

**TOWN AND COUNTRY PLANNING ACT 1990**  
**AND ACQUISITION OF LAND ACT 1981**

**Revised Inquiry into**  
**THE LONDON BOROUGH OF SOUTHWARK**  
**(AYLESBURY ESTATE SITES 1B-1C)**

**COMPULSORY PURCHASE ORDER 2014**

**PINS REFERENCE: NPCU/CPO/A5840/74092**

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**Proof of Evidence of**  
**Jerry Flynn**  
**35% Campaign Group (Elephant Amenity Network),**  
**For the Aylesbury Leaseholders Group**

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## **Introduction**

1. The 35% Campaign is managed by the Elephant Amenity Network (EAN), a group of local residents.

The EAN is an informal network with 3 guiding principles:

- Open Masterplanning
  - Benefits for All
  - Housing that really is Affordable
2. The EAN was an active consultee in local planning policy (E&C SPD OAPF 2012) and is a founding member of the Elephant & Walworth Neighbourhood Forum ([ewnforum.org](http://ewnforum.org)).
  3. We have given evidence at examinations in public, public inquiries and Tribunal hearings. Two of our members gave evidence to the examination in public of the Aylesbury Area Action Plan.
  4. Appendices to this statement are listed in an ANNEX 1.
  5. Material relating to EAN/35% Campaign is in ANNEX 2.
  6. Our objection to the compulsory purchase order is that the scheme underlying the order is no longer in accordance with the development plan.
  7. A key requirement for confirmation of the compulsory purchase order is that the Scheme underlying the Order must conform with the requirements of the statutory (local) development plan, the [Aylesbury Area Action Plan 2010](#) (AAP)<sup>1</sup>.

<sup>1</sup> CD2

8. As a result of the [withdrawal of £180m government funding](#)<sup>2</sup> and subsequent changes in housing policy the Scheme now fails to comply with the requirements of the AAAP in the following ways;
- Shortfall in housing uplift
  - Shortfall in affordable housing
  - Breach of dwelling type requirements
  - Failure to meet rehousing objectives
  - Failure to meet dwelling size requirements
  - Scheme's non-viability will lead to loss of the affordable housing

**Shortfall in housing uplift**

9. The Acquiring Authority (AA) states in the Officer's Report (OR) for the FDS that *'Although the FDS application is a stand alone application which must be considered on its own merits, it will, if both are approved, be bound to the outline application within a single S106 agreement to create the overall masterplan. It is therefore reasonable to consider the FDS application in the context of the overall masterplan'*<sup>3</sup>. We offer our evidence on the shortcomings of the Scheme in this context.
10. The AAAP requires *'about 1,450 extra homes'* to contribute towards Southwark's London Plan (LP) target of 16,300 new homes by 2016/17<sup>4</sup>. Given the baseline of 2,758 existing homes<sup>5</sup>, all to be demolished, the AAAP therefore requires 4,208 new homes.

<sup>2</sup> JF1 [withdrawal of £180m government funding](#)

<sup>3</sup> JF2 [CD63 Planning officer's report 23 April 2015 14/AP/3843 para 97 Officer's report 14/AP/3843](#) p 97

<sup>4</sup> JF3CD2 AAAP 3.1.4 pg 30

<sup>5</sup> JF4CD2 AAAP 3.1.3 pg 30

11. Table A5.1 of the AAP states how 4,204 new homes would be delivered
  - Phase 1a/Site7, 425 homes; Site 1b/1c (FDS) 880, with the remainder covered by the Outline site (including Site 10), to deliver 2,899 homes<sup>6</sup>. However, Phase 1a/Site 7 has only delivered 408 units<sup>7</sup> and the FDS detailed consent is only for 830 units<sup>8</sup>.
12. There has therefore been a shortfall from the AAP figures in the completed Phase 1a/Site 7. There are also shortfalls in the consents for the FDS and the Outline schemes.
13. While the FDS provides an uplift of 264 units<sup>9</sup>, the Outline consent only allows a maximum delivery of 2,745 units, 154 units short of the 2,899 AAP figure. Further it also allows a minimum delivery of 1,700 units, which would increase the shortfall to 1,199<sup>10</sup>.
14. The AA acknowledges the possibility of a minimum delivery by assessing the impact of this scenario on the delivery of affordable housing<sup>11</sup>.
15. An amendment under s73 Town and Country Planning Act 1990, submitted by NHHT, would increase the FDS consented units to 842, reducing the shortfall by 12, if approved<sup>12</sup>.
16. The shortfalls are tabulated below;

