

Appendix I

Negotiations with Objector

5 Hampden

- 1.1 In 2017, NHG wrote to all freeholders and leaseholders on the estate advising that NHG were willing to acquire properties on the Estate where people wanted to sell early.
- 1.2 Due to the 2017 planning refusal and related delays and changes to the proposed next stage, the area to be included in the Next Phase was amended to include Plots 10,11 and 12 only and the offer to acquire was withdrawn.
- 1.3 A letter dated 15th February 2018 (Doc 1) was sent to the freehold owners of 5 Hampden advising of this.
- 1.4 The freeholders of 5 Hampden sent an email to NHG advising of their disappointment of the delay in the redevelopment. (Doc 2)
- 1.5 The freeholder sent a further email dated 19 November 2018 advising they could not sell the property due to the proposed redevelopment (Doc 3) and that due to new developments in the area, the property had a much higher value than was offered as part of the buyback scheme and they would be seeking legal advice-action and a higher price before they would be willing to sell.
- 1.6 No further communications were had with the freeholders until the preparation for the making of the CPO was commenced.
- 1.7 The freeholder, along with all other Table 2 interests that were proposed to be included in the CPO, were sent a letter from the Council dated 13 January 2022 (Doc 4) explaining that their property was not required as part of the Scheme, but they could potentially have a right to claim if they had a right that was interfered with. The letter set out their entitlement to statutory compensation if they have a claim under Section 10 of the Compulsory Purchase Act 1965, following appropriation of the land within the Order Land. It also advised they would be receiving a Request for Information to obtain details of who owns and lives at the property to ensure service of Notices connected to the CPO were sent to the right people.
- 1.8 The Request for Information form was sent on the 21 February 2022 (Doc 5).
- 1.9 A letter dated 11 August 2022 (Doc 6) was sent by Avison Young to the freehold owners. This explained that the daylight and sunlight reports prepared for the hybrid planning application (Doc 6a) and for the reserved matters application for blocks H and K (Doc 6b), which is on the eastern boundary of the Next Phase, near 5 Hampden, did not identify 5 Hampden as being a property that would be affected in daylight

and sunlight terms by the development. However, an initial rights of light report prepared as part of the Order due diligence did identify it as being a property where, in a worst case scenario, the rights of light might be infringed. The property was therefore included in Table 2 of the Order.

- 1.10 The letter also explained that the land within the red line would be appropriated and under Section 203 of the Housing and Planning Act 2016, if the new development infringes their right to light and this causes a depreciation in the value of the property, then this would be compensated for. The letter explained that the Valuation Date is when the new development is completed and the infringement occurs. However, Choices for Grahame Park would be willing to enter into an agreement now that would provide that, close to the Valuation Date when the development is near completion, they would pay the reasonable fees of a qualified surveyor who specialises in providing compulsory purchase price to advise on the compensation that may be due.
- 1.11 The letter was sent again on 30 August as no response was received to the letter sent on the 11 August.
- 1.12 On 31 August the freeholders contacted Avison Young to advise they had received the letter and would consider entering into an agreement regarding the compensation that may be due.
- 1.13 A letter dated 20 September (Doc 7) from the Council was sent to the freeholders setting out a formal offer to agree to contact the freeholders when any blocks nearing completion that might interfere with their right to light, the Council would contact them to discuss any compensation due and pay the reasonable fees of a qualified CPO surveyor to act on their behalf and advise them of the level of compensation that may be due.
- 1.14 On the 28 September, the freeholder discussed with Avison Young that they would like an estimate of what the potential compensation could be.
- 1.15 Avison Young emailed a letter dated 5 October (Doc 8) (emailed again on 7 October as advised had not been received) setting out the potential compensation that could be due assuming the market value of the property was £525,000 (based on the asking price the property was marketed at in 2018), if the impact of the infringement was between two to twenty percent.
- 1.16 On the 10 October, the freeholders verbally advised Avison Young they wanted to agree the compensation now.

- 1.17 On 24 October, the freeholder verbally advised Avison Young he wishes to remain in his property and along with his neighbours, is considering adding on another storey to make a 3-storey property. He advised he wants to go the Inquiry to set out his case that he is entitled to the maximum compensation. Avison Young explained that the Inquiry was looking at the merits of the CPO and whether it should be confirmed, and that compensation is dealt with by the Lands Chamber (Upper Tribunal). However, NHG would consider entering into an agreement now.
- 1.18 On the 28 October, Avison Young verbally advised the freeholder that NHG would be content to enter into an agreement now and followed this up with an email (Doc 9) requesting that he set out his proposals for reaching an agreement in an email.
- 1.19 On 2 November, the objector sent an email (Doc 10) setting out his terms for an agreement and withdrawing his objection. He advised that in order to reach agreement and withdraw his objection he wished to enter into a development agreement with NHG on land in Essex he wished to develop and that he would require a payment of £100,000 for the obstruction to his rights of light.
- 1.20 Avison Young undertook a rights of light assessment to estimate in more detail the likely impact of the development. This showed the interference was minimal (Doc 11).
- 1.21 A letter was sent (Doc 12) to the freeholder setting out again the basis of compensation following the appropriation of the land under s.203 or the exercise of compulsory purchase powers on the Order Land and also enclosing the rights of light assessment undertaken.
- 1.22 Avison Young called the freeholders on 5 December, but they advised they had not had the chance to properly review the rights of light assessment.
- 1.23 On the 14 December, Avison Young had a telephone conversation with the freeholders. They explained they had taken photos of what is currently being developed and that these show that the new development significantly reduces the sunlight, which is the measure of light. They advised they are entitled to adequate light. Avison Young explained this is the case, but the rights of light assessment showed that 5 Hampden would still have this after the completion of the development. The freeholders advised that in their opinion, the rights of light assessment is wrong and based on their knowledge of the law, they understood what adequate light was. They advised the new development would have a big impact on daylight and sunlight and that a full inquiry was required so this is known and also about the corruption at the Council and NHG. Avison Young advised that the Inquiry's job was to consider the merits of the CPO not to consider any compensation payments.

- 1.24 On the 21 December, Avison Young had a telephone call with the freeholders who advised they were obtaining legal advice from work on the rights of light assessment.
- 1.25 On the 9 January 2023, Avison Young had a telephone call with the freeholders. They advised they had obtained legal advice which said they had a very good case and they would be appearing at the Inquiry to ask for the maximum compensation. They also intend to raise allegations of fraud against the Council.



