

Mary Powell – Presentation of Case (Objection 11)

Introduction

1. I have introduced myself at the start of this hearing; Mary Powell resident leaseholder. I would like to reiterate that I have lived on the Love Lane Estate since 2007, and chose to purchase a leasehold property to live there. I am not a landlord; it is my home. I have lived in Tottenham since 1995, and have done so for most of my adult life.
2. Firstly, I will cover how this estate has been perceived by others and argue that such assumptions have been prejudiced, and are based on vague impressions rather than being objective. I will present specific evidence to support this assertion.
3. Secondly, I will also argue that the council has led the estate through a period of managed decline since at least 2012 if not earlier. This has been denied by the Acquiring Authority, but I shall again present evidence to the contrary.
4. Thirdly, moving on to the attempt to remove me from my home, the Acquiring Authority has argued that they have made repeated attempts to negotiate with me, but I shall argue they had no business seeking to buy my home before the planning permission of 31 August 2022. Furthermore, I shall argue that the correspondence I received was intermittent and of poor quality in this period.
5. Fourthly, moving into 2023 I will further argue that the council unreasonably accelerated its process after more than a decade of limbo. The issue of the CPO notice in January was based on a new phasing plan which had not yet been approved by the council as an Acquiring Authority, nor approved by the Council as a planning authority. The CPO notice was premature, yet has put resident leaseholders and others affected by it under considerable pressure to turn our lives upside down. No specific attempt to talk terms with me, let alone offer any sort of price occurred until April/May 2023 after the issue of the CPO notice.
6. Finally, I shall consider the options which have been presented to me for resettlement, which superficially look inviting, but I shall explain why this is not so. I shall also explain why the potential costs and phasing are more likely than not to drive me and other resident leaseholders out of the area. We are the wrong sort of homeowners and do not belong in the new vision of High Road West.
7. For clarification, where I am referring to the Council in its housing management capacity, I include in this definition the former ALMO Homes for Haringey, a wholly owned subsidiary of Haringey Council which has recently been abolished.

Does the Love Lane Estate need to be demolished; is it past its useful life?

8. During the last week you have heard presentations which decried the current condition of the Love Lane Estate, as a justification for its demolition. These are not descriptions which I recognise. Whilst, as I shall describe in detail, the council has failed to maintain the estate adequately, it still has the potential to be a well-maintained set of buildings, which would not require the carbon cost of demolition and replacement. This is particularly true of the 5 newer blocks on the south side of Whitehall Street.
9. In his proof of evidence, Mr Lawrence refers to the Love Lane Estate as a 1960s estate (CD9.7 para 4.3.1) which is itself a generalisation. The estate contains broadly three building types including two 1950s low rise blocks with chimneys predating the clean air act, three tower blocks (also with chimneys), and five 1970s low rise blocks built to Parker Morris standards. These are distinctions I would have hoped that an architect could have made clear. The 5 blocks on the south side of Whitehall Street are in the latter group, and were built to generous space standards including storage space, in line with the 1967 edition of the Parker Morris Standards. They match in style the council properties in Church Road and James Place just to the south.
10. This generalisation and the language he went on to use to describe the estate reveal a disappointing prejudice about council estates:
 - a. Irregular
 - b. Non-uniform
 - c. No longer meet current residential standards
 - d. Poorly activate the streetscape
 - e. Tired, dated, defensive
 - f. Blank and inactive gable facades
 - g. Poorly overlooked
 - h. Convoluted
 - i. Inefficient routes
 - j. Without defensible space
 - k. Leftover and undefined space
11. A description of the condition of the estate should be based on robust evidence. In cross examination Mr Lawrence was unable to say if his assertions were based on survey evidence. He described visiting the area and walking around the estate since his involvement in the scheme from 2019. My home has not been surveyed by the council since at least my arrival in 2007 and I have not been asked directly for my own feedback. A brief visit to assess my home under the Homes for Ukraine scheme in 2022 was not a survey.
12. The Acquiring Authority has argued that residents want demolition. In his Proof of Evidence (CD9.01 paras 4.12 to 4.18) Mr O'Brien has referred to consultations in 2013 and 2014. Under cross examination he could not say how many of the residents

consulted then are still resident on the estate. One result which he drew our attention to (paragraph 4.18) was that in the 2014 consultation, 70% of respondents preferred demolition of the estate. However, this result is not broken down by tenure, or the building types as described above. Tower block residents might understandably be more in favour of those 3 buildings (in poorer condition) being demolished. Nor does he acknowledge that the council had moved most of the existing secure tenants off the estate by 2018. Many of the residents placed in temporary accommodation on the estate since then have been part of an active campaign against demolition. The tenures for each flat on the estate are set out in the Council's Statement of Case (CD7.01 para 4.5) indicating the high proportion of residents who are now non-secure tenants.

