

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

OPENING SUBMISSIONS ON BEHALF OF THE ACQUIRING AUTHORITY

INTRODUCTION

1. The London Borough of Harrow (Grange Farm Estate Regeneration phases 2 and 3) Compulsory Purchase Order 2020 (the CPO)¹ was made on 17 September 2020. Its stated purpose is to facilitate the carrying out of development of land to provide new dwellings and community facilities.² Underlying the acquisition is the delivery of phases 2 and 3 of the three-phase Grange Farm Estate regeneration scheme (hereafter referred to as “the Scheme”).

2. The planning application for the Scheme was submitted on 19 July 2016 and granted hybrid planning permission by unanimous committee vote on 29 March 2019.³ It is for the comprehensive redevelopment of the Grange Farm Estate, which covers some 4.1 ha of land at the southern end of the borough, some 300-400 meters northeast of South Harrow tube station.⁴ Physical renewal and estate regeneration at Grange Farm is expressly supported by the development plan.⁵ Phase 1 of the scheme

¹ CD C1 and C2. An amended map and schedule have been submitted for approval, in the light of objections received.

² CD C1.

³ CD B1.

⁴ Location, surroundings and transport links shown in DAS for the Scheme, CD B5, pp8-9, pp26-27.

⁵ Core Strategy Policy CS3(J), CD B9, p51.

commenced in about November 2019,⁶ without the need for a CPO. It will provide 89⁷ new affordable homes. It is due to be completed in August/September 2022, whereupon secure tenants from phase 2 can be moved into this first phase to allow phase 2 works to commence.⁸ The Scheme has been council led, and reflects the authority's ambitions to see real, meaningful, sustainable change on the estate.⁹

The Existing Grange Farm Estate

3. The existing estate is inward looking and isolated from its surroundings.¹⁰

The vast majority of the blocks comprise two storey buildings built in the 1960s from a quick, cheap and experimental form of construction known as "Resiform". Resiform comprises a timber frame system with an outer skin of plastic panels of polyester resin and glass fibre, backed with fibrous asbestos and lined with a thermal quilting.¹¹ The buildings had an anticipated life of about 30 years¹² and are now well beyond the end of their useful lives.¹³ Previous works have failed to resolve their poor insulation, and they have been beset by other issues such as the collapse of foul drains underneath the properties,¹⁴ making their maintenance uneconomical.¹⁵ There are 25 of these three-storey blocks on site, each comprising smaller one and two bed units.¹⁶

⁶ The contrary with Higgins is dated November 2019.

⁷ 68 replacement social rent; 21 shared ownership: CD C4, para 4.4.

⁸ HM proof, para 2.11; CD C4, para 5.7.

⁹ CD D6, paras 5.1-5.4.

¹⁰ CD C4, para 2.6.

¹¹ MH proof, para 6.3.

¹² CD C4, para 9.3.

¹³ CD B5, p10.

¹⁴ CD D7.1, para 2.4.

¹⁵ CD C4, paras 2.2-2.5.

¹⁶ CD D6 (affordable housing statement 2017), paras 2.1-2.2. There are 225 units in total. For a description of the overall housing provision on the site, see CD D6, para 2.4, table (units), para 2.5, table (floorspace and bedspace).

4. In 2013 the Council authorised feasibility studies into the options for regenerating a number of its estates, including Grange Farm. The studies included public consultation with the community at Grange Farm. The option of complete regeneration was identified in the light of the limited opportunities to maintain and improve the existing Resiform dwellings.¹⁷ Other estates in Harrow and elsewhere of similar construction have already been demolished and re-built.¹⁸
5. In addition, there are other, more traditional brick-built homes on the estate, comprising some bungalows, three storey blocks of flats and terraced homes.¹⁹ The acquisition of these homes is needed to deliver the scheme. The Council when authorising the CPO recognised that including the whole estate was necessary to make a coherent development of sufficient scale to make the project viable, while making the best use of available land and exploiting the topography to best effect.²⁰

The Scheme

6. The scheme will replace the original 282 dwellings on the estate with 574 new homes across its three phases - over twice the original number of homes,²¹ together with enhanced community facilities in the heart of the development.²² The scheme as applied for was proposed to deliver 333

¹⁷ CD 4, paras 2.7-2.12.

¹⁸ CD D7.1, para 2.1.

