

**THE LONDON BOROUGH OF SOUTHWARK**

**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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**Rebuttal Statement**

**Professor Jane Rendell For the Aylesbury Leaseholders Group**

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**6<sup>th</sup> January 2018**

**1. Overall approach taken to this Rebuttal Statement**

For this 2018 Public Inquiry London Borough of Southwark has selected expert witnesses to match the objectors' range of expertise. A number of London Borough of Southwark's witness statements for this 2018 Public Inquiry (unlike 2015) come from academics, and from practitioners with academic backgrounds, and so many of the Expert Witnesses give conceptual groundings for their arguments. Thus in order to rebut some of the arguments made by the Witness Statements for London Borough of Southwark, I need to foreground my rebuttal comments, by referring to some of issues concerning research methodology and situated knowledge, as well as the architectural history and theory of modernism, that were contained in my Witness Statement for the 2015 Public Inquiry.

## **2. Professional Role**

I am Professor of Architecture and Art at the Bartlett School of Architecture at University College London (UCL). I have a BA (Hons) Architecture (University of Sheffield, 1988) and a Dip. Arch. (University of Edinburgh, 1992), which gives me exemption from RIBA Parts 1 and 2. I have an MSc in Architectural History from UCL (1994), and a PhD in architectural history awarded by Birkbeck College, University of London (1998). As an architectural historian/theorist and art/cultural/urban critic, I have recently worked on the history of welfare state housing in London, publishing 5 articles on the topic, with 1 authored book *Spaces of Transition: The Architecture of Psychoanalysis* (London: IB Tauris 2017) and 1 co-edited special issue of the *Journal of Architecture*, on the history of the 'Social Condenser' (this term refers to the Narkomfin architectural housing typology, which is the precursor to the Aylebury). I have supervised and examined between 35-40 PhDs to date, including two specifically on social housing, one in relation to Heritage issues at Robin Hood Gardens, and the regeneration of Balfron Tower by Dr David Roberts. My interest and expertise is in questions of culture and spatial experience related to public and private space and the history of modern architecture; my forthcoming book looks at the destruction of 1950s/1960s welfare state housing designed and built by the London County Council (LCC), and how the ideals of the post war period to provide housing for working and middle class Londoners based on need has been replaced by a market-based housing model based on what people can pay.

### **3. Methodology**

My statement is made based on information gathered through the following sources:

**3.1 reading relevant academic literature** held in the public domain in the following areas:

**3.1.1** the history of modernism, social housing, regeneration and the current London Housing Crisis, including specific evidence-based analyses of the Aylesbury Estate made by Professor Loretta Lees and Dr Richard Baxter;<sup>1</sup>

**3.1.2 reading summaries of the on-going Aylesbury demolition on three key websites** – 35%, Southwark Notes, and Better Elephant;<sup>2</sup>

**3.1.3 reading material on the redevelopment of the Aylesbury Estate** over the last 10 years downloaded from the Southwark Council website or accessed through FOI requests.

### **3.2 Situated Knowledge as a research method**

My academic and published research is often also related to my own personal experience, what is described by Donna Haraway as ‘situated knowledge’.<sup>3</sup> This is relevant to this rebuttal statement in a number of ways:

**3.2.1 since being a member Aylesbury Leaseholders Action Group** since November 2014, I have got to know and understand the experiences of various Aylesbury leaseholders first hand.

**3.2.2 I have been a resident leaseholder in Southwark since 2008**, occupying my partner’s leaseholder flat in the Portland Street Estate (comprising 4 x 11-story point-blocks) in Southwark from 2008-12, and from 2016 to now. I was a resident leaseholder of a flat in a 21-storey point block on the Wyndham Estate, half a mile to the west of the Aylesbury Estate and the ‘Order Land’ from 2012-6.<sup>4</sup> My experience as a Southwark

leaseholder over my own windows and balcony has highlighted the following sets of issues:

### **3.2.2.1 The poor condition of the structures due to the lack of, and the poor design quality, of current refurbishment work**

**3.2.2.1.1** Many post-war public housing schemes are currently judged to have failed in their intentions or to be structurally unsound, but the problem is more often the lack of investment in the communal spaces and infrastructure, rather than the original aspirations or engineering design.

**3.2.2.1.2** I saw the years of neglect in my own point-block, where the communal spaces – laundries, one on each floor – were all emptied, the doors recently padlocked by Southwark Council, because of the unspecified ‘health and safety’ threat they posed.

**3.2.2.1.3** Yet the one act of repair Southwark Council invested in, as part of the Warm Dry Safe programme, was, in design terms, aesthetically poor and dysfunctional in that it prevented residents ever accessing their balconies again. The original Crittall metal framed windows, one of the reasons I had purchased the flat, and which framed my view over Burgess Park, were single-glazed, so rightly they needed to be upgraded. They were removed by Southwark in July 2014 and replaced with new double-glazed units, but the new configuration completely ignored the original 1960’s design and the original design elevation of the building: the three original windows, each one 1.7m long, were replaced by six narrow ones, of differing sizes. The plastic frames were double the width of the originals. The sills were so high that I could no longer step out onto my balcony, to the edge of the building-line which as my lease showed was my private property, and thus to perform my leaseholder duty in repairing and maintaining my balcony. Arguing that *they* owned the balcony – but *with no evidence* to support their claim – London Borough of Southwark were not able to keep to their part of the contract, which would have been to repair and maintain the balcony, as contractors can no longer access the balconies without putting up exterior scaffolding.

