

MINUTES OF EXTRAORDINARY GENERAL MEETING
Thursday 15th October 2009 at Arnold House School at 7:30 pm.

Members of the Committee present were:-

David Burr (DB) Chair	Sheila Bernette
Judy Hame (JH) Acting Vice Chair	Suja Eltringham
Alex Shear (AS) Acting Treasurer	Hilda Hewish
Maureen Deeley (MD) Secretary	Clare Usher

DB welcomed all members and thanked them for coming. **DB** thanked AHS for use of their premises for the meeting once again.

The first point of the agenda is to discuss and if seen fit, pass a resolution to amend GEGRA's constitution to allow non-resident leaseholders to join the association. Currently only residents may join but the restriction seems counterproductive as we deny a voice to private landlords who may well be very qualified to assist us. Given how little time there is, if people feel the change is contentious we will shelve the amendment to the next AGM.

Flat 180 RZ: Does this mean that for a private rental flat both the leaseholder and their rental tenant would be able to join and have a vote? **DB:** Yes

DB proposed the motion and it was seconded by **AS**. There was no opposition and the amendment was therefore adopted.

DB then moved on to the second point of the meeting and stated that he had allowed half an hour for the residents to discuss and state their concerns regarding the development proposals for the rooftop extension, after which the guests from the project team would arrive at 8pm and he would then introduce them. There were 3 aims for the meeting: for residents to be informed of the proposals, for GEGRA to have an understanding of your concerns and for the guests to understand residents' strong feelings. It was excellent that so many residents had come to the meeting as it would make it easier to achieve those 3 aims.

DB went on to explain that the scheme is for the development of 6 penthouse flats on the roof of the building reaching from the Abbey Road entrance to almost the Grove End Road entrance, a car park under the main garden with an access road to it beside the arcade and a new elevator from the car park straight to the new 7th floor. One of the Abbey Road lifts would also be extended to the 7th floor.

GEGRA have to date discussed the matter with Westminster City Council and The St John's Wood Society. We have also engaged a planning consultant and we will shortly engage a property solicitor. It is our understanding that it is very likely that the freeholder will get permission to proceed with such a development and indeed we recognise that it is the freeholder's right to develop their land. It is our role to do what we can to protect residents interests and so we intend to scrutinise the application and seek to get what concessions we can to make it as bearable as possible. To this end we expect the freeholder's project team to cooperate with us and they have said that they will.

Flat 241 MB: Will the new car park be for our use or for the new flats use?

DB: It is will be mainly for the new flats and you should ask the guests what they intend to do with any surplus spaces.

Flat 11 MR: I do not live here permanently but regularly use my flat. Who is it that wants to do this? **DB:** The freeholder is GEHA and they have a right by law to develop their property provided they get permission and comply with the law and the regulations in your lease. Once they request planning permission from the council, you can object to the council in writing if you have concerns. You can also write to individual councillors. GEGRA will object if we are not satisfied by the application and with any written commitments we have received from the freeholder prior to the application.

Flat 227 EM: GEHA are a Friendly Society and they should be looking after our interests as residents not their own as management. GEGRA should investigate what their obligations are.

Flat 295 AF: At the St. John's Wood Society meeting which I attended there was a feeling that gardens must be preserved and they spoke about the necessity for green space. **DB:** It is our advice that they are unlikely to get permission for the penthouses unless they can provide the extra parking.

A number of residents asked and discussed how we should best write to object, whether as a group or individually or whether by petition **DB:** It is premature at this stage as we don't know enough about the proposals to know whether we should object. If GEGRA decides that objections are needed then we will publish advice on our website and notice boards. It is our understanding that individual letters provide stronger impact than group letters.

Flat 280 MB: On the top floor we will be underneath a building site. How long for? How will we be compensated? **DB:** They say they expect to be completed in 18 months. It is interesting that the Baptist Church are paying GEG rent for their use of our land during their development. At least in this way we gain some benefit from their overrun. I have suggested to GEHA that they agree a similar arrangement.

Flat 80 AB-D: Unless I misunderstood it, the parking is for the new flats on the roof.

Flat 208 YG: It must be made absolutely clear that there is separate accounting for this new project. **DB:** GEGRA has asked for some written commitments regarding the effect on the service charge.