¹⁹ CD B5, p17 for aerial photo; CD D6, para 2.1 lists the buildings.

²⁰ CD D7.1, para 2.4.

²¹ CD 2.1, pp3-4 and 13; table 2, para 9.13.

²² See eg CD B5, p102 – new community centre located on village green as part of the civic square, across from the play area and ball games court.

for private sale, and 241 affordable homes (89 in phase 1, and 152 in phases 2 and 3).²³ However, after post-resolution discussions with the GLA and further interrogation of the viability assessment, greater delivery of affordable housing was secured from the second and third phases. The final mix is 300 units for private sale, and 274 affordable.²⁴ Although the number of individual affordable homes will be reduced, the amount of affordable home floorspace and the number of affordable bedspaces will increase and be better matched to current needs, not to mention the obvious step change in quality.²⁵ The scheme does, therefore, increase the affordable housing provision on the estate²⁶.

7. In tandem with the doubling of residential offer is the transformation of the estate into a characterful new neighbourhood of high-quality sustainable design that is integrated into the surrounding townscape, benefits from extensive open green space and landscaping, and enjoys improved access and permeability.²⁷ A site wide Design Code and parameter plans will ensure that the reserved matters achieve excellent design; and conditions ensure that future phases take into account changes in key policies since the grant of the planning permission.²⁸ There is particular emphasis on the public and private realm being accessibility for all, and at least 10% of the homes will be Wheelchair Homes Compliant

²³ CD 2.1, para 2.12.

²⁴ Mr. Sayer's evidence, para 3.44.

²⁵ CD 2.1, paras 8.15-8.26; 9.9-9.10; 10.13 as originally proposed.

²⁶ For affordable housing: 15,672 sq m (before) vs. 19,729 sq m (after); 822 beds (before) vs 950 beds (after): CD C4, para 9.6 Table. The proportion is 48% by unit number and 50% by habitable room: Mr. Sayer's proof, para 3.44.

²⁷ CD B5, DAS, pp45-48, sketch plan at p59, circulation strategy plan p148.

²⁸ CD B1, condition 8, p4.

(not merely adaptable).²⁹ None of the existing dwellings are capable of being adapted to Wheelchair Homes standard.³⁰

Key points for opening

8. The Acquiring Authority makes the following nine key points in opening.

(i) The need for a CPO

9. Authorisation was given to make a CPO in May 2016.³¹ By that time, some 12 months of negotiations with landowners had taken place, resulting in just four purchases. 12 leaseholders, four freeholders and the 20 Housing Association homes remained to be acquired. Hence the option of continuing negotiations without the back up of a CPO was rejected.³²

10. Negotiations have continued since then, and while good progress is being made, no agreement has yet been concluded with the Housing Association. The CPO schedule includes some 11 leaseholders³³ together with some three private freeholders³⁴, and the 20 Housing Association properties.³⁵ Mrs Hannington will confirm in her oral evidence that offers have been made to those who have engaged with the Council. While

²⁹ CD B1, condition 15, p8.

³⁰ Mr. Sayer's proof, para 3.46.

³¹ CD C7.1.

³² CD 7.1, paras 3.1-3.6.

³³ Leaseholders: plot 14 (84 Grange Farm Close); plot 27 (22 and 25 Wesley Close); plot 34 (49 Wesley close); plot 39 (20 and 24 Osmond Close); plot 49 (104 Wesley Close); plot 54 (82 and 85 Wesley Close); plot 72 (38 Osmond Close – non-resident landlord); plot 73 (45 Osmond Close – non resident landlord).

³⁴ Private Freeholds: plots 78 and 79 (53 and 54 Osmond Close, privately owned); plot 83 (58 Osmond Close, privately owned).

³⁵ NHG properties: plot 44 (109 Wesley Close); plot 45 (110 Wesley Close); plot 46 (flats 111-116 Wesley Close – NHG); plots 47-48 (houses at 117 and 118 Wesley Close – NHG); plots 62 and 63 (66 and 67 Osmond Close – NHG); plot 64 (flats 68-73 Osmond Close – NHG); plots 65 and 66 (74 and 75 Osmond Close – NHG).

negotiations to acquire properties by agreement will continue,³⁶ the CPO must proceed in the meantime.