13. The Estate has been described as impermeable. In their Proofs of Evidence Messrs O'Brien (CD9.01 paras 4.10 & 15.18), Horne (CD9.5 paras 2.8 vi) and Lawrence (CD9.7 paras 7.4.4, 9.7.3, 9.7.5, 9.12.6 and 9.13.12) have referred to a lack of permeability with some emphasis on East-West routes, but also on the links between Brereton Road and Whitehall Street. Mr Lawrence also described the streetscape as sterile.
14. I challenged these interpretations of the Estate's permeability. I cited specific examples in my cross examinations of East-West connectivity via Whitehall Street and Brereton Road, as well as clear North-South connectivity via Love Lane, to the station and White Hart Lane. I asked why it was a problem on a residential street that not much is going on, as it is just a route from one place to another. I asked if all streets needed to be vibrant to make a point that a quiet street is not a problem, in itself.
15. The permeability is not just about roads. In my cross examination of Mr Lawrence, I described the footpaths between Whitehall Street and Brereton Road which are well used particularly for the school run. I referred to some of the photographs used in his presentation on slides 4 and 5, which appeared selectively framed to give an impression of impermeability where it did not exist. I also challenged Mr Lawrence on his assertions about under used green space and he admitted he had not been on the estate later in the day when grassed areas facing Brereton Road are well used by children playing.
16. Furthermore, I asked Mr Lawrence to explain how cycling accessibility would be substantially improved if the High Road is not going to be changed by this regeneration, as this is a hostile environment for cyclists. Cycle Superhighway 1 already runs very close to the south of the estate, and improved signage or road painting to highlight its presence does not necessitate the demolition of the estate. In describing the local cycling experience, I was drawing on direct, daily experience of cycling in the area where many of the backroads are easy to use, but the High Road and White Hart Lane itself are not cycle friendly. That will not be changed by the regeneration, and White Hart Lane is already supposed to have been improved.
17. It is true that people living in and around the estate will know these routes better; that is normal in a neighbourhood. However, locations which visitors to the area might seek out such as the Stadium or station, are visually prominent and easily accessed via, for

example, White Hart Lane. Moselle Street which is in poor condition, due to a lack of maintenance by the Council, could also be improved and levelled off in the same way that the northern section of Love Lane has been already. That is highway improvement by the council rather than estate demolition.

Managed Decline

18. In my original Proof of Evidence (CD9.29) I set out in Section 3 my concerns about the current condition of the Estate. In particular, I raised specific points about failure to complete a programme of installing new fire compliant front doors, and the lack of communal external decorations since at least 2007. I attached photographs to illustrate these points at my Appendix A to my original Statement of Case (CD7.8). These photographs illustrate the progress of the front door programme and where it stopped. They show the condition of the external decorations including stairwells, and the disrepair of various external features such as the fencing, bin areas, walkways and concrete planters.
19. In his Proof of Evidence (CD9.1 para 15.88) Mr O'Brien states "*The Council refutes this assertion. The Council has continued to maintain the homes and communal spaces on the Love Lane Estate in accordance with its housing obligations*". However, Mr O'Brien did not address my specific concerns as just described. When challenged in cross examination of his verbal evidence, Mr O'Brien had no answer to offer about the external decorations.
20. He stated, disingenuously I believe, that the front door replacements were based on survey evidence of which ones needed to be changed. In reality the two side blocks had all of their doors replaced and the three front blocks had none replaced, despite having some old and dilapidated front doors which you will see on the site visit. These include the original 2XG doors with Georgian wire glazing, which are definitely no longer fire compliant. My own front door whilst in reasonable condition is not fire compliant and has not been surveyed by the council since I lived there from 2007 (unless it was a quick look from outside). A fire compliant door would be of the correct thickness with intumescent seals, fire rated hinges, letter boxes and glazing along with automatic closure. The door would need to be correctly fitted to ensure a tight fit with a fire compliant frame. This is particularly relevant for the upper story flats where the doors are flush with a potential escape route. The front door programme simply stopped in 2012 when estate demolition came onto the council's agenda. It is implausible to say this was based on survey evidence.
21. More generally in my Proof of Evidence I also raised my concerns about the day-to-day upkeep of the estate including insufficient cleaning and gardening provision. This is also outlined in Appendix A to my Statement of Case. Mr O'Brien did not address this in his Proof of Evidence nor in his verbal evidence, but you will have the opportunity to see for yourselves during the site visit next week. This is no criticism of the frontline staff who have not been allocated sufficient time to do their work on the Estate.