<sup>6</sup> JF5 CD2 AAP Table A5.1: Schedule of proposals sites pg 106, 107

<sup>7</sup> JF6 GLA Stage 1 referral D&P/0306a/01 para 21 Table 3 pg 6

<sup>8</sup> JF7 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 30 Table 1

<sup>9</sup> JF8 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 83

<sup>10</sup> JF9 Planning Officer's report 23 April 2015 14/AP/3844 para 92, 93

<sup>11</sup> JF10 Planning Officer's report 23 April 2015 14/AP/3844 para 88

<sup>12</sup> JF11 GL Hearn Supporting Statement Oct 2017v2 Table 3 pg 19

Phase	AAAP reqs.	Consented units	Shortfall
Phase 1a/Site 7	425	408	17
FDS	880	830	50
Outline	2,899	1,700 (min)	1,199
		2,745 (max)	154
Total	4,204	2,938	1,266
		3,983	221

**Shortfall in affordable housing calculated by habitable rooms**

17. The minimum number of affordable habitable rooms to be delivered on the Outline scheme for no net loss of affordable housing overall is 4,790. However, while the planning consent allows a maximum of 5,247 affordable hb/rms, it also allows a minimum of 3,248 hb/rms<sup>13</sup>.
18. The AA sought to prevent the amount of affordable housing falling below 4,790 by defining the 'Minimum Affordable Housing Requirement' in the s106 agreement thus; 'The minimum of 4,790 Habitable Rooms to be constructed upon the Outline Development OR the provision of 50% of

<sup>13</sup> JF12 Planning officer's report 23 April 2015 14/AP/3844 para 99, para 97, Table 14

the total number of Habitable Rooms across the Development, whichever is the greater....' (our emphasis)<sup>14</sup>.

19. However, the single s106 agreement for the FDS and Outline development defines 'Development' as 'Together the FDS Development and the Outline Development'<sup>15</sup>. This introduces an ambiguity into the definition 'Minimum Affordable Housing Requirement', where 'Development' could be read to mean the combined FDS and Outline developments and hence could allow the Applicant to meet the affordable housing requirement by delivering 4,791 hb/rms across both sites, thereby meeting the affordable housing requirement.
20. While 4,791 hb/rms is above the minimum scenario for the FDS and Outline developments (4,642 hb/rms) it is below the 6,184 hb/rms across the FDS and Outline site, required to ensure no net loss of affordable housing<sup>16</sup>. It would therefore entail a loss of 1,393 hb/rms.
21. The AAP anticipates a loss of 150 affordable units for the entire estate redevelopment<sup>17</sup>. Using an estate average of 3.65 habitable rooms per unit<sup>18</sup>, this is an anticipated loss of 548 hb/rooms, less than half of the loss of 1,393 hb/rms on the FDS and Outline sites under the minimum scenario.
22. Such a loss would also exceed that which the GLA anticipated under a maximum scenario, when concluding that the application accorded with

<sup>14</sup> JF13 CD39 s106 Agreement 5 August 2015 pg 20

<sup>15</sup> JF14 CD39 s106 Agreement 5 August 2015 pg 11

<sup>16</sup> JF15 Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 14 6887-703 = 6184 (Estate baseline minus Early phases); figures from col 6

<sup>17</sup> JF16 CD2 [AAP](#) 3.3.1 pg 35

<sup>18</sup> JF17 Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 14 - 7344/2012 = 3.65 av. hab rooms

London Plan Policy 3.14<sup>19</sup>, having previously concluded that it did not<sup>20</sup>. The GLA was persuaded to change its view by, amongst other things, the ambiguous planning obligation referred to above<sup>21</sup>.

