



Sawyer Fielding Ltd  
Compulsory Purchase Specialists

Secretary of State for Communities and Local Government  
National Planning Casework Unit  
5 St Philips Place  
Colmore Row  
Birmingham  
B3 2PW

17<sup>th</sup> July 2014

**RECORDED DELIVERY**

Dear Sirs,

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

I refer to the above Compulsory Purchase Order which was made on 3rd June 2014 pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990, the Acquisition of Land Act 1981 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976.

For reference, the Order was served on qualifying parties on 5<sup>th</sup> June 2014. The Order was furthermore revised on 17<sup>th</sup> June 2014, making amendments to the third paragraph of the Order dealing with discharge of rights, incidents and trusts. This revision was communicated to qualifying parties by letter dated 25<sup>th</sup> June which also referred to the extension of the period for submitting objections to the Secretary of State to 18<sup>th</sup> July 2014. The timing of this Objection is served based on the revised deadline for submissions.

Sawyer Fielding Ltd is appointed by owners of the following leasehold owners who, whilst not included in the Compulsory Purchase Order, are directly affected by the proposals within it. Each of these leaseholders owns a flat or maisonette on the same estate in future phases of the planned regeneration and in very close proximity to the properties referenced within the Compulsory Purchase Order.

All of these properties have been identified for a potential future Compulsory Purchase Order and all are currently blighted as a result of the regeneration on the estate.

- 1) Sarah Simmons: Owner occupier of 11 Warner Close, West Hendon, London, NW9 7QL
- 2) Shirley Backes: Owner occupier of 12 Warner Close, West Hendon, London, NW9 7QL

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- 3) Genevieve & Lisa Ellis: Owner occupiers of 14 Warner Close, West Hendon, London, NW9 7QL
- 4) Oliver Holder & Clara Osedumme: Owner occupiers of 25 Warner Close, West Hendon, London, NW9 7QL
- 5) Samil & Bijal Shah: Non resident owners of 46 Warner Close, West Hendon, London, NW9 7QL. Correspondence address is 10 Summer Hill, Elstree, Borehamwood, WD6 3JA
- 6) Mario Forsyth: Non resident owner of 59 Warner Close, West Hendon, London, NW9 7QL. Correspondence address is Aragon Coach House, Aldenham Road, Letchmore Heath, Hertfordshire, WD25 8EW
- 7) Yvonne Longuet: Owner occupier of 2 Marsh Drive, West Hendon, London, NW9 7QE
- 8) May & Joe Swan: Owner occupiers of 4 Marsh Drive, West Hendon, London, NW9 7QE
- 9) Michael & Sandra Chiltern: Owner occupiers of 11 Marsh Drive, West Hendon, London, NW9 7QE
- 10) Haroon Khalick, Kalim Khalick, Zahida Hussain and Soraya Omar: Non resident owner of 36 Marsh Drive, West Hendon, London, NW9 7QE
- 11) Adewale Bakare: Owner occupier of 124 Marsh Drive, West Hendon, London, NW9 7QA
- 12) Carmen Perrott: Owner occupier of 161 Marsh Drive, West Hendon, London, NW9 7QQ
- 13) Leonard Brewster: Owner occupier of 164 Marsh Drive, West Hendon, London, NW9 7QQ
- 14) Lloyd Smith: Owner occupier of 229 Marsh Drive, West Hendon, London, NW9 7QH

The objectors do not consent to the written representations route and reserve their right to be heard if a Public Inquiry is called.

The leaseholders object to the Compulsory Purchase Order on the below eight grounds contained within this objection letter.


### Ground 1 – Social

ODPM Circular 06/2004 'Compulsory Purchase and the Criche Down Rules ("Circular 06/2004") Appendix A, paragraph 6 refers to an acquiring authorities 'Wellbeing power' and supports the requirement in Section 226(1)(a) of Town and Country Planning Act 1990 which is subject to subsection 1A of Section 226. 'Wellbeing' is sub-categorised into 'economic', 'social' and 'environmental'.

It is the leaseholders assertion that the proposed scheme does not contribute to the social well being of the land required for the scheme.

