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30 April 2016

By e-mail to;

Southwark Council Planning Applications
planningstatconsultees@southwark.gov.uk

Dear Sir/Madam

Re; Further objections to Skipton House planning application ref 15/AP/5125

I wish to make the following comments and objections to the above application on behalf of the Elephant Amenity Network, in response to your re-consultation letter of 7 April 2016. These are in addition to our objections of 5 March 2016.

- 1 In our objections of 5 March 2016 we requested the Financial Viability Assessment (FVA) that accompanied the application under EIR regulations. We have been notified by the Council that it will require 20 working days from the 28 April to make a decision on the request (ref 612490). We now ask that an executive summary be issued in accordance with DVG8 of the Development Viability SPD. We contend that The FVA must be treated as a material consideration given that the application was made on 18 Dec 2015, during the SPD consultation period 24 Nov 2015 – 16 Feb 2016. The Royal Town Planning Institute (RTPI) lists as a material consideration *'Emerging new plans which have already been through at least one stage of public consultation'*
<http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>.

- 2 We note that the applicant states *that 'A Financial Viability Addendum prepared by DS2 will be submitted separately to Southwark Council on a private and confidential basis'* in its covering letter of 14 March 2016 for revised and additional application documents. We understand from this that this Addendum was received by the Council on or after the 15 March 2016 and therefore falls within the scope of the Development Viability SPD, which was adopted on the 15 March 2016. We would add that the Addendum is in any event a material consideration, being the subject of an SPD that has gone through *'at least one stage of public consultation'*,

(RTPI ref above). We therefore request that the Addendum is made public in accordance with DV8 of the Development Viability SPD.

- 3 In our request that the FVA be made public we stated that we believed that this was in accordance with Article 1 of the Aarhus Convention (entitled "Objective") which provides that *"[i]n order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention". To these ends, Article 9(4) of the Aarhus Convention provides that the review procedures afforded by Articles 6(1) and 6(2) of Directive 2003/4/EC must "provide adequate and effective remedies, including injunctive relief as appropriate, and be [...] timely".*
- 4 We do not believe that DV8 and DV9 Development Viability SPD adequately meet Article 1 of the Aarhus Convention and, in particular, that one week's notice of the full FVA is too short a period of time for proper public participation in the decision about the application. We therefore repeat our request of 5 Mar 2016 that once the FVA and the Addendum are published that there be the same standard consultation period as for all other planning documents. Notwithstanding this we request that, at the very least, both the FVA and the Addendum are published in full in accordance with DV9 ie one week before a decision is made on the application. We refer back to our objections of 5 Mar 2016 para 13 for our particular reasons for this request.
- 5 Should these requests, be wholly or partly refused, either under EIR regulations or because the Council does not consider that they fall within the scope of the Development Viability SPD, we further request that there is no determination of the application until the issues are resolved and the process for resolving them is exhausted, including, but not limited to, any referral to the Information Commissioners Office and the Information Tribunal.
- 6 The applicant now proposes 'an affordable housing contribution in the region of 15% (based on habitable rooms)' (Affordable Housing Statement Addendum 4.3). We therefore maintain our objection of 5 March that the applicant does not meet Southwark's policy requirement for 35% affordable housing and, by extension, does not meet the policy requirement that 50% of this be social rented housing
- 7 The applicant suggests that 'exceptional circumstances exist to allow for of (sic) the affordable housing to be provided either off-site or as a

payment in-lieu... (Affordable Housing Statement Addendum 3.15). It cites the FVA to argue that an *'off-site solution'* would *'secure a higher level of provision'* (Affordable Housing Statement Addendum 3.10). The applicant does not say how much can be provided on-site, only that a 15% off-site provision is *'higher'*. We cannot make a reasoned judgement of this without access to the FVA. 15% still does not reach the policy required minimum of 35%. A *'higher level'* of affordable housing should only be agreed for off-site provision, if it exceeds the policy minimum. We also note that the applicant does not say what combination of off-site provision and in-lieu payment is proposed or how much the latter might be, should it be an entirely in-lieu payment.