23. It is also noteworthy that the GLA conceded a reduction in the social rent baseline of the estate to the AA, allowing it to adopt a figure of 6,887 hb/rms<sup>22</sup>, when it had used 7,345 hb/rms<sup>23</sup> initially. This would have increased the loss of affordable habitable rooms by 458 (125 units).
24. The AA acknowledges a shortfall in the re-provision of affordable housing on the FDS of 105 units or 3 habitable rooms. It says that much of the difference can be accounted for by the increase in the number of larger family units. However, the s106 agreement definition of 'habitable rooms' allows any room larger than 27.5sqm to be counted as two for the calculation of affordable housing provision<sup>24</sup>. Although this 'double counting' appears to be permitted by policy, it is not clear from the OR whether the existing affordable housing quantum has been calculated in the same way.<sup>25</sup> It also presents a potentially misleading picture of the extent of affordable housing provided by the scheme.

### **Shortfall in affordable housing in scheme - calculated by floorspace**

25. While the S106 agreement specifies the delivery of affordable housing in terms of habitable rooms the London Plan specifies that any net loss should be calculated in terms of floorspace<sup>26</sup>. The GLA says that

<sup>19</sup> JF18 GLA Stage 2 referral D&P/0306a/02 22 July 2015 paras 14, 15 pg 4

<sup>20</sup> JF19 [GLA Stage 1 referral](#) para 27 pg 7

<sup>21</sup> JF14

<sup>22</sup> JF20 Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 1414

<sup>23</sup> JF21 GLA Stage 1 referral D&P/0306a/01 para 20 Table 2 pg 5

<sup>24</sup> JF22 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 86, 99, 100

<sup>25</sup> JF23 CD64 s106 pg 15: CD63 Planning officer's report 23 April 2015 14/AP/3843 para 84 Table18

<sup>26</sup> JF24 London Plan 2011 Chp 3 Policy 3.14B: para 3.82 pg 101

comprehensive floorspace figures for the Aylesbury estate are not available<sup>27</sup>, but the Officer's Report for the FDS states that *"The total existing floorspace on the FDS equates to approximately 54,747sqm"*<sup>28</sup>. This is confirmed by the CIL form submitted for the amendment application<sup>29</sup>.

26. The AA's accommodation schedule for the amended FDS planning application shows that it proposes 27,433 sqm GIA of social rented floorspace<sup>30</sup>. Allowing for 178 leaseholder hb/rms in the baseline (6,187 sqm)<sup>31</sup>, the net loss is 21,246 sqm.
27. If the 13,455 sqm<sup>32</sup> of shared ownership housing is included in the overall affordable housing re-provision then the net loss is 7,791 sqm, contrary to the London Plan<sup>33</sup>.
28. Such loss is also contrary to the Mayor's emerging policy. His funding agreement<sup>34</sup> requires all estate regeneration schemes funded by his programme, as the Aylesbury is, to comply with his draft Good Practice Guide for Estate Regeneration;

*"The Mayor believes that, where demolition and rebuilding is chosen as part of an estate regeneration, this should only happen where it does not result in a loss of social housing, or where all other options have been*

<sup>27</sup> JF25 GLA Stage 1 referral D&P/0306a/01 para 19

<sup>28</sup> JF26 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 353

<sup>29</sup> JF27 CIL form 17/AP/3885 11 Oct 2017 pg 3

<sup>30</sup> JF28 Calculated from Appendix II Schedule of Accommodation Design and Access Addendum V2 – PT 5 LR 17/AP/3885 Oct 2017

<sup>31</sup> JF29 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 84 Table 18; percentage calculated on proportion of leasehold hb/rms to total –  $178/1575 = 0.113 \times 54,747 = 6,187\text{sqm}$

