

MINUTES OF EXTRAORDINARY GENERAL MEETING
Monday 24-Jan-2011 at Arnold House School

Members of the Committee present were:-

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| David Burr (DB) – Chair | Hilda Hewish |
| Judy Hame (JH) – Vice Chair | Clare Usher |
| Jacky Erwteman (JE) – Treasurer | |
| Maureen Deeley (MD) – Secretary | |

Apologies: Suja Eltringham, Peter Jenks and Alex Shear.

1. Background

DB opened the meeting at 7:35pm. He thanked the residents for attending and for their support regarding this project to date. He also thanked the committee for their commitment and hard work as well as Arnold House for lending us the room at no charge.

DB explained that he would give the background of the project and would then explain what had changed since the first planning application topic by topic.

GEGRA were there to represent its members' interests. Effectively we are a pressure group and have been very successful in scrutinising the various issues, taking advice where needed and then campaigning for change. We do not own the freehold and we do not have a right of veto over the freeholders' decisions. We can assert some influence though and this is what we have been doing. The freeholder is Grove End Housing Limited (GEHL, formerly GEHA). They have the right to develop the block as long as they keep to within the planning regulations. Westminster City Council (WCC) are the planning authority and it's they who decide whether the application should receive permission.

In 2009 GEHL first announced that they wanted to build 6 penthouse flats on the roof and excavate the main garden to allow them to build a car park under it. The proposals also included building an access road alongside the arcade to the new car park and a new lift to be added to the back of the building. At the time they said they wanted to engage with residents and they appointed a prestigious PR company. Unfortunately we were unable to convince their PR to negotiate with us meaningfully and we were unable to get the proposals adjusted to reduce the impact on existing residents.

GEGRA was therefore given no choice but to organise a huge campaign of objections and we took this task very seriously. We engaged a solicitor and a firm of planning consultants and with their advice we explained to residents the valid grounds for objections. We also involved local politicians and the local paper.

The campaign itself was extremely successful. Through everyone's hard work we were able to generate more than 70 formal objections and a petition of over 190 signatures. Unfortunately we were unable to gain the support of WCC's planning officer but crucially we were successful in convincing WCC's planning sub-committee to refuse the planning application (27-May-2010).

We had always accepted that eventually the application would be permitted as many similar developments have received permission. We had therefore limited our aims to getting meaningful concessions from the freeholder.

Following WCC's refusal of GEHL's first application, DB contacted GEHL and reminded them of our willingness to discuss the issues of the development with the aim of gaining reasonable concessions prior to the submission of any revised proposals. DB also asked GEHL to reimburse GEGRA's fees to date. This letter seems to have been very well received. GEHL reimbursed GEGRA costs in full until that date (£1,767.93). They also welcomed the opportunity to understand what changes could be made to the proposals to reduce the impact on residents.

DB had a number of meetings with GEHL over the summer and autumn and these resulted in them making very significant changes to their proposals. This second planning application was submitted by GEHL to WCC on 4-Jan-2011. GEGRA's firm of planning consultants have remained involved and they have recommended that residents do not object to this second application. The reasoning is that GEHL have addressed all of WCC's reasons for refusing the first application and have also gone beyond that by addressing many of the concerns raised by residents that WCC did not uphold as valid grounds for refusal.

Given the likely disruptions it would of course be our preference for the development not to go ahead, but unfortunately that in itself is not considered by the planning authorities to be a valid reason for objection. On balance we feel it is far preferable for this revised application to get permission than for it to fail and then possibly be followed up by a third application, which may be worse for us. So in effect it's not a question of whether we would choose this to happen, it's a question of whether we have gained as many concessions as possible before GEHL are awarded permission by WCC.

Of course anyone is entirely free to object if they wish and people should make their own minds up. The application documents are available for anyone to see at the Estate Manager's office and will shortly be available on WCC's website.

If anyone has any concerns or questions that haven't been dealt with by GEHL then GEGRA would be very willing to put those to GEHL. GEHL have said that their door is open to any further concerns. Finally, **DB** was pleased to report that GEHL have also reimbursed all of GEGRA's advisors' fees associated with reviewing their second application (£1,045.75).

Flat 57 – SH: As a result of the housing crisis, people may not wish to buy property so perhaps the development may fail. **DB:** Any development has risks but as it's GEHL's development, it's their concern not ours.

Flat 295 – AF: During the first application GEHL spoke very well about their intentions to engage but they didn't at all. **DB:** I judge people by their actions not by what they say. During their first application there is no doubt that they didn't engage however this second application has been completely different. There's been very meaningful dialogue. For example, GEHL gave GEGRA and our consultants

their draft documents so we could go through them and suggest changes. Of course we need to remain vigilant to ensure that they keep involving us.