11. Clean title and the ability to secure vacant possession is a necessary prerequisite to delivering the scheme. Undue delay carries with it a number of risks, including implications for public funding,³⁷ for concluding the appointment of a contractor,³⁸ and ensuring that the urgent housing needs of the borough are met.

12. The CPO is clearly needed to ensure that the scheme can progress at all, and in a timely manner. There are no alternatives.

(ii) Significant and growing need for new homes

13. When the scheme planning permission was granted, the housing requirement from the London Plan 2016 for Harrow was 593 dwellings per annum.³⁹ The London Plan 2021 has increased the requirement for Harrow to an average of just over 800 dwellings per annum.⁴⁰ Affordable housing needs continue to grow, with Harrow being one of the least affordable boroughs in London.⁴¹ The housing stock on site continues to date and the Resiform homes, which are the majority of homes on the site, are plainly unacceptable by modern standards. The housing mix onsite does not match current needs, with several households suffering

³⁶ The Council maintains a progress tracker with details of communications, offers etc. If necessary information can be obtained from this of the current position with landowners, though some aspects are commercially sensitive and should remain confidential.

³⁷ There are agreed milestones in the GLA HIF funding agreement: CD4, para 7.3.

³⁸ Vacant possession of Phase 2 is needed before the contract for that phase can be entered into: Mrs. Hannington's proof, para 2.9.

³⁹ Mr. Sayer's proof, para 3.37.

⁴⁰ 8,020 net over the 10 year period 2019/20-2028/29: *ibid*.

⁴¹ CD D6, section 3, and see para 3.3.

historically from overcrowding.⁴² The need for the scheme now is stronger than it was when granted planning permission. The public interest in support of the scheme, and hence the CPO, grows with the passage of time.

(iii) Extensive public engagement

14. The scheme has been informed by extensive public engagement with the community on the estate, which has been largely supportive.⁴³ The steering group formed from representatives of the community met some 40 times from June 2016 until the submission of the planning application,⁴⁴ and notes of its meetings are publicly available online. Monthly meetings of the group have continued.⁴⁵ A significant number of well attended community engagement events were held between March 2015 and November 2017.⁴⁶ Over a dozen other interested groups and statutory bodies were also involved in the design process.⁴⁷ The detailed design of phases 2 and 3 will engage further publicity and consultation. Overall, the process of engagement bears the hallmarks expected of responsible and sensitive estate regeneration schemes.

(iv) Appropriate support given to residents with re-housing and maintenance of community ties

⁴² CD D7.1, e-page 11; the proportion of larger affordable homes is increased by the scheme: CD D6, para 4.12.

⁴³ See CD B6, Statement of Community Involvement, pp18-19, pp24-25, p28 (conclusions).

⁴⁴ CD B6, para 4.2.

⁴⁵ Mrs Hannington's proof, para 3.11.

⁴⁶ CD B6, para 5.4 (table) and 6.1 (table).

⁴⁷ CD 6, para 4.7.

15. The Council understands the importance of providing support to the existing community on the estate and ensuring that those who wish to remain part of the estate community after its regeneration can do so.

16. All secure tenants on the estate have the right to return to the new estate once it has been redeveloped, and the Council is committed to match their needs to the new accommodation provided, and to ensure that new homes have the same adaptations as current homes for those who are elderly or vulnerable.⁴⁸ The phased decanting strategy seeks to ensure that residents can move directly into an earlier phase as far as possible.⁴⁹ Financial support is also provided for moving, as well as compensation for loss of the existing home.⁵⁰

17. The Council has been in negotiations with all leaseholders and freeholders for several years, offering prices that correspond to owners' entitlements under the compensation code.⁵¹ Where the price cannot be agreed, the Council's scheme extends to funding the reasonable fees of a chartered surveyor to conduct an independent valuation if necessary, with the option of an independent review if agreement still cannot be reached.⁵² A shared equity scheme exists whereby the Council will provide a loan to resident leaseholders and freeholders to fill the price gap in acquiring an equivalent new property on the estate or an existing property off the

⁴⁸ CD D5, Residents' Charter, p10.

⁴⁹ CD D5, pp13-14; CD D6, paras 4.25-2.28.

⁵⁰ CD D5, p15.

⁵¹ CD D5, p16.