<sup>32</sup> JF28 Calculated from Appendix II Schedule of Accommodation Design and Access Addendum V2 – PT 5 LR 17/AP/3885 Oct 2017

<sup>33</sup> JF24

<sup>34</sup> JF30 The Mayor's funding agreement para 3.5 pg 52 2017



*exhausted. This principle will apply to estate regeneration projects that seek new funding from the GLA.”*<sup>35</sup>

*“The Mayor expects existing affordable housing to be replaced on a like-for-like basis, meaning that, for example, homes at social rent levels should be replaced with homes at the same or similar rent levels...all estate regeneration schemes should follow the Viability Tested Route to deliver the re-provision of the existing affordable floorspace on a like-for-like basis and maximise additional affordable housing.”*<sup>36</sup>

29. Despite the Guide’s requirement that “existing affordable floorspace” be re-provided, the GLA states in its Stage 1 referral report for the Outline application that the planned replacement of housing, including affordable housing, can be calculated in terms of units or habitable rooms, according to the Mayor’s Housing SPG<sup>37</sup>. However, the Mayor’s Housing SPG states that this should only be done “where the redevelopment of an estate is providing a housing mix more appropriate to the needs of both existing and prospective future residents – for example where there is increased provision of dwellings for larger households”<sup>38</sup> (our emphasis).

30. Policy AAP BH4F sets the benchmark for ‘a housing mix more appropriate to the needs of both existing and prospective future residents’<sup>39</sup> and the FDS Scheme does not conform to this. The officer’s report for the FDS gives the mix for the consented Scheme against the AAP requirement for the phase and Outline scheme. It shows that the

<sup>35</sup> JF31 The Mayor’s draft Good Practice Guide to Estate Regeneration Dec 2019 para 9 pg 11, para 2.66, 2.67 pg 29

<sup>36</sup> JF31 The Mayor’s draft Good Practice Guide to Estate Regeneration Dec 2019 para 9 pg 11, para 2.66, 2.67 pg 29

<sup>37</sup> JF32 GLA Stage 1 referral D&P/0306a/01 para 19 pg 5

<sup>38</sup> JF33 Mayor’s Housing SPG 2016 5.1.14 pg 139

<sup>39</sup> JF34 CD2 AAP BH4 pg 36

FDS Unit Mix will deliver 55.3% of units with two or more bedrooms, while 64% is required. It will deliver 13% with three bedrooms, while 17% is required; 3.9% with four bedrooms, while 4.3% is required. The Scheme only meets the AAAP requirement for larger households in its five bedroom units, where 2.4% is provided, when 1.6% is required<sup>40</sup>.

31. The amendment submitted by NHHT broadly maintains these percentages without improvement. If approved, the amended consent would still deliver 55% with two bedrooms or more; 13% with three bedrooms; 4% with 4 bedrooms and 2 % with 5 bedrooms<sup>41</sup>.
32. The Scheme therefore does not provide a housing mix that allows the loss of affordable housing to be calculated in habitable rooms or in units, according to the Mayor's Housing SPG, and does not meet the requirements of AAAP BH4F.

#### **Breach of dwelling type requirements measured against AAAP**

33. The AAAP says *"There will be a significant proportion of family homes with 23% houses, together with all the facilities needed by families, to make sure that the whole area is family-friendly."*<sup>42</sup>
34. The Sustainability Assessment for the AAAP says:
- "The revised tenure mix new option was chosen as it minimises the loss of affordable housing and will help develop a mixed and sustainable community. It will also ensure that the rehousing needs of existing tenants are met."*<sup>43</sup>

<sup>40</sup> JF35 CD63 Planning officer's report 23 April 2015 14/AP/3843 para 112 Table 23