Hamish Kay and Anna Miastkowska
5 Hampden
Broadhead Strand
London
NW9 5QA

15th February 2018

Dear Hamish Kay and Anna Miastkowska

Voluntary buy-back of your property at 5 Hampden, Grahame Park

I have been given your details by Sawyer Fielding who has contacted us to request a valuation of the above property with a view to potentially purchasing it from you through our voluntary buy backs programme on the Grahame Park estate.

Last year we submitted an application for the next stage of the Grahame Park regeneration programme. Despite Barnet Council's Planning Committee recommending approval in November, the Mayor of London has directed the Council to refuse the application.

We are of course disappointed with this outcome and we are working closely with the Council and the Mayor's staff to find a way forward and get on with the much needed regeneration of the rest of the estate.

However, the result of this is that our construction plans will now be delayed by at least 12 months and therefore **unfortunately we cannot progress any negotiations on the purchase of your property at this time.**

If you have any queries or concerns about this decision, please contact Diana Edward, Development & Renewal Officer, Genesis Housing Association on 07740 581 305 or by email at Diana.edward@genesisha.org.uk.

We will continue to communicate news as and when there is something to share and we will continue to hold our drop-in sessions for tenants and leaseholders/freeholders every month.

Yours sincerely

Ken Baikie
Project Director, Grahame Park



Atelier House
64 Pratt Street
London
NW1 0DL

T 033 3000 3000
E contact@genesisha.org.uk
www.genesisha.org.uk

From: [james mcbride](#)
To: [Diana Edward](#)
Subject: Hi Diana Grahame Park development
Date: 19 February 2018 11:11:39

Hamish Kay,
5 Hampden,
Broadhead Strand,
Colindale,
London,
NW9 5QA

Hi Diane,

many thanks for your letter dated the 15th Feb. We were very upset to hear the news the redevelopment has been delayed. I moved to this area due to my wife living here and having a good job for a celebrity chef. I have served in the British Army so am used to poor standard of housing. This area is quite frankly the biggest dive I have ever set foot in. I work in Pawnbroking retail and have travelled all over the EU-Brazil-Thailand-USA-Africa, and spend lots of time in Poland-Ukraine. The quality of housing and the cleanliness of this park you have allocated for redevelopment is the worst I have ever seen in my entire life. To put it blunt it is an utter "shithole" of the lowest possible standard ever. A total blot on the London landscape. With too many people of a poorer social demographic being dumped here causing crime problems, cultural issues, and a thin out to lift the economic investment into the area is sadly needed. A complete dump. The fact that you encompassed less social housing into the area is a good thing in my opinion. Whist I actually like Sadiq Khan his delays on this are utterly stupid and out of touch, and show his sitting in an ivory tower kind of attitude without a thought to the effects on the ground. Lots of people rely on the building re-gen for work in the south east. The UK economy as a whole needs inward investment post Brexit. What with the great redevelopment of Colindale superstores, Bang-Bang foodhall the area has attracted lots of Chinese investment which is very welcome in my eyes. The redevelopment and timing for this year would of made perfect sense prior to us leaving the eu, for in 2019 when we leave the pound will be very weak and the Chinese will be on a buying spree. Having all Colindale done or most large parts underway would of enabled a selling off plan, and thus the strong economic position of both the area and your Company.

Having moved from Essex I have scene the diverse ethnic make up of the area, it is well known that Hendon-Barnet is mainly Jewish and as typical native non Brit I am happy with the policy of keeping different factions, with very different beliefs-viewpoints etc apart. it is good policy for security and policing being blunt as an ex soldier. The main people on social housing are poor immigrant families of Islamic factions. I really appreciate their suffering and welcome them as many are from former empire countries, but it brings a whole host of local problems with trying to integrate locally into what is one of the last and safest areas for Jewish people in the crumbling EU. Having spent time in the middle east a slight crisis there linked to the world of social media in the west and there are major problems locally. I personally see this, as do others, and what Sadiq Khan is doing could be seen to be implementing, is anti-Semitic in many ways. Without sounding racist is don't take sides but follow social media and have seen the problems of Katie Hopkins and Mosques in Golders Green. It brings a whole host of policing, social, criminal, and economic problems into the area. The area needs less social housing for those reasons. It truly is a blot on the landscape of London as a wealthy city. The other area of this political crisis I hate is that I have been told to vote Labour to get it pushed through which is undemocratic, as it is a Conservative council answering to a Labour leaning London Mayor. Could I please have a time frame of when you think the regeneration will start,

kind regards,

Hamish Kay.

From: [james.mcbride](mailto:james.mcbride@genesisha.org.uk)
To: Diana.edward@genesisha.org.uk
Subject: Hi Diana, ref 5 hampden.
Date: 19 November 2018 11:04:53

Hi Diana,

many thanks for your help and advice the last year or so. Ref the Buyback scheme as an implied contract it has caused problems as no high street bank will lend on this site now. We placed our house for sale and have had 6 viewing all cancelled at the last moment with lame excuses. Rumours about collusion with the estate agents and genesis officials abound, this is backed up by the fact that no high street bank will lend on the property. In my line of housing, sandwiched between 2 newer developments the living standard is very high, it is clean and tidy with nice green areas, the people here, my neighbors are requesting the equivalent living space in the same spot, which equates to the same as a penthouse apartment in Beaufort Park of 900k. The new council offices, public health for England, the new Morrisons, Lidl, Bang-Bang , Marks and Spencer, new schools being built means that we have a lot of living space that within 25mins of the west end that I feel is worth far more no than what the initial buyback scheme was offering. As a result I will be seeking legal advice-action, and a higher price before being prepared to move,

kind regards,

Hamish Kay.

The London Borough of Barnet
Bristol Avenue
Colindale, London NW9 4EW

13 January 2022

To the Legal Owner
5 Hampden
Broadhead Strand
London
NW9 5QA

Dear Sir/Madam

Grahame Park Regeneration –5 Hampden, Broadhead Strand

If you are a tenant, please pass this letter to your landlord

As you will be aware, work is continuing to progress well with the regeneration of the next phase of the Grahame Park estate, which will transform the area and provide significant social, environmental, and economic benefits for residents and the wider community.

Demolition of the blocks to the north of Heybourne Park, Nimrod, Nicholson and Nighthawk, Noel and Nisbet, has recently completed. Following the appointment of Wates as a Contractor by our partners Choices for Grahame Park (CfGP), construction of the first new homes started on site this month (known as Plot A). Choices for Grahame Park are also developing detailed plans for the next phase of regeneration and plan to submit a planning application early in early 2022.