Flat 256 – MS: Why do you think GEHL are going to win this time? **DB:** In hindsight we had various advantages last time. GEHL hadn't incorporated any of GEGRA/residents' concerns, they could easily be shown not to have engaged and all of this was in an election year and so we found it very easy to get political support. This time GEHL have dealt with all of WCC's reasons for refusal and indeed they've gone further by making changes to address residents' objections which WCC didn't uphold. **MS:** Could we have gained more than the 20% service charge rebate as compensation? **DB:** Well it's impossible to know whether we could have extracted more but I think we did rather well. Their first offer was a lot less and it's important to realise that we have negotiated two really important features of the rebate. Firstly: It will be for the life of the project rather than for a fixed period of time. So if the project over-runs we will continue to be compensated. Secondly: The value is based upon historic service charges so no one is able to artificially lower the compensation payments by suppressing the service charge in the period.

2. Features of the proposals

a) **The Structure of the Building:** Can the building take the extra weight? **DB** explained that this isn't a Planning matter it's a question for Building Control. WCC's Building Control department have a statutory responsibility to ensure that developments are safe and it really isn't something we need to worry about. Furthermore, GEHL and their advisors have far too much to lose if they were to get this wrong. Do we really think GEHL would risk damaging its building and all of the flats it rents out?

To ensure that the condition of flats and common parts are established before any works begin, GEHL's letter (1-Nov-2010) promises that a full survey will be completed before work commences.

Flat 295 – AF: Said that the documents explain that the plant that is being sandwiched between the sixth and proposed seventh floor will be insulated to prevent there being a noise nuisance. Have any assurances been given generally regarding insulating the rest of the sixth floor from the seventh floor? **ACTION: DB to understand what is going to be done to insulate the sixth and seventh floors.**

Flat 91 – LT: Are they using the same engineers report as they used for their first application as that didn't seem conclusive? **DB:** I don't have it to hand but I don't remember seeing any lack of confidence in the structural safety of the proposals. However, I think we are all confusing Building Control issues and Planning issues. Planning deals with the desirability of the proposed changes but the detail of structure is dealt with by Building Control. GEHL would not be able to start any work without certainty that it was safe. **ACTION: DB to understand at what point Building Control is involved in the Planning process.**

Flat 100 – JC: Is it true that the building is only insured for £1m. Surely we would be under insured if they did cause damage to the building? **DB:** I'm no expert on the insurance however that number sounds very low. In any event, I don't believe our

buildings insurance would be called upon if damage was caused by the development. That insurance is for issues that we have in the normal course of events not for something that the freeholder chooses to do. The development and contractors would need to be insured. **ACTION: DB to understand the insurance situation.**

Flat 280 – MB: If this second application gets permission can't they then just apply to extend penthouses? **DB:** Of course GEHL can put forward whatever applications they wish and so GEGRA must continue to scrutinise. However, it should be noted that in their application documents they do seem to acknowledge that WCC have said in pre-submission advice that they wouldn't get permission for two floors or for a development above the Grove End Road façade. **DB** suggested residents read the Design and Access Statement in the planning application which explains this. The plans are available in the Estate Manager's office 24/7 and the porters can let you see them if the Estate Manager is not there. **ACTION: DB to gain an assurance from GEHL that the plans will continue to be made available in the Estate Manager's office until the end date of the of the statutory consultation period.**

b) Car Parking:

The 9 spaces on the Abbey Road forecourt will be lost and will be replaced with 4 short stay spaces for things like taxis and deliveries. This was a huge concern for us during the first application as it was proposed that the 9 spaces would be re-provided in the new underground car park however this was to be dedicated to 9 residents rather than shared. Also in the original proposals the new underground car park was very inaccessible.

These issues have been addressed by GEHL. In their second application they commit that the new spaces will be made available to us in the same way as the Abbey Road forecourt spaces are now so that we don't lose the amenity. A system will be installed to show whether there are available spaces in the underground car park so that drivers don't have wasted trips down there. Also, the new lift will now stop not only at the car park and seventh floor levels but also at the upper ground floor level which will give level access to the rest of the building via the existing lifts. The new upper ground floor lift lobby will be carved out of Flat 60 which is GEHL's office.

They have also conceded that the car park will be locked overnight from 11pm to 6am as the forecourts are now so that residents are not disturbed. They have proposed adding security gates to ensure that the car park does not provide as a means for intruders to get in.