Due in part to the twelve years that Regeneration has been 'on the cards', there are a significant number of leaseholders and tenants who have lived on the estate for a significant period of time.

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For example, of the twenty six properties required for demolition in the Compulsory Purchase Order which are represented by Sawyer Fielding, twenty four have been owned or lived in by the owner for ten years or more, with six of these owned since the 1980s.

Of the thirty four privately owned residential properties on the estate (therefore excluding ones at Parade Terrace, Perryfield Way, The Broadway which are not on the estate), twenty eight are occupied by the owners. Of the remaining six, four of the owners lived in the properties prior to renting them out when they discovered that selling would be on blighted terms.

This high proportion of owner occupiers is very unusual in our experience on schemes like this.

There is a very strong community on the estate where lots of the owners and tenants know each other which the scheme threatens, unjustifiably to break up.

Examples of how strong this community spirit is include a number of demonstrations against the regeneration that many of the leaseholders and tenants have taken part in.

Several generations of the same family and friends stretch across the entire estate.

## **Ground 2 – Sustainable development – housing density**

The Planning & Compulsory Purchase Act 2004 Section 39 requires regional and local plans to be prepared with a view to contributing to achievement of sustainable development. Section 1 and 17 require adoption of a Spatial Planning approach and Circular 06/2004 Appendix A paragraph 9 confirms the importance of these requirements in assessing the scheme.

The West Hendon estate currently comprises of 680 one bedroom flats, two bedroom maisonettes and three bedroom houses whilst the proposed development will be for over 2000 properties, thereby creating a significant increase in housing density.

Though the individual Compulsory Purchase Order is pursuant to the construction of 659 residential properties, the Statement of Reasons refers to the wider regeneration scheme of 2000+ properties and as such grounds of objection within sustainable development are on the basis of the overall scheme.

According to the planning statement of 15 February 2013, the current population of the estate is estimated at 1,475 and that will rise to 9,161 once the new development is complete. The first Compulsory Purchase Order will make significant inroads into this ambition being achieved, if consented in its current form.

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This increase in density greatly exceeds the recommendations by the Greater London Authority (GLA) and would give permission for four tower blocks to be built as high as 29 storey's (possibly as high as 31 storeys), where there are currently 4 storey blocks.

The Unitary Development Plan adopted by London Borough of Barnet Policy C1(a) referred to in the Statement of Reasons is vague in its reference for the estate for "high density housing." This along with the London Plan Core Strategy contradict the GLA's requirement.

As my clients whose objections are contained within this letter are in later phases of the Regeneration, they will experience the increased density prior to their properties being acquired.

They will therefore suffer more than most as a result.

### **Ground 3 – Sustainable development – transport infrastructure**

The increase in density detailed above would put significant strain on the local transport infrastructure.

There is no evidence provided of any transport study or support from the Department for Transport for the scheme.

The West Hendon Estate neighbours a very busy High Street (Broadway/West Hendon Broadway) with an array of retail units and residential accommodation. This area struggles with traffic flows at some parts of the day already, a problem which would be further exacerbated by a large increase in housing density.

Nearby, there are also major developments at Hendon Village, Colindale and Graham Park with the major regeneration of Brent Cross shopping centre (also nearby) on the horizon. With little alterations to the transport infrastructure, these developments happening at the same time risk creation of a perfect storm which could cause gridlock on surrounding roads.

### **Ground 4 – Funding**

Sections 6.10-6.16 of the Statement of Reasons state the London Borough of Barnet's belief that funding is place for delivery of the scheme, through a CPO Indemnity agreement (CPOIA) dated 5<sup>th</sup> February 2014 under which the developer will indemnify the London Borough of Barnet.

In section 6.16, the addresses of the properties required for demolition in CPO required are stated.

There are a large number of properties which have an estimated vacant possession date of March 2017. It is safe to assume that a number of these would be residential

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owner-occupiers who would be in a position to require the London Borough of Barnet to acquire their properties early under a blight notice, now the CPO has been made.

Should this be the case, the developer's ability to buy the objectors property along with others in the scheme is questionable.