Pre-emptive use of Compulsory Purchase Order

22. The council carried out a ballot in 2021, of which I have questioned the validity. That notwithstanding, the planning permission was obtained on 31 August 2022. I believe that the Council moving secure tenants off the estate by 2018, and making any approaches to me before the planning permission was obtained would be presumptuous.
23. However, I will go through the correspondence which the council claims to have sent to me and that which I have been able to identify as received. This is all contained in Mr O'Brien's Appendices to Rebuttal (CD10.2) provided by the Acquiring Authority to me on 31 October 2023.
24. I outlined in my cross examination the poor standard of some of the letters (which he claimed were sent to me) for a reason, i.e. to highlight the poor quality of communications from the Council and the potential for some of these never to have been received. This is something which I have experienced more generally in my dealings with the Council over many years. With reference to correspondence with the Council being considered at this inquiry I include (from CD10.2):
- a. Letters sent with no name and/or address of the recipient such as March 2018 (tab 8), 1 February 2021 (tab 13), November 2021 (tab 15), March 2022 (tab 16).
 - b. Letters sent which were vaguely dated such as "January 2017" (tab 6), "March 2018" (tab 8), "March 2019" (tab 9), "November 2021" (tab 15), "March 2022" (tab 16).
 - c. Letter wrongly dated January 2017 (tab 6) which was sent in January 2018; if you look at the contents and my email responses this is clear.
 - d. I know that I received a letter dated "March 2018" which appeared to come jointly from the Council and Lendlease, signed off by a Richard Fagg who did not identify which he worked for (tab 8) and who I have never heard of since.
 - e. I have already disputed the date details of a letter which is purported to have been sent to me on 14 November 2022 (tab 17) and this would have been the first letter sent out after planning permission was received so at least it was not pre-emptive, but I dispute having received such a letter.
25. The letters sent to me, or allegedly sent to me on the following dates invite me to make contact and put the onus on me to start a process which I did not want to be a part of in the first place and before planning permission had been given:
- a. *6 October 2016 (tab 1) - responded*
 - b. *March 2019 (tab 11) - responded*
 - c. *1 February 2021 (tab 13) - responded*
 - d. November 2021 (tab 15) – not received
 - e. March 2022 (tab 16) – not received

26. I have responded in detail to a series of “consultation” documents sent as set out below and have clearly been contactable if the correct address or email address is used to reach me:
- a. 4 April 2017 (tab 4) – expressed suspicion of the shared equity option, made clear I did not want expensive features which would affect service charges and drew attention to concern about quality of new build homes, or a social landlord’s ability to enforce this with large commercial developers.
 - b. 8 January 2018 (tab 5) – continued to express suspicion of equity loan option, and questioned worth of a lease swap option at a time when Haringey Council was planning to sell off all of its housing stock to Lendlease under the Haringey Development Vehicle project (since scrapped). The letter which this was in response to was incorrectly dated January 2017.
 - c. 29 January 2018 (tab 7) – further response to above consultation expressing my wish not to have to move home, and further questioning the equity loan and lease swap options.
 - d. 25 February 2021 (tab 14) – further questioning of equity loan and lease swap options, making it clear I did not want to move in the first place. I stated I would be voting against demolition in the forthcoming ballot.
27. I received the covering letter to the CPO notice dated 31 January 2023 (tab 18) and logged an objection with the Department of Levelling Up, Housing & Communities, as directed on the CPO document, on 6 March 2023. I also notified the council that I had done so. Hence my participation in this public inquiry.
28. In response to that objection, I was initially sent an email from Lewis Cooper, on behalf of Scott Mundy, again inviting me to take the initiative and get in touch (tab 20). The attached letter was non-specific but I acknowledged receipt (tab 21).
29. Mr Mundy finally made a direct approach by email on 24 April 2023 (tab 22), at which point I responded and explained I was in the process of seeking legal advice (tab 23). Mr Mundy’s first attempt to discuss a potential price with me was sent on 16 May 2023 (tab 24). Whilst it is not appropriate to go into details of negotiations here, I can confirm that I have obtained representation for this purpose, and discussions have at least commenced. Mr Mundy has had to be reminded to send correspondence around any negotiation to my representative.
30. In the meantime, the phasing plan was brought forward by the Council, and this was reflected in the timing of the CPO notice. I had previously been under the impression that my home would not be at risk of repossession until 2029. The Council as Acquiring Authority made a formal decision, I understand, in May 2023 to adopt a new phasing plan. That received planning permission on 19 September 2023 (CD4.38). There are no “approved” documents with dates for the new phasing plan currently on the inquiry website, as CD 4.37 and CD5.09 only contain diagrams with no dates for each phase. CD4.37 is the same as CD11.11 presented here in hard copy. This is the document

referenced in the planning consent with Reference 0311-SEW-ZZ-ZZ-DR-T-002008. It has no dates.