- 8 We note that the applicant refers to *'a number of scenarios have been tested in regard to the provision of on-site intermediate housing'* and concludes that off-site provision generates *'larger affordable housing provision'*. (Affordable Housing Statement Addendum 3.13). The applicant gives no details or figures for these comparisons; we cannot make any reasonable comment on this without access to the FVA.
- 9 The applicant states that off-site affordable housing would *'better address priority needs, especially for affordable family housing'* (Affordable Housing Statement 3.10). Again we cannot make a reasoned judgement on this without access to the FVA, but would comment that the applicant cannot meet the meet the affordable family housing requirement if it does not meet the 35% minimum affordable housing requirement.
- 10 We would add that the two physical factors cited as acting against on-site affordable housing (separate cores/entrances, large communal residential terraces, with their service charges) are routinely offered by developers as reasons for not building on-site affordable housing. They are both design elements within the applicant's control, but we cannot make any reasoned comment on their associated costs or suggestions for providing affordable housing on-site without access to the FVA.
- 11 We cannot see any reasons why the *'additional 1,363 FTE jobs on-site'* (Affordable Housing Statement 3.10) in the offices of Building C should mean that the affordable housing cannot be provided amongst in the residential units in the residential towers in Buildings A and B.
- 12 The applicant states that providing off-site affordable housing will allow the development *'to deliver significant cultural and office space'* and thus will *'secure a more balanced community'* (Affordable Housing Statement 3.10). This is a matter of opinion; ours is that the community needs more affordable homes. We repeat our objection of 5 March 2016 that there is no policy basis for a trade-off between affordable housing and other

elements of the scheme. We object to any linkage between any cultural offer and the amount of affordable housing to be delivered.

- 13 The applicant states that 'Any social rented element of the affordable housing units will be let at social rents in accordance with the GLA 'capped rent' model', (Affordable Housing Statement Addendum 3.17). This is incorrect. 'Capped rent' is an affordable rent, not a social rent, as the Mayor's Housing Covenant makes clear - *'The Affordable Rent product will be split equally between Discounted Rentand Capped Rent'* (Funding Prospectus: The Mayor's Housing Covenant 2015-18 programme Dec 2013). The applicant continues with the statement *'under which the chargeable rents are at around 50% of market rent levels'*. This is also incorrect; social rents are calculated according to Rent Standard Guidance (April 2015) Appendix 1, not as a fraction of market rent.
- 14 The applicant also does not acknowledge that 50% of the affordable housing must be social rent in the E&C Opportunity Area (Table 4: Saved Southwark Plan policy 4.4 Affordable housing tenure mix in designated areas) and leaves the amount of social rented housing unspecified, simply saying *'Any social rented housing...'* (our emphasis).
- 15 The applicant continues with the statement that *'Others will be let at affordable rent caps as specified within the local authority's tenancy strategy'*. (Affordable Housing Statement Addendum 3.17). We do not know what the applicant means by this. Southwark's Tenancy Strategy 2013 is concerned with the types and security of tenancies to be issued by registered providers. It does not specify affordable rent caps. It makes clear that the Council is opposed to affordable rent (Tenancy Strategy Para 8 Affordable Rent Product 'Clarification of Southwark's affordable housing planning policies Planning Committee report, 20 Dec 2011). The related Development Management policy, DM1 Affordable Homes, in the New Southwark Plan Preferred Options (NSP Appendix 1) states *'We will not accept affordable rent as it fails to meet the affordable housing needs of Southwark's residents in need of affordable housing'*.
- 16 In summary we object to the applicant's affordable housing proposals because they fail to meet Southwark's affordable housing policy on several

counts – it does not meet the minimum requirement of 35%, it does not provide the housing on-site, it does not provide the required amount of social rented housing and it passes affordable rent off as social rent.

- 17 We also object that the applicant's affordable housing offer 'in the region of 15% (based on habitable rooms)' is vague and insufficiently detailed to be relied upon.
- 18 We also object to the application on the grounds that the applicant's confused proposals for a social rented housing betray an intention to reduce it to a minimum and keep it out of the development and any off-site or in-lieu arrangements, regardless of policy requirements.
- 19 We object to the loss of the homeless men's hostel at 10 Keyworth St entailed in this application. The applicant notes that policy DM7 New Southwark Plan Preferred Options will not allow planning permission for the change of use of hostels '*where it meets the an identified local housing need*' (Planning Statement 8.12).
- 20 The applicant considers that relocating the hostel '*elsewhere within the borough*' will not conflict with this policy. This is obviously wrong. A hostel in Peckham, say, will not meet the housing need of a homeless man at the Elephant and Castle. The applicant gives no further details of where the hostel may be relocated and seems content that Southwark Council does the job on its behalf, without any reference to costs or the sale of the land.

We trust that these objections will be given all due consideration.

Yours sincerely

Jerry Flynn

(Elephant Amenity Network/35% campaign)