To ensure timescales for the redevelopment are met, the Council in September 2021, made a Committee decision that it would make a Compulsory Purchase Order (CPO) in the Spring of next year.

Your property is not required as part of the scheme, but it is considered that potentially you could have a claim for compensation if your right to light is interfered with. The right to claim for compensation would arise on completion of the development and is based on any depreciation in the value of your property as a result of the interference with your right to light. It is difficult to say at this stage whether there will be any interference with your right to light but it is proposed to include your property in Table 2 of the CPO in case there is.

As part of the preparation for the CPO, the Council will need certain information about the property such as the names of who owns it and who lives there so they can serve notices on the right person. You will therefore shortly be receiving a requisition notice from a firm called Gateley Hamer asking various questions about your property which you will need to complete and return to the address provided.

If you have concerns about this letter then please contact NHG's advisors, Avison Young. The contact details are:

Angela Nelson
Associate Director
Avison Young
65 Gresham Street
London
EC2V 7NQ
Angela.nelson@avisonyoung.com
07956 097 229

Yours faithfully



Martin Smith

Regeneration Manager, Regeneration Service, London Borough of Barnet

email Martin.Smith@Barnet.gov.uk

«Name_1» «Surname»
«Company»
«Address_1»
«Address_2»
«Address_3»
«Address_4»
«TOWN»
«POSTCODE»

Date: «Date»

Our ref: initials/matter number/P#

Direct tel: 07720 096 639

E-mail: liam.heeley@gateleyhamer.com

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY/LAND

To be Updated

«Salutation»

Grahame Park Regeneration

Re: «Re»

Barnet Council (“the Council”) is currently progressing the redevelopment of the Grahame Park estate (the area known as the concourse and the homes to the south). In September 2021, the Housing and Growth Committee of the Council made a Committee decision to make a Compulsory Purchase Order (CPO) in the Spring of this year.

The Council has commissioned Gateley Hamer Limited to act on its behalf to research land ownership and undertake Land Referencing work in connection with the above scheme.

This information is being gathered so that all parties with an interest in property or land can be identified and are served with the appropriate notices. Your property is outside the development site but near the boundary of the site, and so we are writing to request information from you so that we can check if you have any rights over the land.

This letter outlines the information you need to provide to us. It is a formal Notice pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and requires you to provide information about your interest and those of others in the land edged red.

Enclosed contains a form which must be completed

Also contained in the pack:

- an extract of the relevant legal provisions
- a ‘Request for Information’ form, which you must complete and return
- two copies of a plan showing your property (or land that you might have an interest in)
- FREEPOST envelope for the return of the completed form.

We ask when you fill out the form:

- provide information to the best of your knowledge
- include one copy of the plan (or plans) with the completed form. The other plan is for you to keep.

Please make sure the plan returned to us is the one that identifies any area(s) of disagreement. In addition, if only part of the area shown on the plan(s) is subject to an interest owned by you, please identify this clearly on the plan(s)

- If you disagree with the boundary shown on the plan(s), please mark this on the copy of the plan you return.
- Return the completed questionnaire and plan(s) in the FREEPOST addressed envelope provided, or to Gateley Hamer Limited, 2000 Cathedral Square, Cathedral Hill, Guildford, GU2 7YL even if this is to confirm you have no rights affected.

Please note that it is important that you reply to this Statutory Notice within 14 days i.e. by (DATE HERE 2022). If you do not reply this is a criminal offence and you may be liable to prosecution.

Completing the documents

If you have any queries concerning the completion of the enclosed documents, please contact Liam Heeley of Gateley Hamer on

Direct tel: 07720 096 639

E-mail: liam.heeley@gateleyhamer.com

General Queries

If you have any queries concerning any other matters, please contact Angela Nelson of Avison Young who is advising the Council in respect of the CPO who will be pleased to assist

via telephone on [+44 07956 097 229](tel:+4407956097229)

via email angela.nelson@avisonyoung.com

We are aware that due to the circumstances with the Covid-19 virus you may wish to refrain from leaving your premises; if this is the case, it is important that you contact us so we can discuss this matter further, either by e-mail or telephone so we can assist.

Yours «Signoff»



Martyn Duggan
Head of Land Referencing
Gateley Hamer

2000 Cathedral Square
Cathedral Hill
Guildford GU2 7YL
01483 577091
gateleyhamer.com

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

STATUTORY NOTICE UNDER SECTION 16 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Addressee: «Name_1» «Surname» «Company» «Address_1» «Address_2» «Address_3» «Address_4» «TOWN» «POSTCODE»

PLOT: «Plot_No»

Land Affected: «Re»

In order to enable the London Borough of Barnet ("the Council") to perform its functions in relation to the making of a Compulsory Purchase Order pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990, the Council in pursuance of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 hereby requires you within **14 days**, after the date of the service of this Notice to give the Council, in writing, the following information (in relation to land shown on the plan with this notice and any other land in which you have an interest in the immediate vicinity):

- The nature of your interest in the land (e.g. freeholder, lessee, tenant, licence holder or otherwise);
- The name and address of each person whom you believe is in occupation of the land;
- The name and address of each person whom you believe to have any other interest in the land whether as freeholder, mortgagee, lessee, a person who directly or indirectly receives rent or (by agreement with a person interested in the land) is authorised to manage the land or to arrange for the letting or otherwise.

The required information should be provided in the space provided on the form enclosed and once completed should be sent to the Council's Referencing Agents in the FREEPOST envelope or to **Gateley Hamer Limited, 2000 Cathedral Square, Cathedral Hill, Guildford, GU2 7YL.**

A person who:-

- a) fails to comply with the requirements of this notice served on him; or
- b) in furnishing any information in compliance with this notice makes a statement which he knows to be false in the material particular or recklessly makes a statement which is false in the material particular, shall be guilty of an offence and liable on summary conviction to a fine. Full details of the statutory provisions are enclosed with this notice.

Dated this INSERT DATE 2022



Martin Smith

Regeneration Manager, Regeneration Service, London Borough of Barnet
email Martin.Smith@Barnet.gov.uk

2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091

**EXTRACT FROM THE LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976**

Section 16

(1) Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely:-

- (a) the occupier of the land; and
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) A person who—

- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine

2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091

Request for Information

The requirement for you to provide information is governed by Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

All information provided is governed by the **General Data Protection Regulation (GDPR), Data Protection Act 2018**. Any information provided will only be used for legitimate planning purposes for this possible Compulsory Purchase Order and which could be placed in the public domain.

