

SUMMARY PROOF OF EVIDENCE

OF

MARY HANNINGTON

DATED: 14TH JUNE 2021

Pursuant to Rule 15
of the Compulsory Purchase (Inquiries Procedure) Rules 2007
(modified by the Compulsory Purchase (Inquiries Procedure)
(Miscellaneous Amendments and Electronic Communications) Rules 2018)

THE LONDON BOROUGH OF HARROW
(GRANGE FARM ESTATE REGENERATION PHASES 2 AND 3)
COMPULSORY PURCHASE ORDER 2020

Section 226(1)(a) of the Town and Country Planning Act 1990

The Acquisition of Land Act 1981

1. INTRODUCTION

- 1.1 I, Mary Hannington, graduated from the University of London BA (Hons) in English in 1986 and commenced working in housing in 1987. I have worked across the field within small, local and specialist providers through to large national organisations, eventually managing regional teams of between 15-20 staff and reporting to Director and Group Director.
- 1.2 This evidence consists of two separate parts, namely:
- 1.2.1 Part A - The purpose of this evidence is to explain the support being given to existing residents who will be affected by the proposed acquisition.
- 1.2.2 Part B - The purpose of this evidence is to:
- 1.2.3 give an overview of the Council's case;
- 1.2.4 set out the process for the making of the Order;
- 1.2.5 explain the relationship with the development partner; and
- 1.2.6 address any objections to the Order to the extent that these have not been addressed in the evidence of the Council's other witnesses.

PART A

2. PROCESS

- 2.1 The Council's aim is to purchase all interests in the Order Land by private treaty. To this end, the Council is in negotiations with the owners of the interests in the Order Land, with a view to purchasing their interests by private treaty.
- 2.2 The Order is being sought in respect of the Order Land as a contingency measure to ensure the timely delivery of Phases 2 and 3 of the Regeneration Scheme if attempts to acquire all the necessary interests and rights by negotiation prove unsuccessful.
- 2.3 Delivery of Phases 2 and 3 of the Regeneration Scheme will be through a phased programme of demolition and redevelopment.

- 2.4 The Council expects to begin the tendering process for a development partner in September 2021 and this process, i.e. up to appointment of a development partner may take 12 months.
- 2.5 Vacant possession of dwellings in the Phase 2 land will commence late 2021 and will need to be complete prior to entering into legal agreement or contract for the delivery of Phase 2.
- 2.6 Secure tenants in the Phase 2 land will be offered dwellings in Phase 1 when complete.
- 2.7 Secure tenants in the Phase 3 land will be offered dwellings in Phase 2 when complete or off-site with a right to return, if the Phase 2 dwellings are not available prior to the Phase 3 works commencing.
- 2.8 Resident leaseholders have been offered one of the new dwellings when complete on a shared equity basis as an alternative to selling back to the Council and moving permanently off site.

3 SUPPORT GIVEN TO RESIDENTS

- 3.1 The Council and its consultants undertook extensive consultation with residents on the Estate to agree a decanting and acquisition strategy for the Regeneration Scheme. In addition, a detailed Affordable Housing Assessment **[CDD.6]** has been undertaken.
- 3.2 The Council has also put in a place the Grange Farm Residents Charter **[CDD.5]**.
- 3.3 All secure tenants have the option to move into a new home on the Estate once the redevelopment is completed or to move permanently away from the Estate to another rented property elsewhere. Tenants will be offered accommodation that as a minimum meets the size of their current households and in line with the Council's Housing Allocation Policy. All secure tenants will be given up to 3 offers of a new home on the estate, when completed, and wherever possible, the Council will endeavour to accommodate tenants' wishes to live close to existing neighbours.
- 3.4 As the Regeneration Scheme is to be carried out in three phases, a number of secure tenants in Phase 1 have been temporarily rehoused to allow construction of Phase 1 of the scheme. The affected tenants have been rehoused temporarily either in void properties within the areas falling within Phases 2 and 3 or offsite if their housing needs cannot be met on the Estate and it is their preference.