<sup>41</sup> JF36 GL Hearn Supporting Statement Oct 2017v2 5.26 pg18

<sup>42</sup> JF37 CD2 [AAAP](#) 1.6.4 pg 20

<sup>43</sup> JF38 [Sustainability Assessment AAAP](#) 6.1.2

35. More recently a benchmarking survey of the estate found that;

*"The Overcrowding on the estate is high. Census data suggests that in 2001 over 47 per cent of residents were living in homes with more than 1.5 people to a room, higher than the Southwark average of 30 per cent. 27 per cent of people interviewed for the residents survey reported that they had five or more people living in their homes, one household was home for 13 people."*<sup>44</sup>

36. Despite this, the percentage of houses delivered in the early phases, is only 5.4%. The FDS consent is also only for 5.7%. The Outline consent provides only 19.7%, with an anticipated regeneration total of 15.2%, 7.8% short of the AAP target.<sup>45</sup> (NB The proposed FDS amendment for proportion of houses is 6%).<sup>46</sup>

37. The AA justifies this shortfall by giving a priority to delivering family homes in other dwelling types.<sup>47</sup> However, as we demonstrate above in para 30 there are shortfalls in meeting family home' targets in other dwelling types as well. (NB The proposed FDS/Plot 18 amendments would reduce the number of 3 bed affordable units by 10, and the number of 4 bedroom units by 2).<sup>48</sup>

<sup>44</sup> JF39 [Living on the Aylesbury Estate Nov 2017](#) pg 12

<sup>45</sup> JF40 Planning officer's report 23 April 2015 14/AP/3844 para 117 Table 17; CD63 Planning officer's report 23 April 2015 14/AP/3843 para 112 Table 24 gives a total for houses of 16.8%.

<sup>46</sup> JF41 GL Hearn Supporting Statement Oct 2017v2 5.38 pg 20

<sup>47</sup> JF42 Planning officer's report 23 April 2015 14/AP/3844 para 118

<sup>48</sup> JF43 GL Hearn Supporting Statement Oct 2017v2 5.31 pg 19

38. Of the 60 three bedroom dwellings required by the AAAP<sup>49</sup> on completed Phase 1a/site 7, only 30 were provided.<sup>50</sup> The AAAP requires 149 three bedroom dwellings on the FDS<sup>51</sup> but only 108 were consented.<sup>52</sup> The AAAP requires 38 four-bedroom dwellings on Phase 1b/1c,<sup>53</sup> but only 32 were consented.<sup>54</sup>

**Breach of dwelling requirements on Outline site measured against baseline**

39. The Outline officer's report addresses the maximum scenario against the AAAP for dwelling size<sup>55</sup>. In terms of social rented family homes (three bedroom and above) the maximum scenario gives 425 units and the minimum scenario 263<sup>56</sup>, compared with 776 social rented family units on the existing Outline site (874 listed in the S106 Heads of Terms for Outline and FDS combined<sup>57</sup>, minus 98 social rented family homes on the FDS).<sup>58</sup>

**Failure to comply with AAAP rehousing objective**

40. Should the Outline minimum scenario be realized it would also frustrate the requirements of the AAAP to "*accommodate approximately 50% of existing tenants through the re-provision of homes on site*"<sup>59</sup>, when measured against baseline of existing provision. Given that all existing tenants are social tenants, a minimum scenario social rent provision would fall appreciably short for all unit sizes, except four bedroom plus.

<sup>49</sup> JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 19 units (Phase 1a), 41 units (Site 7)

<sup>50</sup> JF44 [Officers report 14/AP/3844](#) Table 9 para 90

<sup>51</sup> JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 69 units (Phase 1b), 80 units (Phase 1c)

<sup>52</sup> JF44 [Officers report 14/AP/3844](#) Table 10 para 91

<sup>53</sup> JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 18 units (Phase 1b), 20 units (Phase 1c)

<sup>54</sup> JF44 [Officers report 14/AP/3844](#) Table 10 para 91

<sup>55</sup> JF45 [Officers report 14/AP/3844](#) Table 16 para 114

<sup>56</sup> JF46 [Officers report 14/AP/3844](#) Table 12 para 93

<sup>57</sup> JF47 [Section 106 Heads of Terms Appendix 1 pg 6](#)