⁵² CD D5, pp30-32.

estate, up to a maximum limit.⁵³ No interest or rent is charged on the equity loan.⁵⁴ Voluntary repayments can be made at any time.⁵⁵

18. Residents in temporary accommodation are being supported through newsletters, drop-in sessions (when possible), virtual meetings and liaison with their housing officer in person or by other means. Support is provided for them to find private rented accommodation or to be rehoused under the Council's existing homelessness obligations. Rehousing options may include new accommodation on the estate if this is not needed for housing existing permanent residents.⁵⁶

19. The Council has done and is doing everything appropriate to mitigate the impacts of the scheme and support the existing community on the estate.

(v) Positive Equalities Impact

20. The MHCLG guidance reminds acquiring authorities of the need to discharge the public sector equalities duty, particularly in the context of regeneration CPOs.⁵⁷ In the present case the authority undertook an equalities assessment, informed by its housing needs survey for the estate.⁵⁸ The assessment did not identify a disproportionate adverse impact on any protected characteristics, though it highlighted particularly positive impacts on those with the characteristics of age and disability.⁵⁹ The current needs of individual households will be taken into account as

⁵³ CD D5, p34; the limit is explained on p35 and in essence is linked to the difference in price between the existing property and an equivalent new one.

⁵⁴ The Council is entitled to a share in the future value of the new home equal to its percentage contribution to the purchase: *ibid.*

⁵⁵ *Ibid.*

⁵⁶ Mrs Hannington's proof, paras 3.11-3.15.

⁵⁷ Tier 1, para 6.

⁵⁸ CD D4, 13 May 2016; considered in the authorization at CD D7.1, e-page 11.

⁵⁹ CD D4, pp8 and 10.

part of the phased decanting process. A Health Impact Assessment has also been undertaken to monitor the overall impacts of the scheme on the health of the community on the estate.⁶⁰

(vi) Limited objection

21.As matters stand, there are only two remaining objections to the CPO. Of all the objections received, only one was made by or on behalf of a resident of the estate.⁶¹ Significantly for cases of this kind, no leasehold owner or freehold owner within the estate has objected to the CPO. While the Council acknowledges the strength of feeling of the two remaining objectors, their concerns can be appropriately addressed.⁶² Their points cannot sensibly outweigh the strong public interest in the continued and successful delivery of the scheme.

(vii) Planning Policy Compliance⁶³

22.The principle of renewing and regenerating the Grange Farm estate is supported by the development plan.⁶⁴ The scheme was considered in a lengthy and detailed officer's report.⁶⁵ Mr. Sayers, the case officer, concluded that the proposals were supported by the development plan in

⁶⁰ CD 7.1, e-page 11.

⁶¹ Mr. Rajah's objection, which reads as though made on behalf of his mother.

⁶² The Council has set out at some length the support that will be provided to Mr. Rajah's mother, who is a secure tenant and will be provided with the same care and support that all secure tenants receive. It appears that Mr. Rajah is content with what the Council has said, but maintains his objection in the absence of a legally binding undertaking from the Council: see the e-mail exchanges from mid-April to late June 2021, and in particular the e-mails dated 23 and 24 June 2021 between the Council and Mr. Rajah. Ms. Gordon Reid's procedural objection (absence of her as a named interest holder in schedule 2 to the CPO) has been met with a proposed amendment to the CPO schedule. The removal of any proven right of access to the rear of her property will entitle her to a compensation claim.

⁶³ MHCLG Guidance, Tier 2, paras 104-106; CD C9, the Council's Note on para 106 dated 25 June 2021.

⁶⁴ CD B9, p51.

⁶⁵ CD B2.1.

the round.⁶⁶ Further details and references are given in his evidence⁶⁷ and the Council's note on paragraph 106 of the MHCLG Guidance.⁶⁸

23. It is correct to note that the scheme was advertised as a departure from the plan.⁶⁹ This was because of the variance with open space policies, which were carefully considered in the officer report.⁷⁰ The policy breach related to loss of quantum, with the policy at the time being underpinned by a study undertaken under the long superseded PPG17.⁷¹ However, the quality of the existing open space on the estate is very poor indeed, and the scheme will deliver a vast improvement in quality, variety and functionality of open space.⁷² The need for more efficient use of urban land necessarily involves design solutions of this kind, and officers recognised that the resulting provision would be an enhancement on what is currently there.⁷³

(viii) No financial impediments,⁷⁴ sources and timing of funding are identified⁷⁵

24. The Council's note on paragraph 106 of the MHCLG Guidance⁷⁶ refers to, and elaborates on, the funding of the Scheme. Mrs. Hannington will confirm the position in her oral evidence. In essence, Phase 1 is fully funded with public funds and is progressing. Phases 2 and 3 will be funded

⁶⁶ Mr. Sayer's proof, para 3.3.

