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National Planning Casework Unit
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24 October 2019

Dear Sirs

RE ORDER: THE LONDON BOROUGH OF HAVERING (RAINHAM AND BEAM PARK,
NEW ROAD, RAINHAM) COMPULSORY PURCHASE ORDER 2019 No. 1 ('the
Order')

PROPERTY: 184 & 184a NEW ROAD, RAINHAM RM13 8RS ('the Property')

RESPONDERS: FAWKES PROPERTIES LIMITED ('Freeholder')

Sanders Solicitors are a local firm of solicitors with offices at 18-20 The Broadway in Rainham. We have been operated locally since 1972 and have acted on behalf of Fawkes Properties Limited since instructed by the owners of Fawkes Properties Limited to represent them in this matter.

Fawkes have owned the Property since 1961 when they first set up its Plant Hire shops in Rainham and elsewhere. In 1996 the properties were transferred from Fawkes Plant Hire to Fawkes Properties Limited and the business was sold to Brandon Tool Hire in January 2003. Brandon Tool Hire therefore remained in occupation as the Tenant of $\frac{3}{4}$ of an acre of the site with Vitech Autos occupying $\frac{1}{4}$ of the site since 2015.

Objection

We confirm we have been authorised by the abovementioned Responders to give notice of their objection to the Order on their behalf. We summarise their objection under the following subheadings:

1.0 No compelling case in the public interest

The Council has not demonstrated that the scheme underlying the Order will deliver public benefits which outweigh the rights of those affected by the Order. The Statement of Reasons identifies very few public benefits at all, certainly insufficient to what is necessary to justify the Council interfering with the human rights of those with an interest in land.

PARTNERS Peter Sanders • Daniel Gearing • Shahnaz Ahmed



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SRA NUMBER: 54799

Brandon Tool Hire and Vitech Autos are customer facing businesses and neither is a dirty or noisy user and is not "degraded, derelict, contaminated or unstable land". As such, it would not detract from residential development occurring on neighbouring land and therefore the Order should be amended to remove the Property.

2.0 **Insufficient steps to acquire the land by agreement**

The Responders, their agents (MacKenzie Associates) and solicitors (Sanders) have responded to requests made by the Council or their agents (Glenny and Ardent) including the granting of access for the purposes of undertaking a survey of the Property which was requested under the guise of making an offer to purchase the Property from the owners. An offer of £1.6m was received from NHG on 6th August 2018, which was rejected as the value of the site is considered to be twice that sum. Furthermore, since the offer made no mention of compensation or statutory payments, which implies that the acquisition would not be under the Compensation Code, it was considered for that reason alone such an offer would fall short of what was considered a reasonable attempt by NHG and Havering to purchase the property in advance of a CPO.

3.0 **Impediments to delivery**

Planning - The Property forms part of what the Council has identified as RW4B (sometimes inconsistently also referred to as RW04B). The application for outline planning permission was submitted on 27 September 2017 and as at the date of writing, has not been granted despite several revised documents being submitted. It is therefore unclear whether or not Planning may be an impediment to delivery of the scheme.

Viability - RW4B comprises numerous industrial premises between 148 and 192 New Road, to the South of New Road, all of which share a rear boundary with Rainham Steel. Rainham Steel is a significant local business which undertakes heavy industrial steel processing. Rainham Steel is not in the Order and it is unclear whether or not this land will be redeveloped in the future and if so, when. Rainham Steel operates 5 days per week and 2 Saturdays per month, producing very significant volumes of noise which is entirely inharmonious with high quality residential accommodation on neighbouring land. We do not consider RW4B will be financially viable without first securing the redevelopment of Rainham Steel and therefore the Order should be amended to remove the Property (and perhaps more appropriately RW4B in its entirety) unless an unequivocal agreement is first reached with Rainham Steel to overcome this clear impediment to delivery.

Based on information provided by NHG and the Council, there is clearly conflicting information given as between this Relocation Strategy and the Statement of Reasons. For example, in the Relocation Strategy in paragraph 2.5 it states that there are 77 businesses that need to be relocated, of which 8 are freehold, 69 leasehold. In the Statement of Reasons however, in clause 13.13 it claims that the land referencing undertaken by Persona identified 96 freehold interests of which 17 were leasehold and approximately 32 residential properties, with 85 premises in business use.

It is apparent that NHG and the Council have not fully identified the extent of the interests that they are purporting to acquire and the level of compensation that will be required to compensate

each of the individual freehold, leasehold businesses and land owners and this must call into question therefore the viability of the Scheme.

4.0 Land not required imminently

We understand the Property forms the last phase of the proposed development. The statement of reasons shows RW4B being programmed for site acquisition in November 2023. Given the current levels of global financial uncertainty together with the ongoing noisy, heavy industrial use of the land to the rear by Rainham Steel and the untested market for modern new build apartments in Rainham, it is unreasonable for the Council to include RW4B, or at the very least the Property, within the Order when it is highly unlikely that the land will be required within the three year time limit for vesting the land.

The Order is denoted with "No. 1", inferring that a second order may be forthcoming at some later stage. We consider the Property (and perhaps more appropriately RW4B in its entirety) should be excluded from the Order at this stage. This would then give the Council sufficient time to take the reasonable steps that they are expected to take to acquire the land by agreement and then (if it has not been possible to acquire all by agreement) include the land in a further later order.

Indeed, in 5.2 of the Business Relocation Strategy, NHG and the Council envisage that there be New Road regeneration programme will be undertaken within a period of 7 years which begs question as to why our client's property which is identified as part of RW04b needs to be acquired at this point in time and not under a later CPO.

5.0 Insufficient information available

Despite the Council's assertion it has "engaged" with landowners, very limited information has been made available to the Responders, their agent or their solicitor about the proposed scheme, when the Property would be needed and what importance it has to the Council's wider regeneration aspirations for Rainham. Even as late as 9 October 2019 the Council had failed to publish information about the Order on the dedicated Rainham and Beam Park website.

6.0 Alternative options not properly considered

The Council has failed to demonstrate what alternatives (if any) have been considered and/or already discounted. Until justification is provided it is difficult to ascertain whether there are suitable alternatives to compulsory acquisition, whether the land is actually needed or whether a lesser area could be acquired to achieve the same effect.

It is the Responders' position that the Property should not be acquired and that it should be removed from the Order.

We would be most grateful for you to confirm receipt of this objection and we trust it will be given due and fair consideration. Further, we request copies of all future correspondence be directed to Ian MacKenzie at Mackenzie Associates at the address below and we consent for any such copies to be sent electronically where possible.

Ian MacKenzie
Mackenzie Associates

5 St John's Lane
London EC1M 4BH

Finally, we reserve the right to amend, add to or withdraw this objection.

Yours faithfully

Sanders Solicitors

[Signature]
Sanders Solicitors