Please complete the form in **BLACK INK** and **CAPITAL LETTERS**.

Where options are provided, or the answer is YES/NO please delete or circle as appropriate.

If you require more space to answer any of the questions below, please use area at the back of this form named 'additional information' or attach an additional sheet marked with the question number

For clarification on the questions see 'notes for completion' at the back of this form.

Please return the completed form and plan in the pre-paid FREEPOST envelope provided
or **post to: Gateley Hamer Limited, 2000 Cathedral Square, Cathedral Hill, Guildford, GU2 7YL**
or **scan and e-mail to: liam.heeley@gateleyhamer.com**

- | |
|---|
| <p>1. (i) NAME referred to (Addressee): «Name_1» «Surname» «Company» «Address_1» «Address_2»
«Address_3» «Address_4» «TOWN» «POSTCODE»
(ii) LAND/PROPERTY referred to (location/Land/interest affected): «Re»
(iii) Plot No: «Plot_No»</p> |
|---|

2. YOUR DETAILS

Title:	
FULL First Name(s):	
FULL Family Name/Surname:	
FULL address: <i>(only complete if different to No 1.)</i>	
POST CODE:	
Email address:	
Mobile:	
Telephone Number:	

3. COMPANIES ONLY

FULL Registered Company Name:	
Name of Company Secretary:	
Company registered number:	
FULL registered address <i>(main head office)</i>	
PARENT company (if applicable):	
Principal Office address:	

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Cathedral Hill
Guildford GU2 7YL
01483 577091

4. CHARITIES, TRUSTS or PARTNERSHIPS ONLY	
FULL name of Partnership, Trust, Charity:	
Charity number:	
FULL registered address: <i>(main head office)</i>	
Names of ALL partners & trustees: <i>(including any other additional correspondence address)</i>	
5. Your INTEREST in the land referred to in Q1 (ii) (please circle)	FREEHOLDER / LEASEHOLDER / SUB-LEASEHOLDER / TENANT / OCCUPIER / LICENSEE / MORTGAGEE / OTHER
If other, please state	
6. Do you OCCUPY the land (please circle)	YES / NO
7. Is the Land/Property registered with the Land Registry? (please circle)	YES / NO / DO NOT KNOW
If known, please provide the registration number	
8. Please describe the usage of the plot <i>(e.g. farmland (arable, pasture, grassland), garden, part of road (public/private), residential property, industrial unit, business property etc)</i>	
9. If you are NOT the FREEHOLDER	
Please provide FULL name(s) & address(es) of the OWNERS of the plot	

10. If you ARE the OCCUPIER	
List ALL Occupiers OVER the age of 18 Please provide FULL first name(s) & FULL Family Name/Surname	
IF NAMING ANOTHER OCCUPIER PLEASE ENSURE THEY SIGN THIS FORM TO COMPLY WITH THE GDPR REQUIRMENTS	
<i>(If there are any occupiers who shall become 18 within 1 year, of the date of this notice, please include their details and D.O.B)</i>	

2000 Cathedral Square
Cathedral Hill
Guildford GU2 7YL
01483 577091
gateleyhamer.com



11. Is the land/property referred to in Q1 affected by a MORTGAGE? <i>(please circle)</i>	YES / NO
If YES, please provide FULL name & address of the mortgagee	
Mortgage number	

12. Are there any MANAGING / LETTING AGENTS connected with the land/property referred to in Q1? <i>(please circle)</i>	YES / NO
If YES, please provide FULL name(s) & address(es) of the Agent(s)	

13. Are there any LICENCES connected with the land/property referred to in Q1? <i>(please circle)</i>	YES / NO
<i>(e.g hoardings, kiosks, vending machines)</i>	
If YES, please provide FULL name(s) & address(es) of the Licences	

14. Are there any other person(s) or party who has an interest in the land/property referred to in Q1? <i>(please circle)</i>	YES / NO
<i>(e.g rights of way/access, easements, rights to services, right to light, profits a prendre, restrictive covenants, grazing, riparian (fishing) rights, wayleaves for Statutory Authorities)</i>	
If YES, please provide FULL name(s) & address(es):	
Interest in the Land:	

15. On the attached PLAN does the boundary show your interest correctly? <i>(please circle)</i>	YES / NO
If NO, please amend the PLAN	
<i>(If possible please mark any boundary walls/hedges on the attached plan including any half width of boundary walls/hedges)</i>	

16. Does the land/property referred to in Q1 have access, gates and/or parking areas, outbuildings or garages? <i>(please circle)</i>	YES / NO
If YES, please indicate on the PLAN	

If YES, please amend the PLAN	
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2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091



Gateley Hamer is a limited company incorporated in England and Wales and regulated by the Royal Institution of Chartered Surveyors. Registered Number: 3348095. VAT Registered Number: GB 991 2809 90. Registered Office: One Eleven, Edmund Street, Birmingham B3 2HJ.

17. Do you foresee any changes in the above information provided within the next 6-12 months? (please circle)	YES / NO
If YES, please provide details	

I hereby state that the answers to the questions set out above comprise a true and correct statement, to the best of my knowledge, of all the information required by the Notice.

Signature:

Date:

Print Name:

If any other persons named in question 12 (i.e. persons over the age of 18) please ensure the individuals sign below

Name: Signature:

Name: Signature:

Name: Signature:

Name: Signature:

NOTE:

- (1) If you are completing on behalf of another, i.e. Power of Attorney please attach certified authorisation from the relating party**
- (2) In an event of a death please provide a death certificate and/or grant of probate**
- (3) Please provide a marriage certificate or Deed Poll certificate if your name has changed since the registration of your interest**

PLEASE NOTE THAT YOU ARE LIABLE FOR ANY SOLICITORS OR AGENTS FEES INCURRED IN RESPECT OF THE COMPLETION OF THIS FORM/EXERCISE

2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091



NOTES FOR COMPLETION:

Q1	All individuals must complete questionnaire or if combining all individuals must sign
Q3	Place of registration, this is normally 'England and Wales' but may be Scotland, Isle of Man, Jersey, West Indies, etc
Q4	Other similar positions include administrators, receivers, liquidators, personal representatives, governors, etc.
Q5	Freeholder = owner of land and property Leaseholder = fixed term lease not paying rent Sub Leaseholder = fixed term lease over 3 years and 1 day, paying rent, where landlord is the leaseholder Tenant = lease/tenancy 3 years or less, paying rent, where the landlord is the freeholder or leaseholder Occupier = Occupies the land/property, this can be (i) freeholder, leaseholder or tenant, (ii) anyone over 18 years living with tenant, leaseholder or freeholder Licensee = occupying a property under license Mortgagee = company or third party that provides a loan on the property Other = lodger or boarder, the beneficiary of an easement, wayleave and covenants
Q12	If any part of the property is occupied separately, such as garages, bin store, car parking space or outbuildings please provide separate details of each occupation and indicate the location on the attached plan provided
Q13	If naming another tenant/occupier at the property they must sign this form. Failure to do so will require us to send individual questionnaires to be completed
Q19 to Q23	Two copies of the site plan are included in the pack. One is for your own use whilst the other is to be amended if necessary and returned to us. Particular attention should be paid where the building line extends beyond the shown boundary and rights to use fire escapes, other accesses or car parks
Q24	We would always be grateful to receive details of information on any changes that occur, even after the form has been returned to us

2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091

Additional information:

2000 Cathedral Square gateleyhamer.com
Cathedral Hill
Guildford GU2 7YL
01483 577091



Gateley Hamer is a limited company incorporated in England and Wales and regulated by the Royal Institution of Chartered Surveyors. Registered Number: 3948095. VAT Registered Number: GB 991 2809 90. Registered Office: One Eleven, Edmund Street, Birmingham B3 2HJ.

Our Ref:

11 August 2022

Hamish Kay
Anna Miastkowska
5 Hampden
Broadhead Strand
London
NW9 5QA



Dear Mr Kay and Ms Miastkowska

Grahame Park Regeneration CPO

Avison Young are advising Choices for Grahame Park (CfGP), who are undertaking the redevelopment of the estate, on land assembly and compensation matters. Your letter regarding the Compulsory Purchase Order recently made by the London Borough of Barnet that you sent to the Planning Casework unit, has been passed to me and I would like to discuss with you the issues that you have raised concerning your right to light.

The Council will appropriate the part of the Grahame Park estate that is being redeveloped for planning purposes. This means that under Section 203 of the Housing and Planning Act 2016, any instances where Rights to Light to neighbouring properties may be infringed by the new development, affected property owners are entitled to statutory compensation if the loss of daylight and sunlight causes the market value of their property to fall.

The London Borough of Barnet in 2020 granted outline planning permission for the development of the Grahame Park estate. As part of the outline planning application, a daylight and sunlight report was undertaken to assess the impact the proposed development would have on the daylight and sunlight amenity to surrounding residential properties, highlighting which properties it was considered may have their daylight and sunlight amenity affected. This does not include your property

Subsequently, a detailed planning application has recently been submitted for plots H & K for consideration by the Planning Authority (see attached plan). A further daylight and sunlight report has been prepared for this application which also did not include any identified impact on your property.

Both reports are available on the Councils Planning Portal - <https://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications> - by searching the application reference. For the outline planning permission Ref. No: 19/5493/OUT and Plot H & K Ref. No: 22/2599/RMA.

However, when CfCP prepared the rights of light report for the making of the CPO, they took a worst-case scenario to ensure that any possible impacts were identified. This did not take into account any refinements that are intended to be made to the proposed buildings to minimise the impact that they have on surrounding properties.

In any event, before deciding whether they will grant planning permission, the Local planning authority will consider the impact the proposed development will have on the daylight and sunlight received by properties nearby. As set out earlier, it is considered that it is unlikely that there will be any impact on your property with regards to a loss of daylight and sunlight. That said when the application is considered at committee daylight and sunlight will be fully discussed and you will have an opportunity to make comment.

The date for assessing whether any compensation is due is when the infringement occurs (the Valuation Date), which is when any blocks that have an impact are completed. This will be over the next 5 to 7 years with completion of the whole development in 2036. It is difficult to know now what impact on market value there will be and so it will be necessary to address compensation on completion of the relevant block. Choices for Grahame Park are willing to enter into an agreement with you now, that close to the Valuation Date when the development is near completion, they will pay the reasonable fees of a qualified surveyor who specialises in providing compulsory purchase advice to advise you on the compensation that may be due.

If you could please contact me on 07956 097 229, then we can discuss this further.

Yours sincerely



Angela Nelson
Associate Director
+44 020 7911 2231
angela.nelson@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

**IMPORTANT THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

The London Borough of Barnet,
2 Bristol Ave
London
NW9 4EW

Hamish Kay
Anna Miastkowska
5 Hampden
Broadhead Strand
London
NW9 5QA

Contact: Susan Hunter
Tel: 020 8359 4255
E-mail: susan.hunter@barnet.gov.uk
Date: 20 September 2022

Dear Mr Kay and Ms Miastkowska

**5 HAMPDEN, BROADHEAD STRAND, LONDON, NW9 5QA
OBJECTION DATED 16 JUNE 2022 TO THE LONDON BOROUGH OF BARNET (GRAHAME PARK
REGENERATION AREA) COMPULSORY PURCHASE ORDER No. 2 2022 (the "Order")**

Further to your telephone conversation with Angela Nelson of Avison Young, I am writing to you on behalf of the London Borough of Barnet (the "Council") who are the "acquiring authority" for the purposes of the above-mentioned Order.

In your letter dated 16 June 2022 you object to the Order because you consider that those parts of the Council's redevelopment proposals for the area which will be near your property will adversely impact the right of light enjoyed by your property. The purpose of this letter is to set out the Council's position in respect of your objection and to make you a formal offer with the aim of allaying the concerns you have raised.

The Development

The Council will be appropriating the land (including buildings) listed in Table 1 of the Order schedule and as shown shaded pink on the Order map, i.e. they will be transferring the land from one part of the Council to another.

This means that the Council are able to carry out works that interfere with any rights over the land. Any properties in Table 2 of the Order schedule which have any rights over the land that has been appropriated and which are interfered with, are entitled to compensation if this interference reduces the value of their property.

5 Hampden

Your property is identified within Table 2 as a property where the proposed development may potentially cause an interference with a right to light enjoyed by the property.

The date for assessing whether any compensation is payable is when the infringement occurs (the "Valuation Date"), i.e., when any blocks that have an impact are completed. The

intention is that the blocks which may impact your property's right to light will be constructed over the next 5 to 7 years with completion of the whole development scheduled for 2036.

Given that any impact on your property's right to light can only be assessed on completion of construction of the block(s) relevant to your property, it is not yet possible to accurately identify if your property will actually be affected and if so to calculate the depreciation (if any) in the value of your property, and accordingly, the level of compensation due to you.