**3.2.2.2 The low regard in which London Borough of Southwark hold modern architecture**, in particular, their disregard of way the importance of the view, which is integral to the design of point and slab blocks in post-war welfare state architecture; and well as their lack of respect for key features of Brutalist architecture, which in many other schemes has been a reason for their listing (see for example, Balfron Tower in London, and Park Hill in Sheffield, as well as the Alton Estate).

**3.2.2.2.1** Crossmount House, where I lived, was built in 1967, as one of five, designed by Colin Lucas, one of the architects of the more famous LCC **Alton Estate** at Roehampton.<sup>5</sup> The Alton Estate was developed in two phases, [Alton East](#) (formerly Portsmouth Road), was built in 1952–5,<sup>6</sup> and Alton West (formerly Roehampton Lane), was built in 1955–9.<sup>7</sup> The target population of 10,000 made it the largest of the L. C. C. developments, including two thirds of its house-building programme during the early 1950s, and one of the largest housing projects in Europe. Alton East pioneered the design of ‘point’ blocks, based on Swedish designs, of which Crossmount House is an example, and Alton West pioneered the design of ‘slab’ blocks, based on Le Corbusier’s famous [Unité d’Habitation](#). The 5 key slab blocks of the Alton Estate, very similar to those of the Aylesbury, like Chiltern, have Grade 2\* listing, and the refurbishment of the scheme is retaining many of the key buildings.

**3.2.2.2.2** The [Unité d’Habitation](#), Marseilles, was built between 1947 and 1953 in Marseilles, and designed to house around 1600 people in 337 apartments, including 23 different types.<sup>8</sup> Its design has been repeated in many different contexts, and is the precursor to the architectural style known as Brutalism, of which the Aylesbury is a variant example, is situated in 8.65 acres of parkland. This is an essential design aspect of this kind of slab block design, as it provides a place for leisure and exercise, and also offers views to all its inhabitants: ‘everyone looks out on trees and sky’, as well as providing internal streets, as shared meeting places, which in *the Unité* are still used successfully today.

**3.2.2.2.3** The *Unité de Marseilles*, was in turn inspired by the **Narkomfin Communal House in [Moscow](#)**, designed by Moisei [Ginzburg](#) with Ignatii

Milinis in 1928–1929, for the workers of the first Soviet Commissariat of Finance Ministry, a scheme which included dwelling blocks and communal facilities, and was orientated to include air, sun and access to greenery, via ribbon windows, free-standing columns and roof gardens.<sup>9</sup> A key aspect of the Unité and the Narkomfin designs were the communal spaces, specifically the wide corridors, later termed ‘streets in the sky’ by the British post war architects, Peter and Alison Smithson, and which inspired the recently refurbished Park Hill in Sheffield,<sup>10</sup> as well as the Aylesbury.<sup>11</sup>

### **3.2.2.3 The imbalance of power intrinsic to the relation between Southwark leaseholders and London Borough of Southwark.**

London Borough of Southwark has the power to make decisions that are extremely difficult for leaseholders to challenge without expensive legal advice. While much legal aid has been withdrawn, the London Borough of Southwark have access to fully trained team of lawyers, who are paid for out of public funds, which undermines the legitimacy of a Public Inquiry into a CPO as it is not in the public interest to use public funding to pay for a legal team whose work is focused on privatising public land, which involves displacing people from their homes, both tenants, and also leaseholders, who bought their properties in good faith.

### **3.2.2.4 Displacement can occur as a result of emotional stress and pressure and does not have to be physically exerted**

**3.2.2.4.1** Having been a resident leaseholder in a regeneration zone, I understand first-hand the emotional impact of regeneration schemes where the decision is taken to demolish rather than refurbish.

**3.2.2.4.2** The Wyndham Estate in which I used to live, like the Aylesbury Estate and the ‘Order Land’ within it, is located in Southwark’s ‘estate renewal zone’. As the 35% campaign have reported, The London Borough of Southwark has ‘recommended a lower CIL rate in the lower value area of the Borough, within which the majority of housing estates identified for Estate renewal are located.’ CIL stands for Community Infrastructure Levy.<sup>12</sup>

**3.2.2.4.3** Much of Southwark's housing strategies for council estate 'renewals' is informed now by research conducted by property consultants, Savills, who have recently advised the need to 'unearth the potential' of public land, which includes regenerating existing brownfield estates.<sup>13</sup> This includes the 'renewal' (read full or partial demolition) of existing 'brownfield sites' of post-war public housing estates to open them up for private investment, rather than, 'the greater public benefit'. This is the context in which, I assert, the use of CPOs to acquire leaseholder properties needs to be understood. The use of the term 'brownfield site' at para 3.37, of the London Borough of Southwark Witness Statement by Daniel Davies indicates the assumption that the Aylesbury is already an empty site, rather than one occupied by residents.

