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**MONTAGU
EVANS**

JEB/2014/Barnet
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2nd July 2014

The Secretary of State for Communities & Local Government
National Planning Casework Unit
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Dear Sir or Madam

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

**PLOT No. 27 - PREMISES KNOWN AS HITECH HOUSE, INCLUDING 193, 193A & 193B
WEST HENDON BROADWAY & FIVE FLATS KNOWN AS 193 1-5 & GARAGE TO THE REAR**

**FREEHOLD OWNED BY : Mr Babubhai Gordhanbhai Patel, Mrs Vimlaben Babubhai Patel, Mr
Bhupendra Patel and Mr Humeshkumar Patel**

We are instructed by the Freeholders to advise in connection with the above Order, which the London Borough of Barnet (The Council) made on 3rd June 2014 and subsequently revised on 17th June 2014.

Our clients' interest relates to 193, 193A and 193B West Hendon Broadway and 5 flats known as 193 1-5 and Garage to the rear (the Property) and comprising plot number 27 as shown on the Order Map.

The Property is subject to a lease of the ground floor and basement for a term of 999 years from 29th September 1986 and is currently used as a computer training centre occupied by North London ITeC at 197 West Hendon Broadway and premises occupied by Discount Tyres (UK) Limited as a Garage to the rear of 193 fronting on to Telford Road. In addition, our client owns the freehold of 5 flats above the commercial premises, which we understand are currently let on Assured Short-hold Tenancy agreements.

THE SCHEME

The Scheme is confirmed as being 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 forms part of the wider Brent Cross - Cricklewood Regeneration area. The



Statement of Reasons confirms that compulsory purchase powers are sought at this stage in order to deliver Phase 3b and 3c.

As part of the hybrid planning application number H/01054/13 granted 20th November 2013, Plan No. 716_00_07_001 shows the hybrid application boundary and the area within that which is subject to the full planning consent. The plan shows that the Property is not included within the full planning application boundary, but is subject to outline planning consent. Amended additional drawing 2.4 "Outline Application Parameter Plans" shows the strategic phasing on drawing 716_00_07_009 and Phase 3 includes the Property and land to the south west of Broadway.

Development area parameter plan 716_00_07_003 shows that the site of the Property, the existing Telford Road and land to the north thereof will form part of new development. The remaining six properties within the terrace to the south of the Property (Plot numbers 28 to 33) will form part of a new access to the housing estate. The plan appears to show that the new access is intended to align with a widened Station Road to the east of West Hendon Broadway, which is part of Phase 4 of the development.

At Section 4 of the Statement of Reasons, the Council sets out a description of the Scheme, and at Paragraph 4.2 confirms the primary aims of the Council in promoting the Scheme 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 and 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 re-housing of the Estates secure tenants and home owners within the new development.

Paragraph 4.1.3 confirms that 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.

At Section 7 of the Statement of Reasons is an explanation of the use of the enabling powers. Paragraph 7.9 confirms that Government Circular 06/2004, Paragraph 16, Appendix A provides that in making a decision whether to confirm an order, the Secretary of State will take into account whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

At Section 8 of the Statement of Reasons the Council sets out its justification for the use of compulsory purchase powers. The Council states at Paragraph 8.2 that it is satisfied that "all of the Order Land is required to enable the completion of Phase 3b and 3c of the Scheme."

The Council confirms at Paragraph 8.7 that 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. The Council confirms that it is likely to require the use of up to 3 additional Compulsory Purchase Orders in order to secure the delivery of the later phases.

On behalf of our clients we are writing to **formally object** to the proposed Order. The grounds of objection are as follows:

- 1. Failure to demonstrate that the Property is required to deliver the primary aims of the Scheme.**
- 2. Failure to demonstrate that the purpose for which the acquiring authority is proposing to acquire the land could be achieved without the compulsory acquisition of the Property.**

The creation of new homes can be achieved without the compulsory acquisition of the Property.

In respect of creating linkages through from the estate to West Hendon Broadway and Welsh Harp Reservoir, there are currently numerous breaks in the existing parade along the Broadway that the Council could utilise, together with its extensive land ownership to the west of the Broadway, to create linkages through to the reservoir. It is not considered reasonable to compulsorily acquire and demolish a terrace of 7 substantial properties (Plots 27-33) that characterise the Broadway here. Additionally, the widening of Station Road forms part of Phase 4 and delivery of this phase is not certain and may require a further compulsory purchase order. The compulsory acquisition and demolition of the Property is, in any event, not necessary to deliver linkages as the Scheme shows redevelopment of the footprint of plot 27.

The proposal to demolish the Property and the adjoining terrace will result in the loss of existing retail and commercial space and the residential accommodation above. New education and community facilities, retail and commercial space can be achieved without the compulsory acquisition of the Property and adjoining terrace.

The Property and adjoining terrace are not required to facilitate the aim of providing landscaping, open space etc.

The Property and adjoining terrace do not form part of the Council's Estate and are not required for decant and re-housing.

All of the primary aims of the Order can be achieved without acquisition of the Property and the compulsory acquisition of private interests has not been demonstrated as being in the public interest.

3. Failure to enter in to negotiations to acquire the Property by agreement.

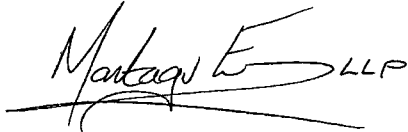
We are informed that the Council has made no attempt to negotiate to acquire the Property by agreement, and has verbally stated that they will not be seeking to acquire until 2016 with a proposed purchase date in 2017. As such the Property is blighted and will remain so for some 3 years unless the Council engage with my clients as they are required to do under Circular 06/2004.

Our clients maintain that the Order should not be confirmed or it should be modified to exclude the Property.

We would be grateful if you would acknowledge safe receipt of this letter. Furthermore, we would ask for the Objection to be considered at Public Inquiry to assess the merits of the proposed Order. We reserve our clients' rights to add or amend these grounds of objection.

Should you require any further information or clarification of the issues raised then we would be grateful for all contact and correspondence to be addressed to Jane Bradshaw of this firm in the first instance.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Montagu Evans LLP", with a horizontal line drawn underneath it.

MONTAGU EVANS LLP