- 3.5 The intention of the Council is that on completion of Phase 1, the secure tenants in the Phase 2 area who wish to take up a new home on the Estate will be moved directly from their current dwellings into a new home within the completed Phase 1.
- 3.6 Similarly, the secure tenants whose dwellings are currently within the Phase 3 area will be rehoused directly into completed units within Phase 2 to allow for the final phase of construction.
- 3.7 All secure tenants will be entitled to receive statutory Home Loss and Disturbance payments for the disruption caused by the regeneration.
- 3.8 By way of compensation, the Council will pay for the reasonable costs of moving, furniture removal and the disconnection and reconnection of electrical appliances. Moreover, tenants who have lived on the estate for 12 months will receive a home loss payment.
- 3.9 For temporary accommodation ("TA") residents, the Council continues to keep them informed of their housing options by regular newsletters and has a designated contact telephone number for their housing officer.
- 3.10 If TA tenants are unable to secure their own accommodation and need to be moved, the Council will offer them suitable accommodation under its existing homelessness duty to the household.
- 3.11 Upon taking ownership of the Notting Hill Genesis dwellings, the tenants of the occupied dwellings will become secure tenants of the Council and they will have the same rights as other secure tenants on the estate.
- 3.12 The Council is committed to acquiring the leasehold and freehold interests in the Order Land by voluntary agreement without recourse to use of CPO powers if possible.
- 3.13 Other options that are available to resident and non-resident leaseholders and freeholders are as follows:
- (i) resident leaseholders/freeholders only - a shared equity option for those who meet the qualification criteria to purchase a new property similar to the one they currently occupy either elsewhere or on the redeveloped estate with the assistance of a loan from the Council.
 - (ii) resident leaseholders/freeholders only - the option to purchase a shared equity unit on the new Estate

- (iii) all resident and non-resident leaseholders and freeholders - eligible to have an independent surveyor carry out a valuation of their property to be paid for by the Council
- (iv) private tenants of non-resident landlords - supported by the Council in finding alternative accommodation according to their needs, the Council's Allocation Policy **[CDD.1]** and its statutory duties, provided an application is made to the Council

4 OBJECTIONS

4.1 The Planning Casework Unit confirmed receipt of four (4) "qualifying objections" and one (1) "non-qualifying" objection.

4.2 Mr Manoj Rajah, 109 Wesley Close set out his objection to the Order in his letter dated 30 October 2020 **[CDC.5.1]** which can be summarised as follows:

- (i) his property complies with Building Regulations and is in good condition having been built only 25 years ago.
- (ii) the Council's stated intention to create a "lifetime neighbourhood" is contradictory and requiring almost 20 social housing household to lose their properties so that the Council can provide 185 new units of affordable housing is senseless.
- (iii) his mother is in a fragile condition because of her ailing health and personal reasons and the uncertainty disruption caused by the planned regeneration is having a detrimental effect on her health and well-being. The Council should be able to carry out the regeneration of the Estate without acquiring his property and infringing his and his mother's human rights to a private and family life.
- (iv) the Council cites anti-social behaviour as a reason for regenerating the Estate but this issue only became prevalent after the Council began relocating longstanding households only to replace them with temporary tenants. the Inspector is asked to refuse confirmation of the CPO or, as an alternative, vary the CPO to remove his property.

4.3 The Council's response to Mr Rajah's objection is as follows:

- (i) The new property which will be offered to Mr Rajah's mother will be a considerable improvement on the current property in all aspects.
- (ii) The Council is committed to maintaining the strong sense of community which exists on the Estate.
- (iii) The properties on offer to Mr Rajah's mother will be no smaller than her current home. Upon transfer of the NHG (Mr Rajah's mother's current landlord) properties to the Council, Mr Rajah's mother will become a secure tenant of the Council and the Council will be able to offer Mr Rajah's mother a package of support measures to facilitate his mother's move safely and conveniently. Moreover, the Council will also take into account any specific needs (eg: mobility) and provide at their cost such adaptations as are necessary.
- (iv) The causes of anti-social behaviour are wide and are not wholly due to the relocation of temporary tenants to the Estate.
- (v) In order to create not only modern, sustainable and fit-for-purpose housing stock for the residents but also an enhanced and safe public realm and improved community facilities the Council requires a comprehensive whole-site approach and would not be possible by omitting certain properties. The Council considers that the benefits, taken as a whole, to the residents from the Estate's regeneration justifies the whole-site approach taken.
- (vi) There is an ongoing dialogue between the Council and Mr Rajah which is proving constructive and the Council hopes to be able to address, as best it can, the concerns raised by Mr Rajah by agreement.

4.4 The remaining objections are considered in Part 2 of this evidence.

5 SUMMARY AND CONCLUSIONS

5.1 The regeneration of Grange Farm will deliver genuine quantitative and qualitative benefits to the residents of the estate and enhance the housing stock within the Borough.