**3.2.2.4.4** The post-war 'point' and 'slab' blocks that make up most estates, such as the Aylesbury, are not dense enough Savills argue; they must be replaced by mansion blocks situated on re-introduced old street layouts.<sup>14</sup> To support this argument Savills draws on a report published by Create Streets, which based on the results of polls, puts forward the case that people do not like in living in post-war high-rise blocks.<sup>15</sup> However, such viewpoints are directly countered by qualitative research, such as that conducted recently on the Aylesbury Estate by Dr Richard Baxter, who interviewed residents using oral history interviews with 25 residents, as well as hometours and autophotography to enable triangulation of findings and 'provide different knowledge about domestic verticality'. Baxter's research as outlined in his witness statement for the Public Inquiry 2018, counters the dominant trend in academic literature to dismiss high-rise living as a failure, showing instead, based on residents' testimonies, the importance of the high-rise view to identity formation, and the pleasurable role of vertical experiences in belonging to place and in home-making.<sup>16</sup>

**3.2.2.4.5** Loretta Lees has pointed out how unfavourable representations of post-war estates like the Aylesbury in the media, have helped to create a biased impression of a violent underworld by those who do not live there, and thus participated in building an image of a failing housing estate which requires demolition. Lees argues that the residents of the Aylesbury were 'faced with a "false choice": that 'if they rejected the

regeneration 'deal' they would continue to live on an estate that needs upgrading and repair' or 'If they accepted the deal (which actually they didn't!) they could have a newly built neighbourhood in which they may not even get a chance to live and would be totally changed'. Lees argues that: 'The contrast between disinvested local authority stock in London and the highly valuable land it sits on has created a "state-induced rent gap" with massive capital accumulation potential.'<sup>17</sup> And it is this capital potential, and the profit it promises, to be gleaned by the private sector and for private interest, which I posit as the impetus for the regeneration of the Aylesbury in general, and the 'Order Land' in particular, rather than a desire to improve the wellbeing of the area in the public interest.

**3.2.2.4.6** My own flat was not under direct threat from a CPO, but I decided to sell it, because of the emotional difficulty of dealing with the lack of security that occurs when your home is located in a regeneration zone, one where the freeholder favours demolition as the preferred route to regeneration. Having witnessed first-hand the negative psychological effect of these demolition-based regeneration schemes on my neighbours in the Heygate and Aylesbury, I was not able to live day to day with the anxiety that in ten years' time, in my late 50s and early 60s, I might have my own home taken away from me. And that I would then have to leave the area, because through a CPO process, I would be offered such a low price for my home that I would not be able to purchase an equivalent home on the footprint of the estate under the shared equity scheme. So I decided to remove myself from my home, before London Borough of Southwark removed me. This illustrates very clearly what academics like Baster and Lees refer to as the geographical, physical and emotional effects of 'unmaking home'. (See the accounts by Aylesbury Witness Statement of Loretta Lees, Appendix LL3)

## **4. Inequality of arms.**

**4.1 The asymmetry underpinning the relation between leaseholder and freeholder can be extended to the framing of the Public Inquiry itself.** A number of witnesses for the London Borough of Southwark have made references to the Inspector's comments from the



2015 Public Inquiry, ‘that the current scheme is the only option before the Secretary of State at the present time that has the potential to regenerate the Estate.’ (CD 50, p. 2695 paragraph 418), quoted from Catherine Bates Proof, para 3.15. The reason that objectors have not provided a fully designed, detailed and costed alternative proposal is because ALAG does not have the funds to pay professional fee to produce such a design.

#### **4.2 Conflicts of Interest.**

London Borough of Southwark is a large employer and uses public money to employ many different professionals on its regeneration schemes – architects, engineers etc. It is therefore difficult to contest their position. This is a key reason why the objectors were not able to get the following witnesses to appear at the Public Inquiry in 2015:

- Levitt Bernstein architects to talk to their 2005 refurbishment design.
- Arups Engineers to comment on the structural reports by Conisbee.
- Hawarth Tompkins architects to discuss why they are currently (as of 2017) doing a tower refurbishment scheme not a demolition scheme for Southwark at Maydew House.
- LB Islington architects were not willing talk to the evidence on Six Acres, for other reasons, which I connect to political conflict of interest reasons, both Islington and Southwark, being Labour Boroughs.

#### **4.3. Extension of arguments made for the ‘equality of arms’.**

The ‘Equality of Arms’ issues as related to CPO inquiries has been discussed by Stephen Morgan of Landmark Chambers.<sup>18</sup> The ‘Equality of arms’ argument was made by the objectors at the 2015 Public Inquiry, and for this reason, the objectors managed to delay the hearing, so that they could secure Barrister Chris Jacobs to represent them. For this 2018 Public Inquiry the ‘Equality of Arms’ argument needs to be extended from objectors’ needs to pay the necessary legal costs to obtain a fair hearing, to objectors’ needs to fund the necessary professional design fees to present designs to represent their arguments.

The remaining sections of this statement, rebut specific issues raised in London Borough of Southwark’s Witness Statements.

**5.** Rebuttal of key points in Catherine Bates' Statement in section 3, regarding the decisions taken by London Borough of Southwark regarding how to conduct regeneration, either as refurbishment and/or demolition-new build.