There are also a large number of leasehold properties which are included in the Compulsory Purchase Order on a 'rights of access' basis only. As a high proportion of these are owner occupiers, there is a risk to the budget of these owners serving blight notices to require the London Borough of Barnet to acquire their properties despite not having a need to do so in this CPO.

There is no guidance in the Compulsory Purchase Order that these additional costs have been accounted for in the budget. Therefore, the requirement in Circular 06/2004 Paragraph 16(iii) for the financial viability of the scheme has not been satisfactorily established.

Paragraph 16(iii) also refers to the timing of the funding being of particular importance and as illustrated above, is of particular concern with this scheme.

As the estate is being regenerated in a number of phases, with my clients towards the end of the programme, there is no guarantee that funding will be available to buy their interests.

The economic climate may change over the course of the next few years and if it does, this could leave the objectors in limbo, living on what could potentially be a partially regenerated and mothballed regeneration project.

## **Ground 5 – Public & Stakeholder Consultation**

It is the objectors assertion that the Public & Stakeholder consultation has been far from sufficient and has involved a long list of pledges and assurances by London Borough of Barnet and it's development partners which have not been kept or are no longer relevant.

In short, the main consultation from 2002 had insufficient approval, was based on an almost completely different scheme, is out of date and secured backing largely based on assurances which are no longer on offer or are now not relevant.

Consultation since then appears to have been with much smaller groups and is not sufficient to reflect the will of the estate. Even these smaller groups have expressed considerable angst at the changing landscape of what is on offer in the regeneration.

The main consultation on which London Borough of Barnet seem to rely on is the postal ballot which was carried out between 25<sup>th</sup> November 2002 and 6<sup>th</sup> December 2002, carried out by an independent organisation.

The consultation was a simple yes/no answer to the following question-

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*"Barnet Council and Metropolitan West Hendon wish to....regenerate West Hendon. This will involve modern homes for all existing residents.....In principle, do you support this aim?"*

Resident testimony of their memories from the time suggests that London Borough of Barnet's development partner at the time (Metropolitan – who are still involved now as a junior partner to BDW Trading Ltd) went door-knocking on the estate to receive further responses to the consultation. This brings into question the impartiality.

The low turnout (63%) combined with the numbers in favour (75%) produce an overall percentage in favour of the scheme as less than half.

The question is also sufficiently vague that it would be reasonable for residents to consider it in light with all of the other pledges and assurances which had been made by London Borough of Barnet or it's development partner.

There are a number of very significant changes since the consultation took place which gives it extremely little relevance. For example-

- At the point of the consultation, the Council's JV partners in regeneration were Metropolitan Housing Trust, Lovell Partnerships and Bellhouse Joseph, all of which formed a consortium. 3 years after the consultation, Lovells and Bellhouse dropped out and were replaced with Barratt Homes Ltd (now known as BDW Trading Ltd) who are the main development partner
- In the 11.5 years since the consultation, some of those entitled to vote will have changed and those who are entitled to vote may have a different opinion
- The consultation included Ramsey Close which is no longer part of the scheme
- Despite the footprint of the overall regeneration scheme now being smaller than consulted on, the number of new properties to be built has increased from 1100 to over 2000

In particular, there are a number of assurances also made by London Borough of Barnet and the consortium that were provided in writing to all leaseholders in a series of newsletters and other documentation. All of these are taken verbatim from publications from London Borough of Barnet or it's development partners at the time of the public consultation in late 2002.

**"Modern homes for all existing residents"** : This comes from the consultation question and may not now be provided due to stringent requirements to qualify.

**"No-one being re-housed will be required to live on a floor higher than their current home"** : As the new development will have a greater density, there are no assurances that this can now be met. Many leaseholders do not wish to move to a higher floor than they are currently on.

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**“Owner occupiers will have the opportunity to transfer their existing equity into their new home”**: Existing equity may be insufficient to purchase another property due to separate requirements for minimum shares. It would be helpful for the London Borough of Barnet to clarify whether any additional compensation (statutory loss and/or disturbance) could be added to equity from the property vendors sell.

