

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

CLOSING SUBMISSIONS ON BEHALF OF THE ACQUIRING AUTHORITY

INTRODUCTION

1. This has been a short inquiry. In closing the Council confines itself to addressing certain matters that have arisen in the course of the oral evidence and in the objectors' cases. This closing is to be read alongside the opening submissions and the references given in that document, together with the Council's evidence and its Statement of Case.

Funding and delivery

2. Mrs. Hannington in her oral evidence confirmed the matters set out in the Council's note on paragraph 106 of the MHCLG Guidance.¹ She confirmed that sufficient interest in delivering the Scheme had been shown from parties who were appropriately qualified and experienced, and who could be expected to deliver the Scheme with appropriate quality and public engagement. This included interest from a potential development partner with a proven track record of joint public sector working on other regenerations schemes in London.
3. On funding, Mrs. Hannington explained the funding mechanism and processes, and the figures produced in section 9 of her proof of evidence. The means of funding this Scheme are tried and tested and familiar to the Council. They have been successful in funding Phase 1. Some uncertainty over precise funding sources is inevitable at this stage, but will reduce over time. She confirmed that this is all quite normal for schemes of this kind. As she noted, the financial performance of the Scheme has been

¹ CD C9.

subject to rigorous scrutiny from the Council, independent advisors, the GLA and MHCLG. HIF grant funding would not have been secured without the Scheme demonstrating its viability and deliverability. The GLA is satisfied with the Council's approach to public funding.

4. As stated in opening, you can be confident that the MHCLG Guidance tests are met on delivery and funding matters.

Timing and delivery

5. As confirmed by Mrs Hannington, reserved matters submissions for Phases 2 and 3 are likely to be made in 2022 following appointment of the development partner. These will be informed by up-to-date needs assessments. Mr. Sayers confirmed that the Scheme permission remains extant and any amendments needed in the event that the Air Cadet land is not secured, can be achieved by s73 application (if s96A were not available). Increased housing delivery may be possible from floorspace not taken up by the Cadets. That said, negotiations with the Air Cadets will continue.

Objectors

6. The objectors cases cannot prevail over the public interest in favour of the CPO and delivery of the Scheme.
7. In relation to Mr. Rajah, his mother will receive the appropriate support that she needs. The Council has a dedicated officer responsible for ensuring that up to date housing needs are assessed, and these will inform the detailed provision that comes forward in Phases 2 and 3. Its experience of working in Phase 1 is that all residents are able to secure homes that match their needs. Mrs. Hannington confirmed that Mrs Rajah will receive an offer of a three bedroom home as she currently lives in a three bedroom home. As a public authority which must be seen to treat all residents fairly, it would not be appropriate for it to enter into a binding contractual undertaking with

a particular resident. As with all public authorities, it has published policies that it follows, and it is accountable if it deviates from them without justification. The Council's policy statements,² the processes they have followed and continue to follow in this case, and the tone of Mrs. Hannington's evidence – not to mention her experience - can give you comfort that Mrs. Rajah's needs will be treated sensitively and with respect.

8. As was explained, inclusion of Wesley Close is necessary to deliver the Scheme, maximise efficient land use and achieve comprehensive regeneration. The principle of including the whole estate, not merely the Resiform buildings, was considered when the CPO was authorised.³ The Core Strategy policy supporting estate regeneration applies to the entire estate. It will be clear from the design and access statement and other material that excluding non-Resiform buildings would severely compromise a sensible regeneration scheme, and waste the opportunities presented by the site.
9. In relation to Ms Gordon Reid, her procedural objection (being left out of the CPO table 2) has been addressed by adding her name into Table 2. The Council has not formally conceded that her right exists, but this is not the forum to decide that question. The important point is that her asserted rights have been acknowledged. In relation to the substance of her objection (the extinguishment of her right of access to the rear of her property), she will receive compensation for any diminution in the value of her property caused by the extinguishment of that right. There are of course many thousands of homes in London and elsewhere that have no rear access. This is a normal and manageable fact of life in urban areas. Front access through the house will be manageable, as it is for these other homes.

² Such as CD 5, Residents Charter.

³ Opening, para 5 and footnote 20.

10. There are good reasons for extinguishing the rights: the security and design of the regeneration scheme, and the security of Ms Gordon Reid and any future residents of 39 Shaftesbury Avenue, and the objective of maximising housing delivery from the site. It would be undesirable for legacy rights of this kind to remain over the Scheme land following comprehensive regeneration. The Masterplan envisages terraced homes with their gardens backing onto the rear of the gardens of Shaftesbury Avenue homes.⁴ This is quite an ordinary relationship for terraced homes in urban areas, and does not allow for rear access. As Mrs Hannington explained, there would be security issues with creating an alleyway there, if that is what was needed. Looking at the Masterplan, a rear vehicular access - as exists currently and as apparently sought by Ms Gordon Reid - would on the face of it prevent at least some of the new terrace of homes from being built as envisaged.

11. There is a technical point to consider as well. Ms Gordon Reid's land is not being acquired. Her objection concerns rights over land within the site, where that is being acquired. Rights of this kind are customarily overridden by the acquisition or appropriation for planning purposes of the land over which they exist, and their extinguishment translated into a right to claim compensation.⁵ This is not to say that the rights are not important to those who hold them, but it does indicate that they are not prioritised by the statutory regime in the same way that, say, freehold and leasehold ownership of plots of land are. Mrs Gordon Reid referred to the cost and inconvenience she felt she will be put to if her right is extinguished, and those kinds of impacts will sound in compensation if they diminish the value of her home.

Wellbeing benefits

⁴ DAS, CD B5, section 6.3, p102.

⁵ Section 203 Housing and Planning Act 2016; section 10 of the Compulsory Purchase Act 1965.

12. The wellbeing benefits have been summarised in the evidence and documents.⁶ Some points have arisen in the course of the day's evidence concerning economic benefits. As Mr Sayers pointed out, there are employment and training obligations that will be included in any s106 obligation.⁷ There are also, obviously, economic benefits that will come to the area from the increased population on the site, the mixed community that will be living there, and the greater activity likely to result from the development as a whole.

Conclusions

13. For all the reasons given in evidence, in the documents and in submissions, the Council submits that there is a compelling case in the public interest to justify the CPO, and that the relevant policy considerations in the MHCLG Guidance are met. It respectfully asks that you confirm the Order as made, subject to the proposed modifications to the plan and schedules.

James Pereira QC

FTB

29 June 2021

⁶ See CD C9 paras 4 and 5.

⁷ CD 2.1, officer report, e-page 7, items (xx) and (xxi).