31. I became aware of the revised phasing plan through correspondence with Mr Mundy between 2 July and 16 August 2023 (tabs 26-32). I had also attended a residents meeting which I had found out about by chance on the same day, on 6 July 2023 seeing display boards with the new phasing plan (CD7.8 appendix C).
32. Mr Mundy's response of 3 August 2023 (tab 30) invited me to attend daytime coffee mornings at the Grange and referred to drop-in sessions and a family fun day which had taken place in May and June i.e. after the council as an Acquiring Authority had already decided on the new phasing plan. Daytime/weekday events are of no use to someone working full time.
33. In Mr Mundy's email of 16 August 2023, I was provided, at my request with a link to the planning portal to lodge an objection against application HGY/2023/2085. I lodged my objection to the new phasing plan on the same date.
34. The reason I have detailed these occurrences is to illustrate that the phasing plan was changed in a stealthy manner and has brought forward the loss of my home by 4 years. It was already treated as agreed when the CPO notice was issued in January 2023 but not formally agreed with planning permission until 19 September 2023.
35. Love Lane residents have been in limbo since 2012 but these final efforts to clear the estate have been done with indecent haste in 2023.

Alternative Accommodation Options and Their Timing

36. I have made clear in my consultation responses and my objections to the CPO that I do not consider an Equity Loan to be a reasonable alternative. In short, an Equity Loan means that I would own a lesser percentage of the equity in my home, when I currently hold 100% but I would still be liable for 100% of the ongoing costs including service charges, major works bills, ground rents and my own internal repairs. I am also unable to choose who to leave my home to in my will. The property would have to be sold to repay the loan percentage, at the market value in effect at that time. The council cannot lose, and is likely to make a handsome profit at the time of sale.
37. Currently I am mortgage free, through hard work and frugal living, and I do not wish to take on new debt. That includes any loan from Haringey Council.
38. Mr O'Brien under cross examination referred to the council's duties to make effective use of the Housing Revenue Account. However, it is the council which has put me in this position. I would rather the HRA is not used to subsidise the private market too.

39. I have asked through the cross examinations what the likely sale price would be for a new flat in one of the plots available for sale to Love Lane Estate leaseholders. I have belatedly received some information from the Council in respect of anticipated market values in Plot A and market values for schemes near to Love Lane (CD11.20 information received late 14 November 2023 and morning of 15 November 2023).
40. Bear in mind that the initial tentative offer to me from the council was £376,750 including the home loss payment (CD10.2 tab 24) for a three-bedroom/five-person maisonette in Council Tax Band C. My service charge actuals in 22/23 came to £1600.15. My service charge estimate for the current year is £1789.77. My ground rent is £10 per year.
41. The potential sale prices are as follows (CD11.20):
- a. Potential market value for the same size property in Plot A (3-bedroom, 5 person) is £558,000.
 - b. Potential market value for a 3 bed, 4-person property at 500 White Hart Lane is £500,262.
 - c. Given the initial offer I have received from the council, it is possible that I could afford a one bedroom 2-person property in Plot A or at 500 White Hart Lane which is much smaller than my current home.
 - d. The Plot A properties are the ones which the council will pay Lendlease £64,000 for. Flats to be sold under Shared Equity will cost the council £190,000, and for the Shared Ownership they will cost the council £162,957-£215,026 (Levine CD9.12 page 14).
42. Information was sent by Haringey Council concerning service charges at 500 White Hart Lane and Block J in Hale Wharf, Tottenham Hale. I have been provided with 2021 figures which will not take into account recent utility cost inflation. These varied from £1260 to £1365, two and a half years ago.
43. In the meantime, I investigated some comparative sale prices and ongoing costs for current new build developments in the area, offered under shared *ownership* by Registered Providers.
- a. In Tottenham Hale Newlon is marketing various 2-bedroom properties for Shared Ownership based on a full market value of £483,000-£505,000. Depending on the property details, the service charges were either not available or estimated at £3,264 per year. Ground rent is £500 and the Council Tax Band is D.
 - b. A ground floor 3-bedroom maisonette at Meridian One N18 is marketed via Shared Ownership with a full market value of £640,000 and estimated service charges of £5050.44. Council Tax Band was unavailable.
44. It was not possible to make like for like comparisons for service charge components or district energy network costs from these online listings.