What the Council is offering at this stage

The Council is offering to contact you close to the Valuation Date, i.e., when any blocks relevant to your property are nearing completion and agreeing to pay the reasonable fees of a qualified surveyor (being a specialist in providing compulsory purchase advice) to act on your behalf and advise you on the level of compensation that may be due to you.

The Council makes this offer on the condition that, if you accept it, you will in return confirm withdrawal of your objection in writing to the Planning Casework Unit within 3 working days (of the date of acceptance of the offer made in this letter) and provide a copy of that letter to the Council.

Please treat this letter as a formal offer from the Council.

We consider the offer made above to be a reasonable offer which we hope will address your concerns, but you may wish to seek your own independent professional advice on the contents of this letter.

If you would like to discuss anything in this letter, please contact Angela Nelson of Avison Young who is advising the Council on CPO matters on the details below.

Angela Nelson
Email: angela.nelson@avisonyoung.com
Mobile: +44 07956 097 229

Yours faithfully



Martin Smith
Regeneration Manager, Regeneration Service, London Borough of Barnet
email Martin.Smith@Barnet.gov.uk

Our Ref:

5 October 2022

Hamish Kay
Anna Miastkowska
5 Hampden
Broadhead Strand
London
NW9 5QA



Dear Mr Kay and Ms Miastkowska

Grahame Park Regeneration CPO

Further to our recent telephone conversation on 28 September, as requested I set out below an estimate of the statutory compensation entitlement that might be due following the redevelopment of the Grahame Park Estate if this were to actually interfere with the right to light currently enjoyed by your property.

As previously advised, the Council will appropriate the part of the Grahame Park estate that is being redeveloped for planning purposes. This means that under Section 203 of the Housing and Planning Act 2016, in any instances where Rights to Light to neighbouring properties may be infringed by the new development, affected property owners are entitled to statutory compensation if the loss of light causes the market value of their property to fall.

The date for assessing whether any compensation is due is when the infringement occurs (the Valuation Date), which is when any blocks that have an impact are completed. This is expected to be over the next 5 to 7 years, based on the current programme of work.

To assess the compensation that may be due, we would need to first assess the market value of the property as it is before the new development was built. This would be by reviewing recent sales of comparable properties. We could either agree this with yourself directly, or if you prefer you can appoint a specialist CPO surveyor to represent you, whose reasonable fees would be reimbursed by the Council as per the letter dated 20 September from the Council. Once the market value has been agreed, we would then need to assess the impact that any loss of light has had on the market value. It is difficult to predict the impact as it will affect different properties in different ways, but for illustration we have shown a depreciation in value of between two and twenty percent.

It is difficult to predict and assess so far in advance what impact on market value there will be and so it will be necessary to address compensation on completion of the relevant block.

It is also difficult to predict what the value of your property will be in 5 to 7 years. I understand that in 2018 you put your property on the market at an asking price of £525,000. For the purposes of this exercise of demonstrating what potential compensation could be due, I have adopted this figure as the value of the property. However, at the time we would need to assess the actual market value of your property, this would require an inspection and a review of recent sales of comparable properties. The table below shows the compensation that could be due based on an impact of between 2 and 20 percent assuming a market value of £525,000.

Percentage reduction in value of property	Depreciation in market value and compensation due assuming a market value of £525,000 before the new development is built
Two percent	£10,500
Five percent	£26,250
Ten percent	£52,500
Fifteen percent	£78,750
Twenty percent	£105,000

I hope this provides some useful further information and explanation. I will give you a call in a day or two once you have had an opportunity to consider this letter to discuss next steps (or alternatively, please feel free to call or email me on the details below to discuss further). Please note that we and Notting Hill Genesis would be happy to meet you in person to discuss this issue if helpful.

Yours sincerely



Angela Nelson
Associate Director
+44 020 7911 2231
angela.nelson@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

Nelson, Angela (Avison Young - UK)

From: Nelson, Angela (Avison Young - UK)
Sent: 28 October 2022 16:30
To: hamishckay@gmail.com
Subject: 5 Hampden

Hamish

Further to our telephone conversation, If you could set out what your proposals are for reaching an agreement then I will discuss with my client next week.

Regards

Angela

Angela Nelson

Associate Director

Site Assembly and Compulsory Purchase

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angela.nelson@avisonyoung.com | avisonyoung.com

65 Gresham Street, London EC2V 7NQ



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From: [Hamish Kay](#)
To: [Nelson, Angela \(Avison Young - UK\)](#)
Subject: Re: FW: 5 Hampden
Date: 02 November 2022 13:54:56
Attachments: [image001.png](#)

CAUTION: External Sender

Hi Angela,

sorry for the late reply, I would consider to withdraw the objection+ public inquiry if the following conditions are met,

1) I want the maximum compensation for obstruction to light £100k
2) If someone linked to the regeneration scheme could help me build on the land I own in Essex, at a place called Rotten End, postcode CM74AN. It is farmland at the moment, but the Ministry of Justice is building two "Super Prisons" on the old MOD site of RAF Wethersfield approximately 2 miles from the site. I would propose building a block of German style eco flats for public sector workers linked to the prison for highly affordable rentals. The new German style eco sustainable flats are a cost effective way of blending into the countryside with excellent space-high quality living. I propose a new type system of small rural living near Public sectors of employment, with very cheap affordable rent say £700 for a 3 bed apartment, with emphasis on giving people in the public sector an opportunity to realistically save+ create good private pensions lifestyle for their public service. It would be a new type of concept and help ease the burden on Towns, and Cities. This is due to population boom-overpopulation. The transport links are good in that area being near to Stansted+M11-Cambridge. I propose a 20-40 apartment block, with community hall garages-car ports- garden-veg plots. Is there a contact linked to the regeneration or a way of linking it in so that we can offer that, and get it through planning, enter into a partnership etc. the pressure on housing within a close proximity to the Prison will be vast,
kind regards,
Hamish Kay

Hamish Kay

On Fri, Oct 7, 2022 at 2:52 AM Nelson, Angela (Avison Young - UK)
<Angela.Nelson@avisonyoung.com> wrote:

Angela Nelson

Associate Director

[+44 020 7911 2231](tel:+44202079112231) **Mobile** [+44 07956 097 229](tel:+4407956097229)

angela.nelson@avisonyoung.com | avisonyoung.com

From: Nelson, Angela (Avison Young - UK)
Sent: 05 October 2022 12:56
To: hamishckay@gmail.com
Subject: 5 Hampden

Dear Hamish

Please find attached a letter in respect of the above.