<sup>58</sup> JF48 [Officer's report 14/AP/3843](#) Table 18 para 84

<sup>59</sup> JF49 CD2 [AAAP](#) para 7.2.6 pg 75; A7.1.9

The numbers required for 50% rehousing, for each bedroom size, with minimum scenario numbers in brackets, are; one-bed 340 (163); two-bed 298 (205); three-bed 304 (117); four-bed plus 132 (146).<sup>60</sup>

41. The AA's updated statement of case of Nov 2017 says that just 34 tenants and 5 leaseholders have been rehoused in the 147 new homes on Site 7 – 23%.<sup>61</sup>

42. 1310 households have been decanted from the estate to Sept 2017<sup>62</sup>. An FOI response says that 813 secure tenant households had been decanted from Phase 1b/1c and Phase 2 and 112 decanted tenants and 6 leaseholders have been rehoused in the 408 units of the completed early phases of the redevelopment (Phase 1a and Site 7) – 9%.<sup>63</sup>

43. The FOI information is tabulated below:

Phase/plot	Decanted			Rehoused on site	
	Tenants	Leaseholders	Households	Tenants	Leaseholders
1a	n/a	n/a	53	112	6
Site 7	n/a	n/a	59		
FDS (1b/1c)	403	n/a	566	-	-

<sup>60</sup> JF50 Figures for Existing Residential Accommodation Outline Site calculated from [Section 106 Heads of Terms Appendix 1](#); figures for Outline minimum scenario are from [Officers report 14/AP/3844](#) Table 12 para 93

<sup>61</sup> JF51 Council's updated Statement of Case Nov 2017 para 4.12 pg 14

<sup>62</sup> JF52

<sup>63</sup> JF53 FOI response

[https://www.whatdotheyknow.com/request/aylesbury\\_estate\\_regeneration\\_de?post\\_redirect=1;](https://www.whatdotheyknow.com/request/aylesbury_estate_regeneration_de?post_redirect=1;)

403 tenant households (Phase 1b/1c), 410 tenant households (Phase 2) – piecharts.

112 tenant h/h – Q3; 6 leaseholders – Q6 pg 4

Phase 2	410	n/a	632	-	-
Total	813	n/a	1310	-	-

### **Failure to meet dwelling size requirements**

44. We have identified 17 units from the FDS accommodation schedule which do not meet the AAAP floorspace requirement for their respective tenures and housing type<sup>64</sup>.
45. It is noted that NHHT's submitted amendment (17/AP/3885)<sup>65</sup> for the FDS includes the provision of 'market rent' rather than private for-sale housing<sup>66</sup>. This is a breach of the AAAP's tenure requirements, which specifically state 'private homes'. Homes rented on short-term tenancies by a housing association at market rent are not interchangeable with private for-sale homes.

### **FDS Scheme's non-viability will lead to loss of the affordable housing required by AAAP**

46. The Objectors submit that the non-viability of the Scheme is likely to result in a failure to conform with the affordable housing tenure requirements of the development plan.
47. The FDS planning consent permits 51.2% affordable housing.<sup>67</sup> A Financial Viability Note for the FDS states that '*It would not be viable to provide more affordable housing within this application*' and concluded emphatically '*increasing the number of affordable homes within the FDS*

<sup>64</sup> JF54

<sup>65</sup> <http://planbuild.southwark.gov.uk/documents/?casereference=17/AP/3885&system=DC>

<sup>66</sup> JF55 Appendix II Schedule of Accommodation Design and Access Addendum V2 – PT 5 LR 17/AP/3885 Oct 2017 pg 220

<sup>67</sup> Although it is in Phase 1, where AAAP BH3 pg35 requires 59%

*mix would result in the scheme falling below the prudent profit level for NHHT, given the high level of development risk on this project'* <sup>68</sup>

48. Notwithstanding the Viability Note NHHT has submitted an amendment (17/AP/3885)<sup>69</sup> to the FDS planning permission (14/AP/3843)<sup>70</sup> which increases the amount of affordable housing by 153 units (37%). This is off-set somewhat by a proposed amendment and reduction in the amount of affordable housing on another plot, Plot 18 (16/AP/2800)<sup>71</sup> but together the changes still amount to a net increase of 120 affordable units, (26%)<sup>72</sup>. NHHT gives no explanation of how such an increase can be sustained, while keeping the scheme viable, in the Supporting Statement. No viability assessment of the impact of the change has been submitted.