45. The response from the council on 14 November 2023 (CD11.20) concerning district heating costs, made reassurances but provided no specific figures.
46. Currently I can choose my utility supplier, and have benefitted from shopping around. I have been fortunate in having a low fixed tariff during the recent energy price crisis of less than £40 per month (dual fuel). If I cannot choose supplier for heat and hot water, I am at the mercy of a monopoly with no purchase power elsewhere if there is a low standard of service.
47. Based on the available information, this is not an “affordability gap” as described by Mr O’Brien, it is an affordability chasm. The existence of the Equity Loan option is an admission of unaffordability in the capital cost for a new flat. It remains, in any case an unacceptable option, given the financial servitude to Haringey Council which it creates. The ongoing costs of inflated service charges, unknown utility costs and a higher council tax band would also be damaging.
48. Then there is the timing which appears designed to discourage resident leaseholders remaining in the area. As discussed at length in the last 2 weeks, the properties in plot A may reach practical completion by Q3 in 2025, the time at which I am expected to leave my home. These 61 properties have been presented as providing social rent properties for households on the estate in priority need. Offering me a purchase here would displace a social tenant and contradict the council’s stated intentions for Plot A.
49. The blocks which need to be cleared first, by Q3 in 2025, are the 5 to the south of Whitehall Street. Ironically these are the newest blocks on the existing estate, the more spacious blocks and in comparatively better condition. The remainder of the estate would not need to be cleared until 2028. These are the three tower blocks and the two 1950s low rise blocks. The phasing plan is summarised in the Council’s Statement of Case (CD7.1 page 29).
50. To the south of Whitehall Street, according to the council’s figures in its Statement of Case (CD7.1 page 13), the 5 blocks contain 4 secure tenants, 45 non-secure tenants, and 5 resident leaseholders. Theoretically this is possible to fit into Plot A properties. However, these figures do not include the priority need tenants elsewhere on the estate who would be eligible to move at this time. A total of 33 secure tenants and 108 non-secure tenants elsewhere will include households in priority need.
51. If I have to wait for the new blocks in plots B and C1 to be completed, that would be between Q1 in 2028 and Q1 in 2029. So, I would have to move out and move back, over a period of nearly 4 years. The alternative master plan from THFC is intended to ensure single moves, which is in this respect a significant improvement on the council and Lendlease’s plans. Moving away and moving back would be stressful and would still of course require access to sufficient capital to purchase a property on the new estate, and sufficient income to keep up with the inflated running costs.

52. Finally for housing options, a lease swap has been discussed. I have shown a willingness to find out more about this as I am sceptical about the quality of new build properties, or the willingness of major property developers to honour their defects liabilities in affordable housing. The details of a lease swap would be for negotiation elsewhere but I have some broad concerns about how this process works. Even with representation I am struggling to clarify how lease swap would work in practical terms. I do not have information about the number of offers, how properties would be identified, or any guarantees as to the quality of such properties. These could include hard to let or structurally unsound properties and properties previously subject to evictions. I would also want to know about any planned major works and Section 20 consultations. If I am not to be forced to move before 2025, I would need assurance that this route would still be available to me in 2025 with genuine assistance from the council to identify properties. In short, I need facts and not vague assurance. Those are currently lacking.

Conclusion

53. I have outlined my main continuing areas of concern:

- a. Prejudgement and generalisation about the current condition, and utility, of the Love Lane Estate as well as its relationship to surrounding areas.
- b. The managed decline of the estate since at least 2012 which I believe has been deliberate. There is no guarantee Haringey Council would manage the new properties any better.
- c. The premature use of a CPO, following poor quality correspondence with me in previous years, then an acceleration of the plans for demolition in 2023 based on a new phasing plan which was sneaked through.
- d. Belated attempts to negotiate with me following the issue of the CPO notice.
- e. The imponderable decisions which face me based on the resettlement options offered by Haringey Council, where specific information is currently lacking.

54. At the bottom of all this Haringey Council is the landlord, the Acquiring Authority and the planning authority. Whilst this may be entirely legal it places a private citizen like me at great disadvantage. It allows social cleansing to take place and for a property developer to move in to make their unknown "required return".

55. I request again that the CPO is not confirmed.