**“You can swap your existing home for a new home on West Hendon”**: This guarantee appears to no longer be in place as there are a series of qualification criteria which not everyone will attain.

**“You can revert to a tenancy”** : This appears to no longer be on offer and may not be possible due to the limited housing stock which both London Borough of Barnet and Metropolitan Housing association have.

**“Subsidised service charge for affordable homes”** : It appears that this assurance is no longer on offer. Many leaseholders may not be able to afford what may be higher service charges than they have typically incurred over the last few years.

**“Ground floor maisonettes (the new ones – ed.) will have a private front garden”** and non ground floor properties will have **“private outside space.....either a balcony, roof terrace or private back garden”** : There are now very few maisonettes due to be built despite the majority of the properties that are being demolished being maisonettes. Those that are being built have already been allocated/sold according to leaseholder testimony.

**“New homes will be at least as large as existing homes. In some instances rooms will be bigger”**: It now appears as if the new properties will be smaller


**“Residents will be able to make choices from a menu of options as to.....”the style and location of their property”** It now appears as if there is no choice

Clearly, it would be beneficial for all qualifying leaseholders to have detailed information about the shared equity deal on offer. Many voted in favour of the regeneration based largely on what was previously on offer.

However, with the developer having changed and 12 years having passed, what is currently on offer now appears to be completely different with leaseholders non-the-wiser as to what they are entitled to.

Though shared equity is not an entitlement under the Compulsory Purchase Code, the public and stakeholder consultation was based largely on offers that are no longer in place on a scheme which has a different developer, is far larger, builds different types of properties and is in many ways, completely different to that which stakeholders voted on in 2002.

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It is the objectors assertion therefore that the revised scheme with the offers it has for displaced leaseholders is not in the public interest.

### **Ground 6 – Insufficient local services to cope with increased housing density**

Many local services such as healthcare and secondary school education are already overstretched and could become more so if the scheme goes ahead.

This could have a negative impact on the quality of these services to anyone who remains on the estate and also those nearby.

### **Ground 7 – Construction works and mitigation**

As my clients properties are phased from 2018-2022, they will suffer from the disruption and pollution caused by construction works for earlier phases. No independent study appears to have been undertaken on the affects of the works on the objectors and no mitigation measures have been recommended.

The 'piling' which is already taking place on the estate already appears to be disrupting the ground nearby to the objectors properties, with further works having the potential to disrupt the objectors use and enjoyment of their properties.

### **Ground 8 – Blight**

The objectors properties have been blighted since the Public Consultation of 2002, if not before.

It is normal in instances like this that any sales are at artificially low levels because values are depressed by the suggestion that properties have a limited life.

The Objectors have already therefore been trapped for the last twelve years into being unable to sell their properties at Market Value and it appears that there could at least be another few years that this could be the case for.

As these properties have not been included in the Compulsory Purchase Order, they have no automatic right to serve a blight notice to bring forward a sale. Only the owner occupiers would qualify to serve a blight notice but would first need to meet qualification criteria such as marketing the property for a reasonable period (typically six months) before serving a notice.

Many local estate agents are understandably unwilling to market properties at unblighted values as they are aware that there is very little likelihood of getting agreed sales.

Non resident owners do not qualify to be able to serve a blight notice so are again stuck with the properties until the London Borough of Barnet decide that they want to acquire them.

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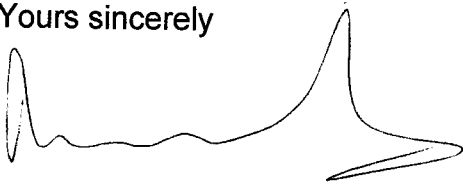


It is unjust that owners should be in this position which is caused directly by the regeneration project.

I have also enclosed a letter from Andrew Dismore, Assembly Member for Barnet & Camden to express his concerns and also his memory of events since the consultation from 2002.

Please acknowledge receipt of the objections for these fourteen leaseholders and confirm that they are assessed as having locus standi to have their objections considered.

Yours sincerely



Dan Knowles MRICS

Director

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