**5.1.** London Borough of Southwark have still not provided the evidence requested to allow a full and proper cost comparison of the refurbishment and demolition-new build options of 2005. They assert that the CPO is in the public interest, and will still not present to the public the materials they used to reach a decision involved spending extremely large sums of public money.

**5.2** In a confusing sentence at para 3.13, Bates describes the issues the objectors raise concerning the need for a cost comparison as 'academic':

'It should be noted that a detailed cost comparison between the cost of refurbishment and demolition/ redevelopment is of academic interest only if there is no secure means by which an alternative scheme can be delivered'

I presume Bates means that the cost comparisons of refurbishment v demolition-new build from 2005 are irrelevant and thus 'academic', because there is no access to funding. If this is what she means, then I would refute this assertion. Requiring a cost comparison of two routes to the regeneration of one of London's largest social housing estates, is not an academic matter, it is a matter for public interest, because it involves the spending of public money. For a CPO to be issued there has to be a 'compelling case in the public interest',<sup>19</sup> to 'sufficiently justify interfering with the human rights of those with an interest in the land affected'.<sup>20</sup> And the Government Circular 06/2004, Compulsory Purchase and the Crichton Down Rules, states that 'CPOs can only be taken when 'there is clear evidence that the public benefit will outweigh the private loss'.<sup>21</sup> For the London Borough of Southwark to not have provided the evidence requested for the current scheme – of demolition-new build – in 2005, in 2015, and now again in 2018, operates directly against public benefit,

since within such costings there will be 20% allocated to developer private profit, as well as a large number of dwellings being sold privately.

**5.3** At 3.6 of Bates' statement she notes:

'The September 2005 resolution (CD 8 p. 584) was made long ago. It preceded a development plan process which was the development plan means by which the future of the Estate was fixed.'

The second sentence is confusing and poorly put, but for the first, it doesn't matter how 'long ago' the decision was made, actually it was in 2005, the point is that London Borough of Southwark have never provided evidence to refute the objectors' case that refurbishment was the cheaper option. (see Jane Rendell's four Witness Statements for the 2015 Public Inquiry, and one for the 2018 Public Inquiry).

**5.4** Even if London Borough of Southwark was not able to borrow the necessary funding in 2005, there were other means of securing funds either through the sale of land in other parts of the Borough, or through the sales of infill units, which were included as part of the Levitt Bernstein refurbishment designs (JB CD1) and options for refurbishment (JR 5).

**5.6** And today there are many routes for local authorities to borrow money, especially given that the Chancellor announced in November 2017 the removal of the borrowing cap for councils 'in high need'. There is now the opportunity for Southwark to apply for a special increase in its borrowing limit on the grounds that it is an area of "high affordability pressure." <sup>22</sup> See also the Witness Statement of Simon Morrow [paras 36 and 37]

**5.7** Bates argues that in 2015 the objectors sought to argue that refurbishment was a more sustainable and cost-effective option than redevelopment, and that they disagreed with the council's 'in-principle' decision. I counter that, at the Public Inquiry in 2015, The London Borough of Southwark did not present their decision to demolish and new build as

an 'in-principle' decision. Bates points to CD8 as evidence of this in-principle decision. (see para 1.1). But nowhere is the in-principle decision stated. What is it?

**5.8** CD8 does not provide any detail on the 'in-principle' decision. As I describe at para 2 of my Witness Statement, the only information for the option to demolish and rebuild the Aylesbury Estate consisted of a one-page 'Annex C: Indicative Cashflow Forecast' (**JR1**), and that this is insufficient information to guide such an important decision made in the public interest.

**5.9** And as I discuss at paras 3 and 4 of my Witness Statement, I argue that the costings for refurbishment were presented in a misleading way:

'although Southwark Council had commissioned substantial research, designs and costings for the refurbishment option – specifically, a large design package (up to RIBA Stage E) comprising 105 sets of documents (including reports, costings and design and construction drawings) provided by Levitt Bernstein Architects, (**JB CD1**), a 71-page report by Frost Associates (**JR3**) and a 20-page report by BTPW Partnership (**JR4**) – none of this detailed information was provided to the Executive Committee.'

'The information for the refurbishment option, consisted of a one-and-a-half page summary document titled 'Costs of Refurbishment' (**CD8: Annex A**), that estimated the total cost of refurbishment to Decent Homes Plus as £314.6 million. (**CD8: Annex A, p. 599**).'

' Annex A included a figure of £148.9 million for External Works, (**CD8: Annex A**) nearly half the total estimated cost of refurbishment; yet I have been unable to correlate this figure with the calculations in the Frost and the BPTW reports. (**JR3 and JR4**) The BPTW report gave a total figure for external works for the whole estate as £24.8 million, (**JR4: np, Table entitled: AYLESBURY ESTATE (INC SOUTH WEST CORNER)**)

## **SUMMARY OF REFURBISHMENT OPTIONS (DECENT HOMES**

**BASIC/DECENT HOMES +) less than a quarter of the Council's total; and although the Frost report did not give a total figure, even by adding up all the figures given for the external works for each relevant block on the estate I could only reach a total of £20.7 million. (JR3)**

**'So when faced with such a high figure for the refurbishment costs and no background details to justify it, it is perhaps understandable why the Executive Committee decided to reject the option to refurbish the Aylesbury Estate.'**

### **5.10 Structure as a key feature of the decision-making process**

At 3.11 of Bates' statement she states:

'Re-furbishment scheme 2004-2005

The Council referred to the 2005 Executive report (CD8) which records that in 2002 the Council did develop future plans for the Estate based on refurbishment and a modified programme of environmental improvement. However, further considerations to do with the building structure, the extent of investment required to make any visible improvement and the consequential funding gap had led to the recommendation for demolition and redevelopment, for which there was a funding route (CD8, p. 586 and 587, section 3, paragraph 3.14).'

