



GERALDEVE

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27 May 2015

Our ref: AMC / CSL / G6390

Your ref:

Dear Sir

The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.1) 2015
Pizza Express (Restaurants) Limited, Unit S1, Brent Cross Shopping Centre, Hendon, London NW4 3FP
Plots 419 & 421

We are instructed by our client Pizza Express (Restaurants) Limited (referred to in this letter as Pizza Express) to advise on compulsory purchase matters in respect of its leasehold interest in the above unit together with upper ground floor adjacent yard known as Service Yard V ("the property").

We write to object on behalf of our client to the above-mentioned compulsory purchase order ("the Order") on the following grounds:

1. Pizza Express does not wish to be deprived of its leasehold interest in, and occupation of, the property.
2. The Council has not demonstrated that the acquisition of Pizza Express' interest is necessary for the proposed alterations, refurbishment and extension to the existing shopping centre; it is not possible to say that the whole of Pizza Express' interest is required on the basis of a broad outline planning permission based on parameter plans alone. If it is unclear whether or not the property will be required, the Order is premature. The power to acquire the interest compulsorily should not be given unless it is demonstrated that the interest will be required for the scheme for which the Order has been made.
3. The Council has not demonstrated how Pizza Express' servicing and access arrangements to the property will be affected if the property is to be retained nor provided an undertaking for alternative provision to be made.
4. Pizza Express is anxious to retain its representation in this area of Hendon and currently operates a profitable business from the property. It has not to date been able to identify a suitable alternative property to which its operation could be located and is concerned that no suitable property will become available in the timescale within which it would be likely to have to give up possession were the Order to be confirmed. It is particularly concerned due to the number of other retailers and restaurateurs also likely to be seeking alternative premises.

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5. Pizza Express is a well-known, popular and successful restaurateur, represented in many prime high street locations, and would be a suitable tenant for inclusion in the new development. Accordingly we believe that the London Borough of Barnet or the promoter of the scheme should make provision in the retail and restaurant units within the development for a replacement unit.
6. The Council has not demonstrated that without the delivery of the CPO1 Development the regeneration of the land to the south of the North Circular Road would be unachievable.
7. The Council has not demonstrated that there is a sufficiently compelling case in the public interest to justify interfering with Pizza Express' rights under the European Convention on Human Rights.
8. No, or insufficient, efforts have been made to purchase Pizza Express' leasehold interest. It cannot be said that compulsory purchase powers are required on the grounds that it is not possible to acquire the interest by agreement.
9. There are no compelling grounds for the acquisition of Pizza Express' interest in the property. Accordingly we request that the Order is not confirmed in relation to the interest.

We would be grateful if you would acknowledge receipt of this letter and keep us informed of progress.

Yours faithfully

Gerald Eve LLP

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