Flat 227 EM: As you know, there are very strict rules about when work is undertaken in this block, e.g., 9-1 and 2-5pm. If this project goes ahead, the rules should be strictly adhered to.

Flat 313 JE: Access to the 7th floor would be from a lift in the car park?

DB: Yes, but their main route is through the Abbey Road reception.

Flat 22 JLG: In legal terms, what grounds are available for objection as to the impact on our lives? **DB:** We will publish advice when we receive answers from our planning experts. There may be something in the lease.

Flat 266 BM: What compensation are we going to receive when we cannot use the garden which will not be available for approx. 2 years?

At 8pm the guests arrived and DB thanked them for coming and introduced them to the meeting:

- Catherine Hoyte – Planning Consultant, Montagu Evans
- David Peek – Project Co-ordinator, Peek Associates
- Chris Martin – PR, Bell Pottinger
- Erik Orts-Hansen, Architect, KSR Architects

DB: Questions and answers will be minuted, reviewed and published on the website.

CM: Gave a short review of the project as many residents had not known of or attended the meeting in the Abbey Road reception area. The proposal for the scheme is to have 6 family size apartments on the roof level and car parking under the garden. Plans have been available to view for three weeks on both the Abbey Road and Grove End Road receptions. We are here to answer specific details about the plans.

Flat 22 JLG: Why is this going ahead and for what purpose?

DP: The trustees are obliged by law to maximise the assets they have and to use any surplus for its charitable work.

Flat 227 EM: Challenged Sir John MacTaggart's right as a Chairman and Trustee to direct funds from GEHA to Commonweal, saying that GEHA is a friendly society and should be run for the benefit of the residents and not for a charity. **DP:** I respect your opinion.

Flat 56 VT: I would like to ask questions about the proposals. How many parking spaces will there be under the garden area? What access is there to the car park and what impact will it have on existing parking for residents?

CH: We are first speaking to the Highways Authority to understand how many spaces are needed for the new development and we will then explore the possibility of whether there will be additional spaces which could be used by existing residents. Entry to the car park will be via the existing road beside the shops in the arcade and then into the underground car park. After pressure, CH said that the maximum car park spaces needed for new flats will be about 8 and there would probably be 12 remaining for residents of the block. **DB:** Will the 9 parking spaces in the Abbey road forecourt be accessible both during the project and after it? CH said that it is likely that car parking spaces would need to be reconfigured.

Flat 295 AF: How will the project affect the impact on the businesses in the arcade and how can they be accessed? **EO-H:** The whole arcade will be boarded off from the works on the slip road to the car park. Pedestrians will have access to the shops which will operate during the work. The traffic consultants have stated that after the development is completed, about 5 cars per hour will use the access at peak times and 2 per hour off peak which is very low.

Flat 152 MH: You have told us how long this project will take but other projects in the building have been delayed and none of the promises kept. How can we trust

what you say? You have to understand that this will have a big impact on the lives of the residents. **DP:** We have stated that at present the job will take 78 weeks. We cannot start giving promises.

DB: Residents realise that some of the details cannot be known but, there needs to be some reassurance that once this project is approved, it will not create too large an impact on GEG. If you make commitments and explain why they should be trusted then residents are less likely to feel the need to object to the project. These commitments need to be put in place before you seek planning permission.

DP: Health and Safety assurances have to be carefully managed. There will be a tier of management and consultation with this tier will take place at different times throughout the project to ensure that conditions of work are adhered to.

Flat 295 AF: Effective consultation has never happened before.

Flat 100 JC: I have four concerns about the new lift. It is being positioned behind the wall where the head of my bed rests and so I'm concerned about noise. This lift shaft will be at the south end of the wall overlooking the garden and so it will block sunlight/light from my bathroom window and the communal corridor. I am concerned that it will provide a security risk as it will allow people into the building and finally I am concerned it will look unattractive. **EO-H:** Re noise – the lift is accessed at basement parking level and 7th Floor so it will not open on each floor. The latest modern technology and equipment will be used. The running gear will not be attached to your current external wall and so vibration is separated. A noise consultant is involved who will be looking at all these issues including access to the slip road and lifts. There will be no security issues for the basement and top floor as there will be CCTV cameras and a fob entry system in place. Light/sunlight – the lift shaft goes out 2 metres from the wall and the end is rounded. There will be no significant light loss to the building. Appearance – we will look at existing similar types of construction. The roof at present is made up of plants, machinery etc. which will be unnecessary and removed so in general the appearance will improved.