CD8, section 3.14

3.14 The current proposals for retention of the estate therefore need to be reconsidered in terms of the likely value for money of the outcome and the practicality of delivery of the necessary funding.

I have contested all this point on structure in my Witness Statement, showing that the Levitt Bernstein refurbishment plans already costed for all the structural works required (See also appendices JR 3 and JR 4) and my para 8 quoted below:

'8. London Borough of Southwark are continuing to argue **(JR11)** that refurbishment is not possible, because of the 'physical shortcomings' of the buildings on the estate **(JR11, para 11.2.2)** and they state:

Between 2001 and 2005 the Council carried out work to consider whether the refurbishment of the Estate would be feasible and deliverable, and whether refurbishment would address satisfactorily the physical shortcomings of the Estate. The conclusion reached was that it would not. **(JR11, para 4.4).**

However, the research, design and costings for refurbishment prepared by Levitt Bernstein and produced in their stage E report of April 2005 **(JB CD1)**, included costings for structural strengthening repairs to those buildings that required it, following the report by structural engineers Conisbee, commissioned as part of the risk assessment in March 2005 which confirmed that only the 5 and 6 storey blocks would need to be structural strengthened. **(JR2, para 6.4)** The construction and design fee costs for structural strengthening were estimated in the BPTW report as only approx. 2.75% of the total costs of decent homes + refurbishment package for the whole estate, and only 2.3% for the SW corner **(JR4, np, Summary, para 3, and JR4: np, Table entitled: AYLESBURY ESTATE (INC SOUTH WEST CORNER) SUMMARY OF REFURBISHMENT OPTIONS (DECENT HOMES BASIC/DECENT HOMES +))**. The later Frost report of May 2005, then included the associated 'soft' costs such as decanting, necessary for any form of refurbishment. **(JR3)'**

And to confirm, the Frost report (JR 3) includes the 'soft' costs of structural strengthening, which work out at only 0.95% of the total costs of the Decent Homes + refurb. **(JR 3, p. 2)** So this does seem like a large enough sum to halt all the refurbishment plans.

**5.11** At 3.15 of Bates' statement, she continues to rely on the Inspector's assumption (from the 2015 Public Inquiry) that Southwark's scheme is the only viable one.

In her 2016 report (CD 50), the previous Site 1b/1c CPO Inspector noted, but ultimately discounted, the Objectors' case for refurbishment: 'a refurbishment scheme would deliver many of the benefits of the regeneration scheme and would be less disruptive to the existing residents on the Estate. It would, however, fail to deliver certain benefits of the current scheme....On the basis of the information submitted to the inquiry... Refurbishment does not represent a viable or deliverable alternative to the scheme for the Order Land.' (CD 50, p.2690, paragraph 386) She concluded 'that the current scheme is the only option before the Secretary of State at the present time that has the potential to regenerate the Estate.' (CD 50, p. 2695 paragraph 418)

As Simon Morrow and I are in our Witness Statements, it is not possible to assert that Refurbishment is not a 'viable' route for regeneration, if the costings for the alternative demolition-new build route have still not been revealed. At para 9 of my witness statement I note:

'Additionally, and importantly, the objectors have not had access to the substantial funds that are required for professionals to produce such a fully costed and designed scheme. If funding could be made available then the refurbishment scheme prepared by Levitt Bernstein could be updated.'

And this also relates to my point made here, at para 4.1, for the need for a widening of the equality of arms argument to include professional fees.

**5.12** At 4.3 of her statement, Bates argues that another reason for stopping the refurbishment plan was to do with water ingress:

‘Furthermore, and typical of buildings of this age, there is the general deteriorated condition of the external concrete panels, due to water ingress and corrosion of the steel reinforcement bars.’

However, neither the 2004 or 2005 Conisbee engineer’s reports on the Aylesbury’s structure commissioned by London Borough of Southwark and referred to in my Witness Statement (JR2 and JR5) mention any structural problems related to corrosion of the reinforcement bars nor water ingress. Where is this evidence that the London Borough of Southwark are pointing to?

**7. Rebuttal of Section 4 of Bates’ statement** ‘Condition of the residential buildings on the Order Land’ and her Appendix CB3, ‘Walk-through the estate – as is’.

**7.2** Section 5 of Bates’ statement is based on an underpinning (but not expressly stated) view that certain kinds of design (modern) produce certain kinds of behavior (anti-social). I counter a position based on architectural determinism which argues that the form of a building will produce a certain kind of behavior.