Regards

Angela

Angela Nelson

Associate Director

+44 020 7911 2231 **Mobile** +44 07956 097 229

angela.nelson@avisonyoung.com | avisonyoung.com

65 Gresham Street, London EC2V 7NQ



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Briefing Note

Right of Light Assessment for 5 Hampden

1. Introduction

- 1.1 Avison Young Rights of Light team have undertaken an assessment of the impact of the proposed development for which planning permission was granted on 31st July 2020 (“the 2020 Permission”), on the Rights of Light currently enjoyed by the occupants of 5 Hampden.
- 1.2 A right of light is not a right to all light currently enjoyed, but a sufficient amount of light “according to the ordinary notions of mankind” (Colls v Home Colonial Stores Ltd [1904]).
- 1.3 The general principle commonly applied is the ‘50/50 rule’ based on the ‘Waldram’ assessment, that if at least 50%-55% of a room can see at least 0.2% of the sky dome (at ‘the working plane’ i.e. desktop height), then the room is likely to be left adequately lit (this too is based upon existing case law precedent).

2. Methodology

- 2.1 To undertake the assessment, a computer model is prepared which assesses the right of light currently enjoyed by the property (Drawing 1) and the right of light following completion of the development (Drawing 2). In preparing Drawing 2, the maximum height, width and depth of the building as allowed under the planning permission is used for the model.
- 2.2 The results are shown in the table on page 5.

3. Results

- 3.1 Where a neighbour’s light is reduced to below these thresholds due to neighbouring development; or if the existing light levels in a property are already below this level and experience a further loss due to neighbouring development, then any material reduction in light might be deemed actionable.

3.2 In the case of 5 Hampden, our analysis has found that the property will retain 0.2% of the sky dome to at least 94% of the room areas. This is comfortably over the 50-55% point, below which an actionable loss may occur under existing case law.



5 HAMPDEN, BROADHEAD STRAND



	Existing
	Proposed
	Consented
	Surrounding Context

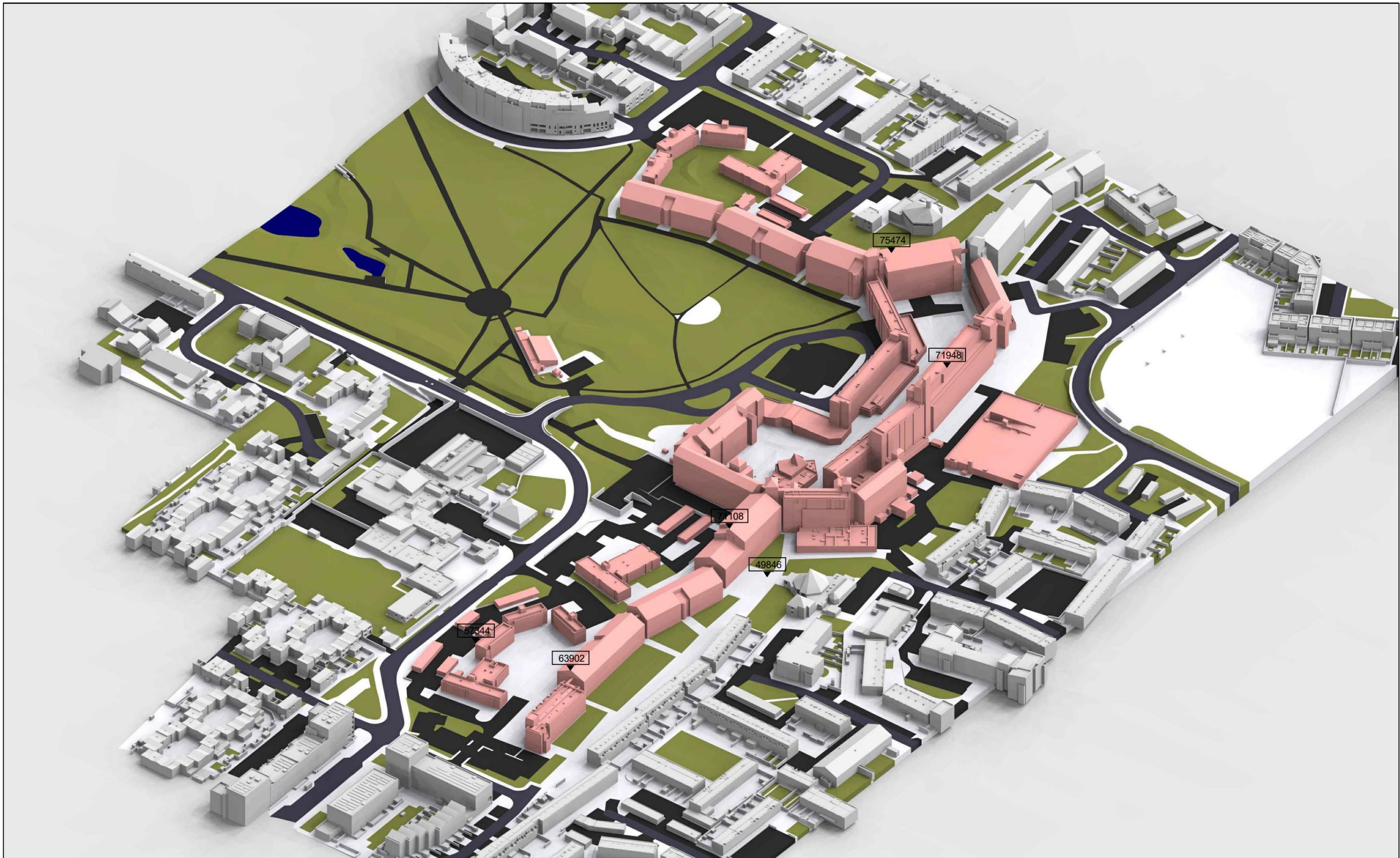
Sources of information	Surrounding buildings	Proposed building	Consented
Existing building Accucities 3D massing model received 16 July 2021	Accucities 3D massing model received 16 July 2021 Global Surveys site topographical & adjoining owners survey elevations 15373-MBS-1 to 13 Limited adjoining planning research	Patel Taylor masterplan 3D model received 29 June 2021 HP-PTA-MP-XX-MR-A-001_S2-P01 in AutoCAD dwg format Patel Taylor masterplan PDF/DWG received 29 June 2021 HP-PTA-MP-XX-DR-A-0106_S4-PL1 showing AOD heights	n/a