Flat 22 JLG: What will happen to the appearance of the buildings while the flats are being built? There will be an enormous impact on the access road to the car park by contractors. **Flat 256 MS:** We wish to understand how the site will be managed during the works. What about access for the construction team? **EO-H:** Most of the work will be carried on outside the building and no contractors will use the Abbey Road entrance. **CH:** Said she understood that access would be along the side road and that contractors would not need to use the entrance to the building.

DP: This project will be a major asset for GEG. It is counter productive if we make money for the roof project and lose it elsewhere. The investment is to enhance the block.

Flat 22 AS: Do you have to maximise regardless of people? **DP:** Said no but explained that he didn't believe this project would be too detrimental to the people affected.

Flat 13 PP: A lot of people get pleasure from the garden and you are going to dig it up and put in a car park. **Flat 135 MC:** Is it possible to build a car park without digging up the garden? **DP:** It is possible but very difficult and not a desirable way to do it. **EO-H:** You are quite right, we do have to dig it up but an aboriginalist is involved. All mature trees will remain. A landscaping architect is involved in the project and a formal garden, to capture how the garden is at present, will be reinstated. We are using the same concept but making sure there is more privacy around the edges. **Flat 83 SB:** I have a clause in my lease which states I can use the garden. How long will it take to dig it up and reinstate it? **Flat 211 PY:** Will we be compensated for the time the garden will not be usable? **DP:** I am not sure, maybe 50 weeks. Compensation has not been addressed. Another resident mentioned that it was in breach of covenant but DP said the freeholder believed no such covenant existed. **Flat 227 EM:** What about ventilation for the car park? When the wind is in a certain direction the fumes will come up into the garden. **EO-H:** The car park will be naturally ventilated and fumes were not expected to be a problem due to the small number of cars involved. Ventilation is on one side and will be boxed off with a hedge. **DB:** Stated that various options for the garden had been shown. Would residents like to see the garden remain as it is at present or would they like to see it improved? A vote was taken:

Status quo – 60-70%; **Improvements** – 2 people; **Don't know** – Rest.

Flat 232 ET: How many workmen will be involved in this project? **Flat 140 CU:** Will they be stopping work between 1-2pm? **Flat 16 ST:** Will bulldozers be used on the Abbey Road side? **CH:** The planning application will include an outline methodology setting out how we anticipate construction will be undertaken. Until we have a contractor on board we cannot answer questions in detail. What we will do is commit to regular liaison meetings with residents and with the contractor when appointed to work through these issues. **EO-H:** No bulldozers will be used. We don't know where the crane will be located at this stage. High level scaffolding will be used. **Flat 313 JE:** What is high level scaffolding and how will it affect the 6th floor. **EO-H:** There will be sufficient space for the builders to put in the extension and the scaffolding will not be below the roof top structure, and so it will not affect residents' windows and security on the 6th floor.

Flat 54 AV: The duty of the trustees of GEHA is surely to maximise the block for existing residents. **DP:** Is there any proposal of what should be carried out? **DB:** For example, at AGMs most years, residents of the garden flats complain that the pathways flood so badly when it rains that they cannot easily get to their homes. It would be better to focus on some of these longstanding basic issues rather than elaborate garden designs. **DP:** You must deal with GEHA on these issues as we are here to discuss the development project.

Flat 313 JE: I live on the 6th floor. Is there pedestrian access to the 7th floor from Abbey Road? I am next to the refurbished lift and it is not quiet. Use of the ramps to the forecourt is already a safety issue for pedestrians. **DP:** There will be segregation between the road to the car park and pedestrians. **DB:** Explained that the issue was that currently the steps that run between the flower beds from the pavement to the Abbey Road forecourt are uneven and so advice from Lamberts has been that if residents find them difficult they should use the car ramps. **EO-H:** They could be

replaced with better steps with handrails and proper lighting. **DP:** Committed to including this in the development proposal.

Flat 313 JE: What affect do you envisage to those people on the 6th floor when plant etc. are replaced? **DP:** Some days there will be annoyance but I do not think you will have many problems. Only one lift is going to be extended to the 7th floor. **CH:** said that construction does not involve a large amount of demolition and the more traditional construction work that residents might be anticipating and that the idea is that as much as possible is prefabricated off site before being lifted into place.