- 5.2 Residents will benefit from housing that better meets their needs and is easily adaptable to meet future needs.
- 5.3 Phase 1 of the regeneration is already underway and there is a commitment to being in contract for Phases 2 and 3 by March 2023. Vacant possession must be secured in order to achieve this.
- 5.4 The objections raised are matters which in general terms do not challenge the justification for the CPO but relate to other matters and in any event are not proportionate relative to the wider benefits of the regeneration.
- 5.5 The Council has actively engaged with residents throughout the CPO process. In addition, the Council is offering a range of options and support to residents tailored to their need. In these circumstances, there is a clear and compelling case in the public interest for the scheme to proceed and for the CPO sought

PART B

6. THE EXISTING ESTATE

- 6.1 The present Estate consists mainly of a series of buildings constructed in the 1960s [CDB.5] to address the lack of suitable housing in the area.
- 6.2 The majority of the existing buildings on the Estate were constructed using the Resiform method of construction [CDB.5, p20-21].
- 6.3 The vast majority of existing buildings on the Estate no longer conform to Building Regulations. They provide sub-standard living accommodation for residents and the initial estimate to retrofit measures to bring the buildings up to modern standards is £11m.
- 6.4 Paragraphs 2.7 to 2.24 of section 2 (Background) of the Council's Statement of Case give details of the feasibility studies carried on behalf of the Council, outcomes from these, and community engagement to support the decision to regenerate the estate.

7 THE SCHEME

- 7.1 If confirmed, the Order will enable the Council to acquire compulsorily the properties and interests listed in the Schedule to the Order (“the Order Land”) and shown coloured pink on the map submitted with the Order (“the Order Map”) **[CDC.2]** in order to facilitate the carrying out of development, redevelopment or improvement of Grange Farm Estate. The scheme underlying the acquisition – part of which has already commenced on land that is not subject to the CPO – will provide 574 dwellings, a new community centre, new public open spaces and an on-site energy centre (“the Regeneration Scheme”). The Regeneration Scheme will lead to the improvement of the economic, social and environmental well-being of the Grange Farm Estate and the Council’s wider area.

8 THE MAKING OF THE CPO

- 8.1 At a meeting on 24 May 2016 the Council’s Cabinet authorised the making of the Order **[CDD.7.1-2]**. On 17 September 2020 the Council made the London Borough of Harrow (Grange Farm Estate Regeneration Phases 2 and 3) Compulsory Purchase Order 2020 (“the Order”) **[CDC.1]** pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”) **[CDA.1]** and the Acquisition of Land Act 1981.

9 DELIVERY AND FUNDING

- 9.1 Details of the intended delivery timeframe for the Scheme and the process to appoint the Council’s development partner is set at section 2 (Process) in Part A of this evidence.
- 9.2 The redevelopment is to be funded through a combination of public subsidy and private funding to be realised through the sale of private housing.
- 9.3 The Council has been successfully awarded £10 million direct Housing Infrastructure Funding (HIF) by way of a HIF funding agreement between the GLA and London Borough of Harrow dated 30th August 2019. This is to support the infrastructure costs within the overall scheme cost of delivering 574 homes across all phases. The funding agreement includes key outputs including those relating to Phases 2 and 3
- 9.4 Other public subsidy totalling £25.18 million is to be applied sourced via Council Housing Revenue Account resources.

- 9.5 In discussion with the GLA to finalise the planning application, it was agreed to increase the level of affordable housing provision on the scheme. This resulted in 33 of the dwellings originally intended for market sale being switched to affordable rent.
- 9.6 Phase 1 comprises 89 affordable dwellings. The Council is in contract with Higgins (a construction company which highly experienced in the delivery of regeneration projects) under a JCT D&B. Phases 2 and 3 will be delivered by the Council working with a development partner and it is envisaged that both phases will be delivered under one contract the form and structure of which is not yet agreed. The procurement process to select the partner will commence in 2021 and will take at least 12 months to conclude.

10. PLANNING AND BENEFITS

- 10.1 The planning benefits are addressed in section 5 (Benefits) of the written evidence of Mr Callum Sayers. The Council has considered the CPO in the context of section 226(1)(a) of the 1990 Act (including its achievement of the “well-being objectives”), the CPO Guidance and section 17 of the Housing Act 1985 in section 8; justification for use of the CPO powers in section 9; and the Human Rights Act 1998 and its public sector equalities duty in section 10 of its Statement of Case **[CDC.4]**.

11 OBJECTIONS

- 11.1 As mentioned in Part A of this evidence, the Planning Casework Unit confirmed receipt of four (4) “qualifying objections”.
- 11.2 Mr Manoj Rajah, 109 Wesley Close set out his objection to the Order in his letter dated 30 October 2020 **[CDC.5.1]**. A summary of this objection and the Council’s response are addressed in Part A of this evidence.
- 11.3 Reserve Forces’ Cadets’ Association for Greater London (“RFCA”) submitted a notice of objection dated 19 November 2020 **[CDC.5.2]**. The objection stated that the RFCA has Crown status and, therefore, the Order should not be confirmed because it does not exclude the interests held by the RFCA in the parcels of land numbered 75, 76 and 96 (Table 1) as well as the rights for the benefit of parcels 69 and 96 and all rights for the benefit of parcels 75 and 76 (Table 2). The objection also pointed out that the

interest held by the Secretary of State for Defence (having Crown status) in the parcel of land numbered 96 was, in contrast to parcels 75 and 76) not expressly excluded.