Project Name	Drawn By
Grahame Park, Heybourne	AS
Drawing Title	Scale @ A3
Existing site plan locating adjoining owners analysed (aim 35%)	n/a
Project No.	Drawing No.
GR237_03	ROL_01

Date	Revision
31 OCT 2022	-

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65 Gresham Street, London, EC2V 7NQ
08449 02 03 04 www.avisonyoung.co.uk



<p>Key:</p> <ul style="list-style-type: none"> ■ Existing ■ Proposed ■ Consented ■ Surrounding Context 	<p>Sources of information</p> <p>Existing building Accuties 3D massing model received 16 July 2021</p> <p>Surrounding buildings Accuties 3D massing model received 16 July 2021 Global Surveys site topographical & adjoining owners survey elevations 15373-MBS-1 to 13 Limited adjoining planning research</p> <p>Proposed building Patel Taylor masterplan 3D model received 29 June 2021 HP-PTA-MP-XX-MR-A-001_S2-P01 in AutoCAD dwg format Patel Taylor masterplan PDF/DWG received 29 June 2021 HP-PTA-MP-XX-DR-A-0106_S4-PL1 showing AOD heights</p> <p>Consented n/a</p>	<p>Project Name Grahame Park, Heybourne</p> <p>Drawing Title 3D view showing the existing site in context with AOD levels</p>	<p>Drawn By AS</p> <p>Project No. GR237_03</p>	<p>Scale @ A3 n/a</p> <p>Drawing No. ROL_03</p>	<p>Date 31 OCT 2022</p> <p>Revision -</p>	<p>AVISON YOUNG</p> <p>65 Gresham Street, London, EC2V 7NQ 08449 02 03 04 www.avisonyoung.co.uk</p>
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This drawing is Copyright © of Avison Young (UK) Limited. Do not scale this drawing. All dimensions to be checked on site. Drawing to be read in conjunction with any specifications, schedules and Consultants drawings and details. Avison Young shall not be liable for the use of this drawing by any other person for any purpose other than the specific purpose for which it was prepared.

**GRAHAME PARK
31-Oct-22
JOB 03 - EFZ RESULTS 5 HAMPDEN TERRACES**

Room/ Floor	Room Use	Room Area	Extg 0.20%	% Extg	Prop 0.20%	% Prop	Loss	Front	1st	2nd	Mkwt	EFZ
5 HAMPDEN, BROADHEAD STRAND - GR237_35												
Gnd Floor												
R4/350	UNKNOWN	185.10	177.30	95.79%	158.40	85.58%	18.90	0.00	0.00	0.00	18.90	4.70
1st Floor												
R7/351	UNKNOWN	89.30	86.60	96.98%	83.30	93.28%	3.30	0.00	0.00	0.00	3.30	0.80
R8/351	UNKNOWN	95.60	92.60	96.86%	92.30	96.55%	0.40	0.00	0.00	0.00	0.40	0.10

Our Ref:

22 November 2022

Hamish Kay
Anna Miastkowska
5 Hampden
Broadhead Strand
London
NW9 5QA



Dear Mr Kay and Ms Miastkowska

Grahame Park Regeneration CPO

Thank you for your email of 2 November which I have discussed with my client.

As has been discussed previously, the land which is to be developed for the new Scheme, will be subject to the exercise of compulsory purchase powers (subject to confirmation of the CPO) and will also be appropriated under s.203 of the Housing and Planning Act 2016 which means that in any instances where Rights of Light to neighbouring properties may be infringed by the new development, affected property owners are entitled to statutory compensation if the loss of light causes the market value of their property to depreciate.

In the event the land to be developed was not appropriated or compulsory purchase powers exercised, then compensation would be based on the impact on the right of light enjoyed by the property, as is the usual process for a development.

In order to provide a comparison, the Avison Young Rights of Light team have undertaken an assessment to establish the maximum possible impact of the new development on the rights of light currently enjoyed by 5 Hampden. I attach this technical assessment for your information. The table headed "JOB 03 - EFZ RESULTS 5 HAMPDEN TERRACE" in the assessment on page 5 shows that currently your property benefits from having 95.79% of the ground floor and the 96.86% and 96.98% of the rooms on the first floor having what is considered sufficient light (this is determined at 0.20% of the light available from the whole dome of the sky).

Once the development is built, based on a worst-case scenario using the maximum parameters, the assessment shows that this will reduce the sufficient light to 85.58% of the ground floor and 83.30% and 92.30% of the rooms on the first floor.

Compensation for interference with right to light is not based on a right to all light currently enjoyed, but on the property receiving a sufficient amount of light for usual activities. As a general principle, to establish an entitlement to compensation, you would need to demonstrate that the interference in your right of light by the proposed Scheme left your property with less than 50% of sufficient light. As set out above, the light received by the property after the development is completed, in this worst-case study, is well above this level and therefore there would be no compensation due.

Based on this right of light assessment and the daylight and sunlight reports prepared as part of the outline planning application, and the detailed planning application for plots H and K, the reduction in light to your property is negligible and therefore we consider that any claim following appropriation under s.203 or the exercise of compulsory purchase powers, for the depreciation in the value of the property, will be nominal. It is therefore clear that under either the traditional rights of light assessment or a compulsory purchase / appropriation assessment would be nominal.

Therefore, your request for a sum of £100,000 as compensation is well in excess of any compensation that you would be entitled to under either approach.

My client is however still open to discussion with you to see if it is possible to reach an agreement and would consider making a nominal payment now on the basis that you will withdraw your objection if this would assist. If this approach and a payment were agreed, then we would still assess any compensation at the point the development is completed, for which we will pay the reasonable costs of an advisor as offered previously and provide any additional compensation payment due.

In the event an agreement cannot be reached at this stage, then you will of course be entitled to make a claim in line with the statutory provisions when the development is completed.

As previously discussed, additionally my client would be prepared to pay for you to take some initial independent advice from your previous surveyor, Sawyer Fielding or another reputable CPO surveyor of your choice. If you should decide you would like to appoint someone, please ask them to contact me to confirm the level of the fees my client would reimburse before you instruct them.

Please be aware, that my client will not reimburse any fees or costs incurred in preparing for the Inquiry.

With regard to your request for assistance in developing your land in Essex, Notting Hill Genesis do not develop outside London and therefore would not be able to consider your site under their current programme. It also does not address any of the grounds you have raised in your objection.

I will ring you in a few days once you have had an opportunity to review this letter and the report.

Yours sincerely



Angela Nelson
Associate Director
+44 020 7911 2231
angela.nelson@avisonyoung.com
For and on behalf of Avison Young (UK) Limited