### **Social rent is not required by the DPA**

49. While the AAAP requires that 75% of the 50% affordable housing be social rent the DPA refers only to 'target rent' with no mention of the term 'social rent'. 'Target rent' is not a recognised affordable housing tenure, but a term that has been used in previous rent guidance to enable the convergence of council and housing association rents; convergence was ended in 2011 without achieving that aim. The background and explanation of the various kinds of affordable housing and convergence is given in the London Tenants Federation witness statement.

### **Tenure requirements of GLA funding**

50. After the AAAP was adopted in 2009 a new affordable rent tenure was introduced in 2011. We understand that NHHT is funding the social rented homes on the FDS with a grant from the GLA's Affordable Housing

<sup>68</sup> JF56 NHHT Financial Viability Note 4 Mar 2015 – obtained by FOI request.

<sup>69</sup> <http://planbuild.southwark.gov.uk/documents/?casereference=17/AP/3885&system=DC>

<sup>70</sup> <http://planbuild.southwark.gov.uk/documents/?casereference=14/AP/3843&system=DC>

<sup>71</sup> <http://planbuild.southwark.gov.uk/documents/?casereference=16/AP/2800&system=DC>

<sup>72</sup> JF57 [GL Hearn Supporting Statement](#) Table 4 pg 20

Programme 2016-2021 that is for shared ownership and affordable rent, not social rent. The GLA's funding agreement for this programme only provides for London Living Rent and London Affordable Rent (LAR)<sup>73</sup>, saying that LAR '*constitutes an "Affordable Rent" for the purposes of the Rent Standard*'.<sup>74</sup>

51. Furthermore, the funding agreement prescribes a specific formula for how LAR rent levels are to be set<sup>75</sup>. This formula conflicts with the formula for the setting of social rents prescribed in the Rent Standard Guidance and will result in LAR rents increasing proportionally by more than social rents year on year.
52. LAR tenure is not the social rented tenure required by the AAAP. The significant differences between social rent and LLR, including the substantial difference in rent levels, are addressed in the witness statement from the London Tenants Federation.
53. My evidence demonstrates that there is not a compelling case in the public interest for the objectors' properties to be compulsory purchased by the Acquiring Authority.

### **Conclusion**

54. The scheme falls outside the public interest because it does not comply with the AAAP.

<sup>73</sup> JF58 [GLA standard form agreement](#) Definitions and Interpretations AHP Dwellings, pg 2; AHP Grant Rates pg 3; LLR Dwellings etc pg 10

<sup>74</sup> JF59 [GLA standard form agreement](#) Schedule 1 Part 1 10.1 pg 49

<sup>75</sup> JF60 [GLA standard form agreement](#) page 22 para 3.2.1



55. The FDS to which this inquiry specifically relates is a fundamental component of a scheme, which is now incompatible with the policies of the local development plan.
56. The compulsory purchase of the properties on the FDS does not fulfill the required economic interest test due to substantial funding problems - demonstrated in my evidence and that of Rastko Novakovic (RN).

