there was a "technical" fault with the CPO notice served on my property and other properties affected by the CPO notice on 5 June 2014.

Unfortunately , I was unable to attend the meeting last Tuesday , but I understand that one of the Barnet Homes Officers ("Abid") who attended the meeting read off from his iphone an email giving details of the technical fault with the CPO notice

I would be grateful for a explanation either in writing or by email as to what that technical fault was, and whether this fault was recognised prior to the formal submission of the CPO application to the Secretary of State by LB Barnet .

If the fault was recognised post submission of the CPO application to the Secretary of State, whether the relevant Government Offices have been alerted to this technical fault.

Can you please also clarify when a revised CPO notice is likely to served on my property , if the previous notice was invalid ?

Regards

Fergus Coleman
30 Tyrrel Way
London
NW9 7QW

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The Secretary of State
Communities and Local Government
National Planning Casework Unit
5 St Phillip's Place
Colmore Row
Birmingham
B3 2PW

Our ref:

AC.CP0023

Your ref:

10 July 2014

Dear Sirs

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

Claimant: Mr and Mrs Coleman

Property: 30 Tyrrel Way, Hendon, London NW9 7QW

We act on behalf of Mr and Mrs Coleman in respect to the aforementioned Compulsory Purchase Order being promoted by The London Borough of Barnet under Section 226 (1) (a) of the Town and Country Planning Act 1990.

We can confirm that our clients wish to **oppose** The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014 (The Order). We would be grateful if you could accept this letter as an objection on their behalf.

In preparing our Objection we have been mindful of the Statement of Reasons set out by The London Borough of Barnet as their justification for the making of the proposed Order. In summary, the grounds of objection are as follows:

1. Lack of adequate consultation

Initial consultation

The Statement of Reasons refers to consultation undertaken between 2002 and 2010. During this period, a ballot was undertaken to "determine the level of support amongst residents towards the principle of regenerating the Estate" (paragraph 2.12.1). It states that 63% of eligible residents voted with 75% in favour.

At the time of the ballot, however, residents believed that they would all be relocated within new homes in West Hendon and not displaced as a result of the Scheme. Indeed, initial consultation newsletters contained a guarantee from the Chief Executive of the Metropolitan Housing Trust, Tony Shoults, that "every Council tenant and owner-occupier, living on the West Hendon Estate ... will be offered a new home in the new West Hendon". To date, my clients have not been offered a new home.

Rehousing of all existing residents within West Hendon is highly unlikely due to the net loss of affordable housing proposed under the latest plans for the area, the likely values of the proposed properties and the derisory offer which has been made for the existing properties. Residents are likely to have voted very differently in the ballot had they been given the full facts. The Scheme being promoted under the CPO has significantly changed since the initial consultation and there has been no ballot undertaken on this revised proposal. Consequently, the initial consultations undertaken should be given no weight.

Choice of where to move

During the previous consultation, residents were advised that they would be given a choice as to where they moved to. To date, no-one has consulted with them as to where they would like to live or presented any options of properties available for them to purchase as part of the proposed shared equity deal which is being promoted. This is despite the Council now advising that they want vacant possession by December 2014, i.e. within 6 months time.

Only one move

Residents were advised during consultation that they would only be required to move once. Given the revised timescale required for possession which our clients have only recently been made aware of and the lack of development to date, it is highly unlikely that residents will be able to move directly into a new home. No information has been provided as to how the Council anticipate things proceeding, for example whether residents are able to stay in occupation of their current property for a longer period of time after a deal has been agreed or if they are being offered temporary accommodation. Understandably, the lack of consultation, uncertainty and conflicting timescales for possession adds to the level of stress suffered by existing residents.

Conflicting messages regarding timescales for possession

In the initial letter from Capita to residents dated 03 March 2014, my clients were advised that vacant possession of 1-32 Tyrell Way "is required by 31st March 2017". No further information was provided regarding the vacant possession date until the initial offer letter from Capita dated 04 June 2014 in which they advised that possession would now be required by December 2014 but where March 2015 would remain the "backstop date". Within three months, timescales for vacant possession have been brought forward by more than two years.

Residents are being given grossly conflicting messages regarding timescales for possession with latest correspondence suggesting vacant possession within six months. This only serves to highlight how out of touch Barnet Council and their advisors are with local residents' needs and interests, demonstrating a lack of meaningful consultation, compassion and the need to work with the residents.

The fact that an amended Order was submitted just two weeks after serving the original CPO further demonstrates the chaotic approach which the Council have taken in respect to the whole process.