**7.3** In my own view, I have argued there is nothing inherent in a design typology that determines a certain kind of anti-social behavior, rather a form might only *suggest* a certain kind of use.<sup>23</sup> Exactly how a building is used, depends on social-cultural-material-historical contexts i.e. how that particular built form is looked after, allocated, occupied, etc. Even London Borough of Southwark witness Dr Leahry Owen says at para 5.9 of his Witness Statement that ‘I do not subscribe to crude causal ideas about environment and complex human behaviour’.

**7.4** The Narkomfin, one of the precedents to the Aylesbury, which I describe in my *Architecture of Psychoanalysis*, and put forward in my Witness Statement of 2015, is currently being refurbished. The building is currently being



refurbished, so the Russian Government have seen how important this kind of architecture is as a piece of modern housing architecture and so historical heritage. (see above para **3.2.2.2.3**)

**7.5** Le Corbusier's *Unite de Marseilles*, another formal precedent of the Aylesbury, also described in my 2015 Witness Statement, the communal spaces – 'rue interior' – are well used; so it is possible for the spaces of this type of architectural form – ie horizontal walkways – to be convivial, depending on how they are looked after and occupied. (see above para **3.2.2.2.2**)

**7.6** Far from being a problem, the form of the Aylesbury estate is a symbol of the progressive ideals of the Welfare State, in which social justice was available to all. The Aylesbury may well deserve listing, if only as an example of social and brutalist housing that is becoming increasingly rare. Yet even iconic modern housing buildings such as Robin Hood Gardens didn't get listed because the desire to demolish them to capture the rise in value of the land on which they are located.

**7.7** Other buildings with this same typology are being refurbished and/or part refurbished with the addition of new elements, for example Park Hill in Sheffield, the Balfron Tower in London, and the Alton Estate, Roehampton in London, showing that many buildings of this kind are a) seen as worthy of saving for architectural reasons and b) can be happily used, and so the relation between form and social behaviour is a not a determinant one, but rather a function of the social and historical context and use.

**7.8** It is also vital to highlight that many of the problems pointed to in the photographs at Appendix CB3 are to do with lack of maintenance, rather than the form of the building. The Levitt Bernstein refurbishment plans addressed lots of these issues re the run-down nature of the buildings and their associated public spaces by proposing small scale but effective changes to the relation of the buildings to each other and to the spaces between them. This approach would have solved many of the problems raised, without the need for demolition. (JB CD1)

**8.** Section 6 of Bates' statement and Appendix CB4, is a long discussion and 'walk through of the proposed development' for the Aylesbury footprint and surroundings.

**8.1** In terms of the walk-through of the proposed scheme - architecturally, this kind of design is an example of the 'London vernacular'. The key design feature of this urban approach is the adoption of brick facades so that the scheme looks local and apparently fits in with the existing urban fabric, as an article by Leo Hollis on the London vernacular design approach in *Icon* describes.

'There are subtle alterations and features: more homes on the ground floor with their own front doors, as well as less shared access space for residents. The elevations are predominantly faced with brickwork, punched with featureless, recessed windows. If there are balconies, they are also recessed and in brick. There is often semi-public private space in front of the building, but designed as shrub beds rather than a garden or play area: green, planted non-space.'<sup>24</sup>

**8.2** As an architectural style the London vernacular is as repetitive as the modern facades of the Wendover slab block of the Aylesbury, critiqued in the London Borough of Soutwark's Witness Statements, but in a very different way. Hollis argues that the London vernacular is a design style that attempts to mitigate risk, and to prioritise developer profit.

'Most clear is the importance of sales, of design and construction, and of the reduction of risk. These new blocks are easier, and often cheaper, to build. This is an important factor as land prices continue to soar. These are buildings that offer satisfaction on the computer screen, the brickwork picked out in pixels, as well as in the marketing brochure. From the outside, it is impossible to say how the interior is organised - the size of the units and the number of bedrooms - thus avoiding the embarrassments of luxury, in contrast to the flashy non-dom investment empty towers elsewhere in the city. Some of the flats might even be affordable housing, but you can't tell from the outside.

The new London vernacular is dictated by the developers to mitigate risk ... Rather than appeal to the homely desires of the buyer, it prioritises the developer's ability to shift product without friction. And this gets to the heart of the paradox of the neoliberal city. This doctrine suggests that the London of the 21st century is being redeveloped according to principles that offer the consumer infinite choice, but in fact we are offered acres of the same.<sup>25</sup>

**8.3** In terms of the argument made by Bates that the new urban form of the proposed scheme matches up to existing street patterns, this is a rather misleading. While ideologically it follows the mantra of Create Streets, the think tank that advises government on state-led regeneration, and who are also quoted by Savillles, who also advise Southwark on the regeneration of their housing stock, described above at para 3.2.2.4.3-4. Create Streets argue that the point and slab blocks of post war housing need to be replaced by terraced streets, because people prefer them, However the evidence, does not bear this out as Richard Baxter's Witness Statement shows.

**8.4** The new urban design layout does include some street frontages with front doors, but it also includes blocks of flats, and tower blocks, which only have one door to the street.

**8.5** Some of these blocks are no lower in height than the blocks proposed to be demolished blocks, and create overshadowing, especially when they are placed on the southern edge of the design, shadowing the lower rise blocks to the north.

