

Secretary of State for Housing, Communities and Local Government  
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**By post and email**

Our ref: ASH001/0001/RG2

22 October 2019

Dear Sir or Madam

**Objection to the London Borough of Havering (Rainham and Beam Park Housing Zone Regeneration Area) Compulsory Purchase Order 2019 No. 1 ("the Order")**

We are instructed by Ash Properties Limited on its objection to the Order which was made by the London Borough of Havering ("the Acquiring Authority") on 24 September 2019.

Ash Properties Limited ("Ash") is the registered proprietor of the freehold title to land at 89 - 101 New Road, Rainham RM13 8DT ("the Land") which comprises plot numbers 19 to 23 (inclusive) in the schedule to the Order as shown on the Order map. Ash has secured the whole of this site by purchasing five interests in land. Our client is therefore a qualifying person under section 12 of the Acquisition of Land Act 1981 and this letter should be considered a relevant objection as defined by section 13 of that Act.

We confirm that our client objects to the inclusion of the Land in the Order for the reasons set out below.

In its Statement of Reasons, the Acquiring Authority explains that its purpose in making the Order is to enable the regeneration of the parts of the Rainham and Beam Park Housing Zone which are included in the Order ("the Order Land"). The Acquiring Authority notes that the 2016 Strategic Housing Market Assessment for Havering indicates that Havering's full Objectively Assessed Need is for 30,052 new homes, 35% of which should be affordable housing, between 2011 and 2033. The Acquiring Authority aims to deliver 866 new homes, a minimum of 35% of which will be affordable, across the sites comprising the Order Land in order to contribute towards achieving its housing targets.

Partners: Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Raj Gupta, Meeta Kaur, Simon Ricketts, Patrick Robinson, Louise Samuel

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**tn.**

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The Acquiring Authority asserts that new housing cannot be delivered on the Order Land to the quality and in the quantity expected without each constituent site being assembled into larger development sites. We consider that this stance is not justified.

In August 2018, outline planning permission (ref: P1229.17) was granted to the Acquiring Authority's joint venture operation, Rainham and Beam Park Regeneration LLP, for up to 62 residential units on the Land with ancillary car parking, landscaping and access. The officer's report on the Acquiring Authority's scheme states that it could support circa 20% affordable housing units. As this percentage is not policy compliant, it was suggested that this could be compensated by the provision of more affordable housing on other sites along New Road.

In November 2018, our client was granted planning permission (ref: P0251.17) for the development on the Land of 3 new buildings, ranging from 2 to 5 storeys, comprising a number of self-contained flats and houses, a small commercial unit and associated landscaping, vehicle access and cycle and car parking. Under this permission, Ash intends to provide 60 new homes: 14 one-bedroom flats, 25 two-bedroom flats, 19 three-bedroom flats and 2 four-bedroom houses. An undertaking given by our client under section 106 of the Town and Country Planning Act 1990 includes a requirement that 22% of the units are affordable housing (and the percentage is higher if measured by habitable rooms). It will be noted that this is a higher proportion than that offered by the Acquiring Authority. In the statement of common ground submitted to planning inquiry APP/B5480/W/18/3202420, the Acquiring Authority as the local planning authority accepted that this provision of affordable housing would constitute the maximum reasonable amount that could be provided on the site and would not prejudice the delivery of the wider redevelopment in the Housing Zone. Our client's scheme will therefore make a significant contribution towards reaching the housing targets for Havering. Indeed, at the appeal the Inspector stated that our client's project might serve as a catalyst to encourage progress elsewhere in the area and boost confidence in the transformative regeneration sought by the Acquiring Authority.

A number of pre-commencement conditions were attached to this permission to ensure that the scheme would be delivered to a high standard. These included submitting to the local planning authority for approval details relating to materials, landscaping, drainage systems, construction controls, design specifications, air quality measures, water efficiency, access and parking arrangements, archaeological works and any potential contamination of the site. Our client has a successful track record in delivering projects and expects to satisfy all pre-commencement conditions before the demolition of the existing buildings on the site begins in January 2020. Ash will therefore be able to complete its development and deliver much-needed housing to the locality several years before the Acquiring Authority could expect to be able to and without having recourse to any public funding. The local planning authority did not contend at the planning inquiry that development of the Land would in any way prejudice delivery of the wider Order Land. The Order does not provide for the acquisition of any property adjoining the Land and therefore is not capable of improving on Ash's consented scheme.

Paragraph 2 of the Ministry of Housing, Communities and Local Government's *Guidance on compulsory purchase process and the Crichel Down Rules* (July 2019) provides that "a compulsory purchase order should




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*only be made where there is a compelling case in the public interest.*" In the light of our client's intention and ability to provide residential development consistent with the Acquiring Authority's objectives, it is clear that there is no compelling case in the public interest for granting the Acquiring Authority compulsory purchase powers in relation to the Land.

In the absence of an agreement with the Acquiring Authority, our client requires that a public inquiry into the merits of the proposed Order is held and wishes to appear at any such inquiry. The basis for its objection will be set out in more detail in a statement of case and in written evidence. We reserve our client's right to adduce further grounds for objection including in relation to the viability of the scheme underlying the Order and the failure by the Acquiring Authority to negotiate meaningfully with our client.

We look forward to hearing from you in due course.

Yours faithfully

A handwritten signature in cursive script that reads "Town Legal".

Town Legal LLP

c.c. London Borough of Havering (by email only)