Lack of negotiation

Paragraph 2.15 of the Statement of Reasons states that "over the past 12 months the Council and the Developer have continued to engage with residents of the Estate through ... commencement of negotiations to acquire properties". Paragraph 10.3 goes on to state "the Council's appointed surveyor has contacted all of these leaseholders with a view to acquiring their interests by private treaty". The first approach to open discussions was made by way of a letter from Capita in March 2014. This was followed by an inspection of the property at the end of May 2014 and an offer contained within a letter from Capita dated 04 June 2014. The notice of the made Order was served the following day, being 05 June 2014. Barnett Council have not entered into meaningful negotiations with residents and as such, this Order is premature.

Furthermore, the offer which was made is at a derisory level which is significantly below current market value. This would preclude my clients from meeting the criteria for a property under the shared equity scheme which is being promoted as an affordable housing option.

Under the shared equity scheme, residents are required to put down a minimum of 50% of the value of the new property. Although this is referred to in the Statement of Reasons (paragraph 10.3), no further information has been provided to residents who have expressed an interest in this option. This all adds to the uncertainty which residents are experiencing.

Taking into account the derisory offers which have been made and the values which nearby new build flats are achieving, it is unlikely that existing residents will be able to afford even a shared equity option. Consequently, existing residents are being priced out of the area and forced to relocate elsewhere. This is not in the spirit of CPO and is not in the public's interest.

2. The Scheme

Insufficient level of affordable housing

The proposed Order affects 211 residential units all of which, by their very nature, are 'affordable'. These properties are to be replaced with 191 social/intermediate units resulting in a net loss of 20 units. During a time when residential property prices in London are continuing to rise at a fast rate, it is astounding that the Council by their actions are effectively displacing some very vulnerable people outside of the local area, where they may be forced into the private rented sector at unaffordable rents.

Paragraph 5.18 advises that there is "no net loss of affordable housing floorspace arising from the Scheme" but we would suggest that this statement is used to mask the fact that there will be a net loss in the number of affordable units.

Paragraph 4.11 states "25% of the residential units to be constructed across the Scheme will be provided as affordable units". This is contrary to the Council's Unitary Development Plan (UDP) which advises that 50% of units within a new development should be affordable. In addition, the Mayors Supplementary Planning Guidance (SPG) on Housing states that estate regeneration and redevelopment schemes should be undertaken on the basis of no net loss of housing or affordable housing provision. Clearly the loss of 20 units contradicts this policy.

The Statement of Reasons acknowledges that the Scheme "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" (less than the UDP). We consider that full justification should be used to depart from this target but this has not been provided.

On a wider scale, the London Plan advises that new development should maximise affordable housing provision. Consequently, we would advise that the Scheme as it currently stands fails to meet the Council's own advice regarding affordable housing as well as that set out in the London Plan. As such, it is difficult to see how the current Scheme is in the public's best interest.

Inappropriate split of affordable:private

The Statement of Reasons advises that "the Estate does not offer a mixed and balanced community (76% affordable housing units)" (paragraph 3.14) and the Scheme "will result in a better mix of tenure" (paragraph 4.20). The Estate at present provides a split of 76:24 in favour of affordable housing. The new Scheme will see this split flip to 25:75 in favour of private housing. As such, it will not create a better "mixed tenure neighbourhood" (paragraph 5.3), provide "a greater choice of housing tenure" (paragraph 5.9), "create a more balanced mix" (paragraph 5.15), rebalance the area (paragraph 5.18), or provide "an improved tenure mix of private and affordable housing units" (paragraph 8.8).

During consultation, concerns were raised by local residents regarding the reduction in the level of affordable housing which is to be included within the Scheme. This has not been addressed by the Council. The Statement of Reasons advises that an “independent viability assessment” has been undertaken which justifies the provision of 25% affordable housing (paragraph 5.18). We would request that the Council provide further information to demonstrate justification for this decrease in affordable housing.

The Statement of Reasons refers to the Mayors Housing Supplementary Planning Guidance stating “replacement affordable housing can be of a different tenure where this achieves an improved mix of provision ...” (paragraph 5.18). This suggests that the Council recognise the problems associated with a net loss of affordable housing but they hope this will be fulfilled by another tenure, for example the private sector. No indication, however, is provided as to how this will be monitored or ensured.

Unviable shared equity options

Paragraph 4.20 states that the Scheme will result in “wider opportunities for home ownership”. Whilst the Scheme will result in an increase in homes available for private ownership, it fails to recognise that a number of existing residents are likely to be displaced from the locality due to unaffordability. This is particularly likely given the low level of offer which has been received by existing residents to date.