**8.6** I notice there are very few images of the tall blocks in CB4, and some of the street perspectives, despite the addition of plants, and women in shorts, look as monotonous in their facades as the criticisms London Borough of Southwark makes of the Aylesbury slab blocks.

**8.7** If the Aylesbury is to be demolished and replaced with the London vernacular, we will be destroying an architecturally important landmark

modern housing estate, a key part of the local history and heritage. This distinctive modern architecture is partly what makes the Aylesbury a special and distinctive place. There are fewer examples left in London now of this kind of architecture. And as I note in my Witness Statement, examples like The Alton Estate, Roehampton, have kept some of the slab and point blocks while adding new infill. This Roehampton design, which involved Levitt Bernstein, helps to keep a sense of continuity, rather than take a tabula rasa approach. (see para 11, and JR 8)

**8.8** Importantly though, the objectors are not arguing for refurbishment on architectural grounds alone, we are arguing for refurbishment on social grounds, so that the existing occupants of the buildings can stay in their homes. A building with a brick facade might try to 'look' local, but this does not make up for the displacement of the original local occupants. The idea that this kind of architecture will produce a diverse community is also not true if we examine the evidence of resident displacement in the Witness Statement of Loretta Lees.

**8.9** I would also counter the argument that the design has not been organised according to tenure. Southwark Council in its *Equalities Impact Assessment for Aylesbury Area Action Plan* (January 2009), states:<sup>26</sup>

- That the phasing plan ensures quality standards are maintained throughout the redevelopment and the objective outlined above of developing economic and social diversity does not create an area of “haves” and “have nots”.

However, although arguing for mixed communities, Southwark Council have commissioned new designs, which, for example, at Camberwell Fields are segregated into zones – private sale, social rent, and intermediate – according to the financial situation of the occupants/buyers.<sup>27</sup> And in phase 1a of the Aylesbury redevelopment, the units are distributed such that the south-facing views over Burgess Park previously enjoyed by a mix of tenants and leaseholder will in the future mainly benefit those units for private sale on the open market. See in the plan how the majority of units located in the part of the scheme overlooking the park (D) and directly

behind this (B/E) are for sale, while the intermediate are mainly located on site A, towards the back of the site, and site D, at the far back of the site, is in the main social rented units.<sup>28</sup>

#### Aylesbury Regeneration – Phase 1a

Details of residential units showing anticipated completion dates and unit make-up.



Tenure	Site A Completed April 2011	Site B/E Completes September 2012	Site C Completes June 2012	Site D Completes February 2013	Total Units
Social Rented	17	36	15	13	101
Intermediate Rent	15	0	0	0	15
Shared Ownership	0	12	1	3	18
Private for Sale	0	83	0	44	127
Total Units	52	131	18	60	261

**8.10** The Michael Faraday School is indeed an example of good design serving the public interest, and fully deserving of the RIBA award, so also is the new Walworth Academy. But neither of these buildings support the argument for eviction of residents from the Aylesbury nor for the demolition of the estate. Similarly, the extensive refurbishment of Burgess

Park is welcomed by the large and diverse community of people that enjoy it. But would the Council agree that such refurbishment adds to the increase in land values, and therefore to the incentive to remove the existing residents?

**8.11** To summarise, I am not contesting the design qualities of the new buildings, I am contesting whether the powers of CPO are being exercised in the public interest:

- because the CPO is not allowing the people who already live there to stay and enjoy these new designs, and rather infringes on their rights to the enjoyment of their own homes but also to the nice new design in their neighbourhood.

- because in this case the CPO serves the private interests of property developers

So who benefits? Is the new design for the existing residents of the Aylesbury, or for private interest? And if on balance it is for private interest the London Borough of Southwark has no right to use a CPO



1 See for example Loretta Lees, 'The Urban Injustices of New Labour's "new urban renewal" the case of the Aylesbury Estate', accessed at [https://southwarknotes.files.wordpress.com/2009/12/lorettalees\\_pptx.pdf](https://southwarknotes.files.wordpress.com/2009/12/lorettalees_pptx.pdf) ; and Richard Baxter, QMUL, and Mark Davidson, Clark University, 'The violence of urban regeneration: home and place unmaking in the gentrification of the Aylesbury Estate'. See also Ben Campkin, *Remaking London: Decline and Regeneration in Urban Culture*, (London: IB Tauris, 2013) for his chapter on the Aylesbury and wider look at 'regeneration'.

2 See <http://35percent.org/>; <http://betterelephant.org/>; and <https://southwarknotes.wordpress.com/>

3 See for example, Donna Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective', *Feminist Studies*, v. 14, n. 3, (Autumn 1988) pp. 575-599. (<http://www.staff.amu.edu.pl/~ewa/Haraway.%20Situated%20Knowledges.pdf> ) and D. Soyini Madison, *Critical Ethnography: Method, Ethics and Performance* (chapter 1) ([http://www.sagepub.com/upm-data/4957\\_Madison\\_I\\_Proof\\_Chapter\\_1.pdf](http://www.sagepub.com/upm-data/4957_Madison_I_Proof_Chapter_1.pdf))

4 See *Statement of Case made by the London Borough of Southwark under Rule 7 of the Compulsory Purchase Inquiries Procedure) Rules 2007*.