Flat 280 MB: I live on the 6th floor and one of the tanks burst and the noise during its replacement was tremendous. Will all the plant and tanks be moved? **CH:** said experts are working on noise levels which will be assessed by WCC but NOT in relation to construction noise.

Flat 152 MH: This new floor will mean a whole lot of costs. How is it going to affect current residents re service charges? **DP:** That is not my remit. There is a fairly straight forward process to allocate how much the new residents will pay so other residents are not affected. There should be a small reduction in service charges. The market price of properties would rise because of the upgrade of facilities. **DB:** Residents are worried that they will end up paying for the future maintenance of any upgrades you do to the common parts and staff to make it easier to sell your new flats. Residents would like some commitments on this issue. **DP:** 6 more apartments are not going to demand many more services. Old plant on the roof will be replaced as part of the project for more efficient equipment. Construction charges cannot be charged to the service charges. **DB:** Could there be an analysis of the charges? **DP:** Gave an undertaking to produce a paper on the subject and issue to GEGRA. **DB:** Asked if an analysis could be provided of the actual calculation once it had been completed so that there was full transparency. **DP:** gave no response. **DB:** Explained that last year a rather large item was added to the service charge which residents had to pay despite not feeling comfortable with how it was arrived at.

Flat 261 AM: What if we have the opportunity to use the car park, how would we have access to it without a lift to our floor? **EO-H:** You would either have to walk outside the building through the garden or along the access road.

Flat 135 MC: Are all the profits from the penthouse going to the charity or the maintenance fund of the building? **DP:** It may not all go to the charity.

Flat 58 AS: Will you give the name of the charity to whom some of the profits will be donated? **DP:** Commonweal Housing is a registered charity which provides assistance to people who suffer injustice with regard to housing.

Flat 22 AS It seems the Board of Trustees is turning our lives upside down for their self interest in this decision. **DP:** We are not simply a business which wants to make money for its shareholders. **Flat 22 AS** I call it ruthless.

DB: These residents are worried about how the project will affect their quality of life in the block and the value of their apartments both during the works and after completion. They have a very real need to protect themselves and for that they are

likely to want to get independent advice. GEGRA has reserves of just £3k which simply isn't enough to get sufficient independent expert advice. You say that the motive for this work is to make money for charity rather than to maximise your profits for shareholders. Could you commit to giving GEGRA sufficient funds so that we can get independent advice for residents? Otherwise it would seem that the charity will benefit at the cost of GEGRA's entire reserves and residents' financial support. **DP:** We will consider the request.

Flat 256 MS: Is this project genuinely open to consultation? **CM:** GEHA is committed to consultation which is why they have gone to great expense to provide four consultants to the GEGRA meeting at the request of its Chairman. **Flat 256 MS:** So if none of the residents want it to take place would you stop? **DP:** We would take that feeling into account.

Flat 295 AF: Why have GEHA gone to the effort of instructing a prestigious public affairs company like Bell Pottinger? **CM:** responded: Bell Pottinger has been appointed to advise GEHA on community engagement as it recognises the importance of speaking to all neighbours and residents. GEHA takes its commitment to consult very seriously.

Flat 152 MH: Was it an error when you put "The Occupier" and not the name of the resident on the envelope of the letter addressed to them about this project? **DP:** It was not an error. We do not know who owns the flats, so we did our best as we had to move quickly.

Flat 58 AS: This was extremely poor and very rude. When the landlord wants to collect service charges they address the letter to the leaseholder. Various residents explained that it looked like junk mail and many had thrown it away without opening it. **DP:** Felt that they had done their best in the short time available. **DB:** Explained that the names and addresses of leaseholders and GEHA rental tenants are known to GEHA. Also, some leaseholders are non-resident as they are private landlords and so their service charge demands are sent to addresses outside the building. Could the development team give a commitment to send future letters to leaseholders by name to the addresses held on file? **DP:** Declined to give such a commitment.

Flat 100 JC: What is the planning application date? **CH:** Expected to be 19th October.

Flat 313 JE: Gave a vote of thanks to DB for arranging the meeting and GEGRA for all the work undertaken. She also thanked the guests for attending.

DB: Thanked residents and the guests for coming to the meeting. GEGRA will post updates to their website and notice boards.

The meeting was brought to a close at 9:30 pm.