The Council's response to the objection by RFCA

- 11.4 There has been an ongoing exchange of correspondence between the RFCA and the Council since the Order was made. The Council confirmed to the RFCA that it accepts that the RFCA has Crown status and, as such, has agreed to amend the Order to exclude all rights held for the benefit of the RFCA. In addition, the Council agreed to expressly exclude the interest held by the Secretary of State for Defence in the parcel of land numbered 96.
- 11.5 Furthermore, the Council has agreed to remove the parcels numbered 75 and 76 in their entirety from the Order. The Council has provided the RFCA with an amended Order schedule and map to this effect and expects this objection to be formally withdrawn shortly.
- 11.6 The scheme was designed on the basis that the Council could (potentially) come into ownership of the land in parcels 75 and 76 by agreement although the Council was fully aware that this was by no means certain. The designed scheme, therefore, included parcels 75 and 76 while providing that no buildings were to be erected on this area of the site; the intention was that the existing pedestrian walkway combined with these parcels of land would provide the opportunity to create an enhanced pedestrian entrance to the regenerated site from Northolt Road (in the south east). Importantly, the fact that the land in parcels 75 and 76 will not be available to the scheme will have no substantial impact on the deliverability or the quality of the scheme.
- 11.7 Eastern Power Networks plc submitted their objection by a notice dated 19 October 2020 [CDC.5.3]. This objection was withdrawn by notice on 9 June 2021.
- 11.8 Cadent Gas Limited submitted their holding objection by a notice dated 2 November 2020 [CDC.5.4]. Negotiations to conclude a deed in the form of asset protection agreement between the Council and the company are at an advanced stage and it is expected that the company's objection will be withdrawn prior to the Inquiry date.

11.9 In addition, the Planning Casework Unit confirmed receipt of one (1) “non-qualifying objections”.

11.10 Emmeline Gordon-Reid, 39 Shaftesbury Avenue submitted emails to the Secretary of State on 1 and 2 November 2020 [**CDC.5.5.1-CDC.5.5.2**] objecting to the Order on the basis:

- (i) that the Order, if confirmed, will remove a right of access to the rear of her property which her property has enjoyed for many years.
- (ii) this right of access is necessary so that maintenance work, e.g. to solar panels installed on her property, can be carried out and the loss of the right of access would mean that such maintenance work could only be carried out via Shaftesbury Avenue (to the front of her property) and obstructing part of that busy highway including blocking a bus stop.
- (iii) this would create danger and, as a result, may lead to maintenance work not being carried out.

The Council's response to the objection by Emmeline Gordon-Reid, 39 Shaftesbury Avenue

11.11 Ms Gordon-Reid's claimed right of access was not initially included in Table 2 of the Order Schedule because it was not apparent that any such right existed. The claimed right of access was not apparent despite an on-site investigation carried out by the Council's land referencing agents.. The Council has confirmed to Ms Gordon-Reid that it will amend the entries in respect of the parcel of land numbered 17 in Table 2 of the Order Schedule to include a reference to a right of access appurtenant to 39 Shaftesbury Avenue. This amendment is made without prejudice to the Council's request that Ms Gordon-Reid proves that the right of access is established. The Council notes that the property is set back from Shaftesbury Avenue and that there is a hardstanding for off-street parking and, therefore, the Council does not accept that maintenance work cannot be carried out safely at the front of the property.

12 SUMMARY AND CONCLUSIONS

- 12.1 The overall objective and vision for the regeneration of the Estate is to create a lifetime neighbourhood that reconnects with the wider Borough, re-orienting streets and spaces in order to restore a sense of place to the Estate.
- 12.2 The Regeneration Scheme will deliver a comprehensive residential development with an improved mix of affordable housing including family housing. It will also bring improvements to the quality of private amenity space, open space and the public realm.
- 12.3 The Council is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the delivery of Phases 2 and 3 of the Regeneration Scheme and that there are no overriding impediments to delivering the Regeneration Scheme.
- 12.4 The Council, therefore, respectfully requests the Inspector to confirm the Order.

13 STATEMENT OF TRUTH

The evidence which I have prepared and provide for this Inquiry ref. APP/PCU/CPOP/M5450/3260423 is to the best of my knowledge true and I confirm that the opinions expressed herein are my true and professional opinions.

MS MARY HANNINGTON

14 June 2021
