

# Robinbridge EGM



Start time 7:30 (ish)

# Agenda

EGM called to respond to the new planning application from the Freeholder.

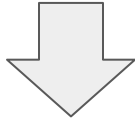
- Introductions
- From the Directors
  - Summary of what is happening
  - Explanation of Permitted Development.
  - Issues we believe we can object to.
- Questions and comments from all.
- Agreement on next steps including voting

There will be no other business during this meeting. AGM will be later in the year.

# Burlington Gate

## **Robinbridge Property Management**

Manages the property.  
Owned by the owners.  
Directors nominated by owners



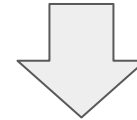
Appoints

## **Grace Miller**

Run day to day operations.  
Contact point for tenants and owners.  
Advice and support for directors.

## **Merton Park Holdings**

Guernsey based holding company.  
Owns the freehold  
Created by Kevin English



Represented by

## **Broadhaven Estates**

Property developer.  
Responsible for the submission  
Owned by John & Neil English

# Director Introductions

Tim Goodwin, appointed 2002

Lee Briggs, appointed 2008

Ali Nasekhian, appointed 2020

Email: tim or lee or ali @burlingtongate.uk

Secretary, Yusuf Mehmet Bepei, since the very beginning

# What has happened.

**March 2020:** Designs created by Bubble Architects for a fifth floor extension.

**October 2020:** Pre-application meeting between Merton (Tip Lipscomb) and Broadhaven Estates to receive advice on the development. Ref: 20/P1516

**December 2020:** “Application for Prior Approval” submitted to Merton by Broadhaven Estates.

**January 2021:** residents received the notice letter from Merton.

This is not a planning application as we know it.

The Freeholders has been developing this for some time.

# The New Fifth Floor



# Permitted Development

- Recent new powers introduced by current Government.
- Promoted as “build back better”, introduced as a COVID measure.
- Replaces planning process of the 1947 Town and Country Planning Act
- Development is considered approved if it satisfies a fixed set of criteria.
- Politically highly controversial, removes democratic checks.
- Became law 31 August 2020.

How do we object?



# Preventing Permitted Development.

- Review the fixed criteria in the new legislation.
- Demonstrate that the application does not meet those criteria.
- Review 21/P0181 CIL Form 1
- <https://www.legislation.gov.uk/ukxi/2020/755/made>
- The Freeholder can appeal the decision.
- You can't change your response for the appeal.

Even if Permitted Development is prevented, we may have to deal with a conventional planning application.



# Age of building.

- Permitted Development applies to buildings constructed after 1st July 1948
- Buildings before that date are pre Town and Country Planning Act
- Burlington Gate is a conversion of an early 1930's warehouse building.
- Planning applications were for “Warehouse Refurbishment” 92/P0023/P0476



# Loss of Amenity

- CIL Form 1 only lists the loss of the Conservatory, 30sqm.
- Total area of the roof terrace is 180sqm.
- This is a common area that was a selling point of the original development.
- Value to owners estimated at £30k+ (need to obtain valuation statement)
- Planning statement proposes new amenity space that already exists, with limited further potential due to permanent shade. (NE of main block).
- New landscaped area adjacent to railway embankment would block the turning requirements of waste trucks (may be a condition of original development).
- Net loss of amenity space for existing residents is 180sqm.

## Parking...

- New apartments may have a condition of sale that they have no parking.
- Thus, objections unlikely to be considered.
- Location, next to railway station fits well with London plan for carless homes.

## However...

- Parking spaces here are owned by leaseholders, not allocated.
- Right of access for repairs and decorations.
- In theory, no obligation to surrender them for construction. TBD.

# Everything else...

- Noise, disruption, the drains getting blocked...
- You can list these, they may not be considered as valid objections to Permitted Development.
- The Developer has to produce a construction plan at a later date.
- We need to find out how that works and what say we have.

# Article 4 Directions

- Power used by local authority to remove some permitted development rights.
- Usually used in conservation areas.
- We don't know enough about this.

# Freeholder, Change of Jurisdiction

Merton Park Holdings Ltd filed a dissolution notice in November, with continuance from Jersey to Guernsey.

No we don't know what this means either...

May be considered a transfer of ownership, that we can challenge, the freehold cannot be transferred without offering leaseholders first refusal.



Jersey Financial  
Services Commission  
Companies Registry

COMPANIES (JERSEY) LAW 1991

CERTIFICATE OF  
CONTINUANCE  
OF A JERSEY COMPANY OVERSEAS

Registered Number 51375

I hereby certify that pursuant to Article 127(V) of the Companies (Jersey) Law 1991, as amended, that MERTON PARK HOLDINGS LIMITED registration number 51375 is in accordance with the terms of authorisation determined by the Commission under Article 127(U) and continues in the jurisdiction of Guernsey

MERTON PARK HOLDINGS LIMITED registration number 51375 here upon ceases to be a company incorporated under the Companies (Jersey) Law 1991, as amended by Virtue of Article 127(V)(a) on 18 November 2020.

Signed and dated 01 December 2020

A handwritten signature in blue ink, reading "Johan Lamb".

For and on behalf of the Registrar

# Purchasing the Freehold

Leaseholders have a joint right to buy the freehold.

- Requires half of all owners to support it.
- Purchase may be made by a smaller group, ground rent paid to them.
- Expensive, slow and complicated.
- Need to engage legal support, register a purchase company, obtain a freehold valuation. Significant cost.
- Likely to take over a year, arbitration with freeholder.
- Difficult to maintain support among leaseholders (we've done this before).
- Purchase price may be considerable, freeholds are low return investments.

# Local politicians

## Merton Park Ward Councillors

Dickie Wilkinson, Peter Southgate\*, Edward Foley\* (all Ind)

\* do not contact Peter or Edward, both sit on the Planning Application Committee

## From May 2022, Wimbledon Town and Dundonald Ward

David Dean (Con), Anthony Fairclough (LD), Simon McGrath (LD)

**Wimbledon MP** : Stephen Hammond (Con)

**London Assembly** : Leonie Cooper (Lab)



# **We need**

## **Useful**

- Legal knowledge, leaseholds and freehold purchase.
- Planning process, especially permitted development.
- Specialist knowledge of Jersey / Guernsey jurisdiction.

## **Volunteers**

- Printing and delivering leaflets to Rothesay and Sandringham Avenue.

## **Information**

- Copies of original planning submission: 92/P0023, 92/P0476
- Leasehold of top floor flats.

# Next steps

- If this meeting produces any ideas, we'll distribute them to everyone.
- From Thursday, everyone should comment through the Merton Planning portal.
- Use the objections we recommend, plus any of your own.
- Write to any councillor, MP, AM you think can help.

A response from Robinbridge will be prepared by the Directors.

Comments close February 7th, this is probably a long journey.