END

## ANNEX 1          List of Appendices

JF1 - Southwark Council Press release 23 Nov 2010

JF2 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 97

JF3 - CD2, AAAP 3.1.4 pg 30

JF4 - CD2, AAAP 3.1.3 pg 30

JF5 - CD2, AAAP Table A5.1: Schedule of proposals sites pg 106, 107

JF6 - GLA Stage 1 referral D&P/0306a/01 para 21 Table 3 pg 6

JF7 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 30 Table 1

JF8 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 83

JF9 - Planning officer's report 23 April 2015 14/AP/3844 para 92, 93

JF10 - Planning officer's report 23 April 2015 14/AP/3844 para 88

JF11 - GL Hearn Supporting Statement Oct 2017v2 Table 3 pg 19

JF12 - Planning officer's report 23 April 2015 14/AP/3844 para 99; para 97 Table

JF13 - CD39 s106 Agreement 5 August 2015 pg 20

JF14 - CD39 s106 Agreement 5 August 2015 pg 11

JF15 - Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 14

JF16 - CD2 AAAP 3.3.1 pg 35

JF17 - Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 14

JF18 - GLA Stage 2 referral D&P/0306a/02 22 July 2015 para 15 pg 4

JF19 - GLA Stage 1 referral D&P/0306a/01 para 27 pg 7

JF20 - Planning officer's report 23 April 2015 14/AP/3844 para 97 Table 14

JF21 - GLA Stage 1 referral D&P/0306a/01 para 20 Table 2 pg 5

JF22 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 86, 99, 100

JF23 - CD39 s106 Agreement 5 August 2015 pg 15; CD63 Planning officer's report 23 April 2015 14/AP/3843 para 84 Table 18

JF24 - London Plan 2011 Chp 3 Policy 3.14B: para 3.82 pg 101

JF25 - GLA Stage 1 referral D&P/0306a/01 para 19

JF26 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 353

JF27 - CIL form 17/AP/3885 11 Oct 2017 pg 3

JF28 - Appendices 1,2,3 Schedule of Accommodation Design and Access Addendum V2 – PT 5 LR 17/AP/3885 Oct 2017

JF29 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 84 Table 18

JF30 - GLA standard form agreement para 3.5 pg 52 2017

JF31 - The Mayor's draft Good Practice Guide to Estate Regeneration Dec 2019, para 9 pg 11; Affordable Housing and Viability SPG para 2.66, pg 29

JF32 - GLA Stage 1 referral D&P/0306a/01 para 19 pg 5

JF33 - Mayor's Housing SPG 2016 5.1.14 pg 139

JF34 - CD2 AAAP BH4 pg 36

JF35 - CD63 Planning officer's report 23 April 2015 14/AP/3843 para 112 Table 23

JF36 - GL Hearn Supporting Statement Oct 2017v2, 5.26 pg18

JF37 - CD2, AAAP 1.6.4 pg 20

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JF40 - CD63, Planning officer's report 23 April 2015 14/AP/3844 para 117 Table 17; CD63 Planning officer's report 23 April 2015 14/AP/3843 para 112 Table 24

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JF44 - CD2 AAAP Table A5.1; Planning report extracts 14/AP/3844

JF45 - Planning officer's report 23 April 2015 14/AP/3844 para 114 Table 16

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JF51 - CD79 Council's updated Statement of Case para 4.12 pg 14, pg15

JF52 - Decanted households; : Planning officer's report 23 April 2015 14/AP/3844 para 51,53, 54; Council's updated Statement of Case Nov 2017 para 1.5 pg 4; Aylesbury Area Housing Forum 19 Sept 2017 Table Phase 2 pg 05

JF53 - FOI response 17 Oct 2017

JF54 - Extract from accommodation schedule; AAAP Table A6.1 pg 152

JF55 - Appendix II Schedule of Accommodation Design and Access Adendum (17/AP/3885)

JF56 - NHHT Financial Viability Note 4 Mar 2015 – obtained by FOI request.

JF57 - GL Hearn Supporting Statement Oct 2017v2 5.35 Table 4 pg 20

JF58 - GLA standard form agreement; Definitions and Interpretations AHP, pgs. 2, 3, 10

JF59 - GLA standard form agreement Schedule 1 Part 1 10.1 pg 49

JF60 - GLA standard form agreement page 22 para 3.2.1

JF61 - Planning Officer's Report Planning officer's report (extracts) 23 April 2015 (14/AP/3844)

JF62 - GLA Stage 1 referral D&P/0306a/01

JF63 - GLA Stage 2 referral D&P/0306a/02