There will be 22 bike spaces and 18 electric charging points in the new car park and one electric charging point on each of the two forecourts.

c) The Garden (including accessibility):

Previously our main objection was that we were going to lose the end of the back garden which is where residents tend to sit as it keeps the sun for longest. This area was to be used for a 1m high building to house a ventilation channel for the car park. GEGRA's suggestion has improved the scheme. In the second application there is a low bench which runs the width of the back lawn by the school. The vents will open out under the bench and the pathway will circulate around the bench. The application states there will be no mechanical extraction fan whatsoever, as there will be a

sufficiently wide area for the vent to ‘free-flow’ and there won’t be much in the way of fumes. With regard to the top soil of the garden, our concerns were that it would not drain and would not be deep enough to support trees. GEHL have promised unequivocally that the plan covers both these points. Residents were also upset about the loss of hedges but GEHL have conceded that mature hedges will be transplanted after the development. Finally, the new lift will also stop at the garden level so that all residents will have level access to the garden.

Flat 290 – DG: Stated that he would like the lift to stop at all levels. **DB:** Flat 60 is the only flat GEHL has control over in that stack.

Flat 11 – MR: Understood that the new lift would remove the level access that 8 garden flats have to the street but that she didn’t feel the proposed ramp around the pond would be attractive and that it would be too steep to be of use to wheelchair users. Also she understood there was to be a step in the ramp so it wouldn’t really be a ramp at all. Finally, she was upset that the application documents did not give details of the materials or the appearance. **DB:** The application documents show an aerial view and from this it is clear that there will not be a step in the ramp. What is proposed is that there will be a ramp around one side of the pond and as currently steps will be around the other side. The plan does state that this ramp will be too steep for users of manual wheelchairs to use it unaided, however we understood it would at least improve the accessibility in that area. Regarding the lack of detail about materials and balustrades, we should expect to see a number of supplementary follow-up applications that will deal with that sort of detail if/when their main application gets permission. We wouldn’t be reasonable if we expected them to specify every last detail when they don’t know they will get permission.

In addition to this ramp, the step up to the goods lift lobby will be ramped and the slam-shut doors to the goods lift will be replaced with automatic doors so that they can be used by wheelchair users. The walls of this renovated lift will have protection in the event of deliveries.

Flat 91 – LT: would be upset if the renovated goods lift was used 24 hours a day as the current lift is shutdown overnight. **DB:** Explained that the operating hours of that lift have changed variously over the years and he thought the only reason it was currently shutdown overnight was due to the noise made by its slam-shut doors. **ACTION: DB to review his lease to confirm that it doesn’t stipulate the hours of the goods lift’s operation.**

GEHL have made a commitment to renovate all the paths and lighting. Both forecourts will be made over and the pedestrian arcade will be improved at GEHL’s expense.

Flat 16 – ST: Enquired whether the Abbey Road side gardens were going to be improved. **DB:** Their commitment is to improve all the paths surrounding the block. There hasn’t been a commitment for flowers etc.

d) The New Lift:

The crucial concern is noise vibration into the building as the new lift will be built along the side of the building near to the steps which lead to the garden. The

application documents state that the lift shaft will be isolated from the building and is not connected structurally to the building. All the lift gear sits on the lift itself and not on the shaft. GEHL have stated categorically that this will result in no noise or vibration leakages into the existing flats.

In the original scheme, the lift was going to be rendered white concrete but now it will be clad in red brick and white render to match with the rest of the building so that it merges in. Some residents misunderstood that the previous proposal was for a glass lift, this was never the case.

GEHL have agreed that although the new lift will now be useful to existing residents as it stops at the upper ground and garden levels, only the seventh floor flat dwellers will be paying for its future costs in their service charge as if it were not for them it wouldn't be built.

e) Ventilation:

Ventilation channels run the height of the building extracting smells from bathrooms and kitchens whereupon they open out along the centre line of the roof. In their first application, GEHL proposed to reroute these so they opened out along the exterior wall of the building above the windows of the sixth floor. GEGRA were very concerned that this would have resulted in smells encroaching into those flats. In their second application GEHL have committed to extending the vents so that they open out along the roof above the seventh floor.

Flat 306 – AM: There is something wrong with the ventilation on the sixth floor where I live because there are continuous smells in the corridor. **ACTION: DB to enquire whether this has been factored into the development proposals.**

f) Living with the Project

GEHL have said that regardless of when planning permission is received, there will be no building work in 2011. We do not know when it will start and we will carry on pressing for information as we know residents want to plan their lives. A lot is dependent on planning permission and we can expect various supplementary planning applications that will provide further details and these will take time to go through.