⁶⁷ Mr. Sayer's proof, section 3.

⁶⁸ CD C9.

⁶⁹ CD B2.1, e-page 7, foot of page.

⁷⁰ CD B2.1, paras 8.15-8.26.

⁷¹ CD B2.1, para 8.20.

⁷² See the helpful typology breakdown in the DAS: CD 5, p108.

⁷³ CD B2.1, paras 8.22-8.26.

⁷⁴ MHCLG Guidance, Tier 2, paras 106; CD C9, the Council's Note on para 106 dated 25 June 2021.

⁷⁵ MHCLG Guidance, Tier 1, para 14.

⁷⁶ CD C9.

from private sales and public funds. Expected sources and amounts of funding are set out in the Council's evidence.⁷⁷ The financial viability and deliverability of the Scheme has been assessed as part of the Council's HRA Business Plan, during the planning application process, and as a pre-requisite the GLA's grant funding award.⁷⁸ Moreover, a specific development partner has expressed a committed interest to delivering the Council's regeneration programme, including the scheme.⁷⁹

25. It is understandable why, in a phased scheme of this kind which is progressing over several years, steps need to be taken to secure vacant possession and land assembly before all the funding can be in place. The guidance requires a "general indication of funding intentions" and a "reasonable prospect" that the scheme will proceed.⁸⁰ These tests acknowledge that certainty is not needed, and often not possible. In the present case the scheme has already started and is progressing as it should. You can be confident that a reputable development partner is likely to be secured and that the funding of the scheme from both public grant and private sector sales will secure its delivery.

(ix) No impediments⁸¹

26. There are no known impediments to the Scheme progressing once the CPO is confirmed.

⁷⁷ CD C9, Note on paragraph 106; Mrs. Hannington's proof, section 9.

⁷⁸ Grant funding and other public subsidy were secured to secure viability and delivery: CD D6, para 5.3 and 5.7.

⁷⁹ CD C9, Note on paragraph 106.

⁸⁰ MHCLG Guidance, para 106.

⁸¹ MHCLG Guidance, Tier 1, para 15.

27. A stopping up order has already been secured for highways affected by Phase 1. Another stopping up order will be needed for Phases 2 and 3. Given that the roads are internal to the estate, there is no reason why the order will not be secured.
28. Reserved matters applications will need to be made for the details of Phases 2 and 3, in the normal way of an outline permission. The hybrid consent creates a clear framework for the progressing of those details.
29. The removal of the Air Cadet land from the CPO may mean that the permission needs amending in due course, because the scheme proposes their land as part of the widened pedestrian access for the development to and from Northolt Road. Such an amendment will only be needed if the Air Cadets choose not to relocate within the scheme.⁸² Negotiations with the Air Cadets have been taking place and efforts will continue.
30. Should an amendment is needed, the local planning authority is content that it can be addressed by a section 73 application, if it were not possible to address it be a section 96A amendment. These are matters that can be addressed in due course. Either way, a process for securing the change exists. Mr. Sayers will give oral evidence to the effect that a satisfactory pedestrian access can be achieved, albeit not to the same standard as the optimal arrangement currently approved by the scheme. Note that the upside of any non-relocation of the Air Cadets is the opportunity to provide additional housing or other floorspace within the site in place of the floorspace that would have been occupied by the Cadets.

⁸² CD B1, condition 36, pp14-15, secures floorspace for the Air Cadets.

CONCLUSIONS

31. The CPO has overwhelming merit. It will provide sustainable new homes for the residents of the estate and its future residents, together with new community facilities, enhanced open space, greater safety and accessibility, and integration with the wider area. The Scheme, and hence the CPO, will enhance the economic, environmental and social wellbeing of the site and surrounding area.⁸³ The CPO is necessary to secure the delivery of the Scheme. In due course, and for the reasons given here, in evidence and in closing submissions, the Acquiring Authority will respectfully ask you to confirm the CPO.

JAMES PEREIRA QC

FTB

29 June 2021

⁸³ References to the evidence on wellbeing are in CD C9.