

22 May 2015  
20150522 - McIntosh & O'Brien - Brent Cross Cricklewood CPO Objection



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Dear Sirs

**RE ORDER: THE LONDON BOROUGH OF BARNET (BRENT CROSS CRICKLEWOOD)  
COMPULSORY PURCHASE ORDER (No1) 2015 ('the Order')**

**OUR CLIENT: McINTOSH & O'BRIEN  
PROPERTY: LAND, BUILDINGS AND RAILWAY ARCHES AT ADRIAN AVENUE, LONDON  
NW2 1LX ('the Property')**

We act on behalf of our clients Mr G McIntosh and Mr and Mrs F O'Brien (referred herein as 'McIntosh & O'Brien'). McIntosh & O'Brien are the Freehold owners of the above property which is subject to compulsory acquisition under the Order.

McIntosh & O'Brien are the freehold owners of plots 23, 25, 26, 27, 33, 38, 41, 42 and 43 identified in the Book of Reference. The Order, if confirmed, would give powers for the permanent acquisition of land owned by McIntosh & O'Brien.

The land includes the Freehold of six railway arches, the Freehold of the land that forms Adrian Avenue itself together with a large secure yard with a two bay vehicle repair workshop and two highly prominent advertising hoardings. The Property is occupied by several different tenants for largely motor trade related uses including vehicle cleaning, an MOT centre, tyre fitters, mechanical repairs as well as panel and paint repairs. Whilst the businesses are separate, they consider themselves to be a local community of trades offering interrelated services rather than competitors. Many customers use more than one of the services at a time.

The Property is fully occupied with the businesses in occupation employing approximately 30 people in total.

We hereby give notice of our client's objection to the Order. Whilst our client does not object to the principle of the scheme, they object to the following aspects of the Order:

- (i) There has been insufficient information or explanation provided to enable a proper understanding of the reason why our client's land has been included within the Order.
- (ii) There has been insufficient consultation with our clients to provide justification for the inclusion of the land within the Order. This has presented little opportunity for our client to make meaningful representations to influence the design of the proposed scheme.
- (iii) Whilst it is appreciated that certain road and traffic improvement works are likely to enhance the area, our clients are prepared to facilitate such improvements without the need for the London Borough of Barnet to compulsorily acquire the extent of land identified in the order. From the limited information available, it is not clear which part of the land is required for the proposed

junction improvement works near to our clients land. Until the London Borough of Barnet has a clear plan of the proposed junction improvement works our client's land should be removed from the Order

- (iv) The land identified in the order does not extend to all the land owned by McIntosh & O'Brien. The order, if confirmed, will leave McIntosh & O'Brien with land that will not have a legal access (other than from the River Brent).
- (v) There is nothing in the available documentation to suggest that the railway line will be altered in any way, therefore there is no justification for compulsorily acquiring the railway arches and adjoining land.
- (vi) The arches have been in use for commercial purposes pre-dating the original Brent Cross shopping centre development and have remained so for the entire period of the Centre's existence. Over those very many years the Shopping Centre and the arches have successfully co-existed without conflict. The London Borough of Barnet has not provided any evidence proving that the proposed enhanced shopping centre will be detrimentally affected by the current commercial uses at the Property.
- (vii) The services provided at the Property are not in competition with the retailers and services that will be provided at the regenerated Brent Cross shopping centre. The Businesses at the Property provide an important service to the local community together with the customers of the Brent Cross shopping centre, therefore enhancing the facilities provided by the area as a whole. There is no justification in the public interest for removing this valuable and practical service from the local community.
- (viii) From the very limited detail in the Masterplan the Property is sufficiently removed from the core regeneration area with the significant road and railway infrastructure acting as an effective buffer between. The current uses of the Property will not detract of the core regeneration objectives and therefore there is no justification for including the Property in the Order.
- (ix) From the limited information provided to date there is no supporting evidence to demonstrate the benefits of using our client's land in this specific location, as opposed to using alternative sites or as whether any alternative methods could have been considered to avoid disrupting our client's interests. As mentioned above, our client's land is on the fringe of the proposed scheme and to the opposite side of the raised section of M1 Motorway and A406 North Circular Road, therefore removing it from the Order would not impede on the overall delivery of the scheme.
- (x) There are currently no suitable alternative properties available for our client's tenants to relocate to in order to enable them to continue their businesses. The tenants are small thriving businesses that depend on being in this location. Additionally there is a strong symbiotic relationship between the enclave of businesses that occupy the Property; Separating them would have an adverse affect on their collective business success. By including our client's land in the Order, we consider this ay ultimately result in the forced extinguishment of some of these otherwise successful business occupiers. The threat of business extinguishment is in direct conflict with Central Government policy to protect and promote small enterprise.
- (xi) The London Borough of Barnet has failed to demonstrate that there is a compelling case in the public interest to justify the compulsory acquisition of our client's land, the resulting disruption to the occupiers and the threat to the livelihoods of the very many staff employed at the Property.
- (xii) We consider that in view of the changing nature of the locality, it could be reasonably anticipated that the Property would be brought forward for general improvement or redevelopment naturally, therefore negating the reasons for compulsorily acquiring our client's land, especially given its fringe location in the context of the proposed scheme.



- (xiii) With the sufficient appetite to bring the land forward for development in the absence of the CPO, we consider that exclusion of the land from the Order would not affect the wider regeneration aspirations, therefore its inclusion creates needless public expenditure.
- (xiv) The acquiring authority has failed to adequately comply with recommendations set out in Circular 06/04: Compulsory Purchase and the Crichel Down Rules, where it has not sufficiently attempted to negotiate reasonably with our client in advance of obtaining compulsory purchase powers. Our client has not received any offers from either the developer or the London Borough of Barnet to purchase the Property nor have they been offered any assistance in finding alternative premises offering similar facilities and connections to North London's arterial road network.

It is our client's position that its land should not be acquired and that it should be removed from the Order where it is considered that it serves no fundamental purpose or wider public benefit.

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 Clarke Vallance at the address below and we consent for any such copies to be sent electronically where possible.

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

Yours sincerely

A handwritten signature in black ink that reads "Savills". The signature is written in a cursive, flowing style.

Savills (UK) Limited