GEHL have said that the project will take around 78 – 80 weeks and as explained earlier the compensation we receive will be for the life of the project however long that is. **ACTION: DB to explain to GEHL that the recent lift renovation project has not inspired confidence and we need to see a resolution to the on-going issues.**

WCC would allow a developer to work between 8am – 6pm Monday to Friday and 8am – 1pm on Saturdays. Residents are restricted to undertaking building work between the hours of 9am – 5.30pm with an hour for lunch and no weekends. Unfortunately that restriction in the lease applies to leaseholders and not to the freeholder! GEHL have now conceded that they will not do any work on weekends. There will be consultation with residents when very noisy works are expected. A liaison group will be created and GEGRA will be represented on it. You can be sure that GEGRA will if necessary inform WCC if there are any violations of the planning permission.

The Abbey Road forecourt will be out of use for cars for the period of the project although there will be protected pedestrian access to the garden flats, the arcade and to the reception area. Also we have negotiated that there will be a set down space for taxis etc. at Abbey Road during the project.

GEHL have said that there will be no need to scaffold the whole building. Scaffolding will be suspended above the sixth floor windows.

Flat 180 – RZ: Is there any recourse for compensation for people directly underneath the penthouses?

Flat 295 – AF: It will affect the sixth floor particularly as it overlooks the garden. I live below the penthouses and will have to move out and rent a flat somewhere else. What compensation will I receive? Someone suggested that AF should ask GEHL for a free rented flat within the block.

Flat 11 – MR: Suggested that more porters would be needed to deal with the contractors. **DB:** GEHL has committed to various ground staff for deliveries and security in connection with the work on the penthouses. GEGRA would be looking to ensure that existing residents did not pay any increased staff costs as a result of the works and so we wouldn't expect our porters to be involved.

Flat 22 – AS: Do the planning regulations have penalties and what happens if the builders went bankrupt? **DB:** This would be the commercial responsibility of GEHL. Gary Medazoumian of GEHL has reminded DB that he rents out 110 flats and that he has a very keen interest to ensure that they remain desirable during the project.

Flat 16 – ST: As regards a penalty clause, the freeholder can negotiate what they want with their contractors. **DB:** Leaseholders and tenants will receive compensation payments for the duration of the project. GEHL will not be compensating their AS tenants although of course they may find that they have to discount their rents.

Flat 240 – VD: In addition to the works outside, will the builders need to gain access to the building to work on the inside? **ACTION – DB will get confirmation but there is nothing noted.**

Flat 313 – JE: Can it be confirmed that there will be a 24 hour emergency contact during the project in the event that something goes wrong out of hours? **ACTION – DB to get confirmation.**

g) Life after the Project:

DB: There will be genuine improvements to the block as a result of this scheme and we will be compensated during the project. There will also be a benefit from 6 more flats paying into the service charges which will average some of our costs down. GEHL have confirmed that any services that are dedicated to only the seventh floor dwellers will be paid for only by them. Finally, various plant and machinery is going to be replaced as part of the project and this should also benefit us.

Flat 290 – DG: Mentioned once more the necessity for the existing lifts to be increased in size. **DB** pointed out that Lamberts had previously said this could not be done.

3. What now?

DB: The advice of our consultants is clear but everyone must do what they think is right. The plans are in the Estate Manager's office and should shortly be on WCC's website, so residents do not need to take my word for anything! WCC's formal letter commencing 3 weeks of consultation has been sent and the 3 calendar weeks will expire on 8-Feb-2011. WCC's advertisement will be published on 28-Jan-2011 and so that gives you 3 weeks until 18-Feb-2011. The planning officer has said he will probably accept late objections until the end of February.

GEGRA's current position is we are not objecting and we recommend you do not object. If you have reasons to believe we are wrong, let us know so we can consult our planning consultants. GEGRA will be providing WCC with a set of draft conditions that document various commitments that GEHL have given.

WCC's planning officer has said that he intends to make his decision in early March. However at this stage we don't know whether it will be referred to the planning sub-committee and this would take longer.

I would like to acknowledge that residents have been extremely generous in donating to GEGRA's reserves and our membership numbers are currently extremely high. I feel that GEGRA has demonstrated how essential it is for residents to have a strong association. We successfully campaigned against the first application and then negotiated a set of substantial concessions and compromises in the second application.

4. Any Other Business

Flat 11 – MR: Asked whether it was possible for the existing recycling bins to be hidden behind a fence. **DB:** explained that this suggestion had been raised with Lamberts at the last AGM but their current feeling was that it wasn't possible.

Flat 100 – JC: Gave a vote of thanks to DB and the GEGRA committee for all their hard work and the residents cheered. **JC** went on to say that she expected that she would object to the revised proposals and asked anyone who wanted to work with her to contact her.

DB closed the meeting at 9.30pm.