The Council have reiterated during consultations and within the Statement of Reasons that “offers to assist leaseholders to purchase units within the new development will be made” (paragraph 10.3). Eligible resident leaseholders “will be offered shared equity options” but have been advised that they are required to put down a minimum of 50% of the market value of the new property. A number of residents who are interested in this proposed option are of the opinion this is no longer viable given the remarkably low level of offer which has been made and are likely to have to relocate outside of the Borough. As such, there is a feeling amongst existing residents that this was always an empty gesture in order to gain support.

As we have advised above, to date residents have not received any further information regarding the location, layout, or type of properties which will be available on a shared equity basis. In addition, no further information has been provided as the likely values of these properties or whether an Option deal can be entered into now in order to secure a replacement property.

Excessive density and building height

The proposed Scheme of 2,000 units equates to a density of 877 units per acre. This level of density is excessive and concerns were previously raised by residents during initial consultations. The Council have failed to address these concerns.

Increased density will be achieved by building taller buildings. At present, the tallest building is 14 storeys but this will be replaced with buildings up to 29 storeys (planning permission as set out in paragraph 4.5) although this is contradicted in paragraph 5.28 where it refers to “tall buildings ranging from 8 to 20 storeys”.

The proposed building height and density is out of keeping with existing buildings in the local area and will overshadow the open space and nearby SSSI.

3. Justification for the Scheme

Improved economic, social and environmental wellbeing (paragraph 8.3)

The Statement of Reasons states that the Scheme will tackle the “issues of ... social isolation which pervade the Estate” (paragraph 3.2). The Scheme is aimed to “promote strong and cohesive communities including designing out crime and reducing anti-social behaviour” (paragraph 5.4).

The majority of residents do not consider that this is a problem which the area particularly suffers from. The long established West Hendon Regeneration Partnership Board (formerly known as the ‘Resident Regeneration Group’) demonstrates the strong sense of community which the Estate currently benefits from. In addition, consultation feedback also confirmed that the majority of residents feel secure in the area. Clearly, if local residents are forced out of the area as they cannot afford to remain, where is the “cohesive community”?

It is stated that “current and future residents will enjoy an improved quality of life ... benefiting the social and environmental wellbeing of the area” (paragraph 8.4). If existing residents are priced out of the area, they will not experience any of these supposed benefits.

The Scheme intends to provide an increase in quantity and quality of amenity space, however, given the net increase of units by nearly 200%, there will be a much greater number of people using the space. Therefore, the amenity/public space proportionate to the number of users will in actual fact decrease. Accordingly, this cannot be used as a justification for the Scheme.

Overall, the Council have not provided the assurance required to suggest that the Scheme will improve “economic, social and environmental wellbeing” (paragraph 8.3). All three of these tests should be met before the CPO is confirmed.

4. CPO The Last Resort

Section 13 of the Statement of Reasons concludes that the justification for the making of the CPO is due to the Scheme delivering “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”.

We would question whether it is actually in the public’s interest for this Scheme as it currently stands to be authorised, particularly as existing residents are likely to be displaced out of the Borough as a result.

Whilst Section 10 of the Statement of Reasons suggests that negotiations have commenced and “the Council remains committed to negotiating” (paragraph 10.6), we would question whether the Council have made sufficient effort to try and negotiate the acquisition of the subject land before resorting to compulsory acquisition. In our opinion, making a solitary offer the day before making the Compulsory Purchase Order does not meet this.

We would argue that approaches to date have been insufficient to justify the makings of a Compulsory Purchase Order. The use of compulsory purchase powers in all cases should be a position of last resort. This has not been demonstrated in respect to our client’s interest.

The error which was made in the original Order and which resulted in an amended Order being submitted only serves to further demonstrate the disorganised way in which Barnet Council have approached this whole process.

For the foregoing reasons, The London Borough of Barnet (West Hendon Regeneration Area) CPO No 1 2014 is not a last resort and as such the proposed Order is premature and ill conceived.

5. Human Rights

It is our considered opinion that the proposed Order is also an infringement of our client's human rights under the Human Rights Act 1998. The balance has not been struck between the individual rights and the wider public interest.

In conclusion, there is "no compelling case in the public's interest" as required by national policy to acquire the Objector's land.

The above represents our client's objection to the aforementioned Compulsory Purchase Order. We reserve the right to add to or expand our client's case upon site of further evidence and information being made available by the Acquiring Authority.

Yours faithfully



Angela Connor BA (Hons) MSc MRICS
RICS Registered Valuer
For and on behalf of
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