5 For journal articles from the 1950s, see: For Alton East only, *Architectural Review* (January 1954), v. 115, n. 685, pp. 49-66, pp. 52-6; R. Furneaux Jordan, 'L. C. C.: New Standards in Official Architecture', *Architectural Design* (November 1956), pp. 303-23, pp. 307-9; and 'Housing and Schools by the London County Council', *Concrete Quarterly* (January-March 1956) n. 28, pp. 2-17, pp. 8-11. For Alton West only, 'Roehampton Lane Estate', *Concrete Quarterly* (October-December, 1958) n. 39, pp. XX-XX; *Architectural Design* (January 1959) pp. 7-21; 'Alton Estate (W) Roehampton Lane, London, SW15', *The Architect's Journal* (5 November, 1959) pp. 461-78; and 'Alton (West) Estate, Roehampton Lane, SW15', *RIBA Journal* (July 1960), pp. 328-9. For the whole estate, 'Alton Estate, Roehampton' in 'LCC Housing II', *The Architect and Building News*, (11 June 1958) pp. 767-74; 'The Slab and Point Blocks of Flats on the London Country Council Roehampton Estate', *Architecture and Building* (April 1959) pp. 129-36; and Nicolaus Pevsner, 'Roehampton: L. C. C. Housing and the Picturesque Tradition', *Architectural Review*, (July 1959) 126, pp. 21-35. For secondary sources on Roehampton see for example Joseph Rykwert, 'Architecture', Boris Ford (ed.) *Modern Britain: The Cambridge Cultural History*, [1988] (Cambridge: The University of Cambridge, 1992), pp. 253-277; Simon Pepper, 'Housing at Roehampton', Ford (ed.) *Modern Britain*, pp. 279-287; and descriptions in Bullock, *Building the Post-War World*; Glendinning and Muthesius, *Tower Block*; and John R. Gold, *The Practice of Modernism: Modern Architects and Urban Transformation, 1954-1972* (Abingdon: Routledge, 2007).

6 The architects of Alton East were noted as Dr. J. L. Martin (Architect to the Council in succession to Robert H. Matthew); H. J. Whitfield Lewis (Principal Housing Architect); R. Stjernstedt, A. W. C. Barr, O. J. Cox, A. R. Garrick, Adams, J. Partridge, H. Graverson and P. Nevill (Assistant Architects), with Ove Arup and Partners as Engineers and Oscar Faber and Partners as Heating and Ventilation Engineers. See for example, *Architectural Review* (January 1954) v. 115, n. 685, pp. 49-66. Although elsewhere R. Stjernstedt and O. J. Cox are described as Architects in Charge; Ove Arup and Partners as Engineers; and Kirk and Kirk Ltd. as Contractors. See 'Housing and Schools by the London County Council', *Concrete Quarterly* (January-March 1956) n. 28. pp. 2-17, p. 11.

7 The architects of Alton West were Hubert Bennett (Architect to the Council in succession to Prof Sir J. L. Martin and Robert H. Matthew); H. J. Whitfield Lewis (Principal Housing Architect); K. Powell (Assistant Housing Architect in succession to Michael Powell); Colin Lucas (Architect in Charge); J. A. Partridge, W. G. Howell, J. A. W. Killick, S. F. Amis, J. R. Galley, and R. Stout (Architects); W. V. Zinn (Consulting Engineer). See for example, 'Housing at Priory Lane, Roehampton, London SW15', *Architectural Design* (January 1959), pp. 7-21, p. 7.

8 For the initial designs see, Le Corbusier et P. Jeanneret, *Oeuvre complete 1938-1946*, v. 4, publié par Willy Boesiger, architecte, Zurich (Erlenbach-Zurich: Les Editions d'Architecture Erlenbach-Zurich, 1946) pp. 172-87. See also Le Corbusier, *The Marseilles Block*, [1950] translated by Geoffrey Sainsbury, from the French *Unité d'Habitation de Marseille* (London: The Harvill Press, 1953), where Le Corbusier describes it as 'a block of 360 flats', see p. 7, and as 337 homes, see p. 42. For specific contemporary commentaries and



discussions, see Alban Janson and Carsten Krohn, *Le Corbusier, Unité d'habitation, Marseilles*, (London and Stuttgart: Axel Menges, 2007) and Jacques Sbriglio, *Le Corbusier: The Unité d'Habitation in Marseilles, and Rez-les-Nantes, Berlin, Briey en Foret, Firminy*, (Basel, Boston, Berlin and Paris: Birkhauser Publishers and Fondation Le Corbusier, 2004).

9 See *Contemporary Architecture* (1929) n. 5. pp. 158–64 for plans and *Contemporary Architecture* (1930) n. 5, pp. 6–13 for photographs of the just completed building. For Catherine Cooke's translation of Moisei Ginzburg, 'Housing Complex for Employees of Narkomfin, Moscow', *Contemporary Architecture* (1929) n. 5, pp. 161–2, see Cooke, *Russian Avant-Garde*, p. 120. See also Victor Buchli, 'Moisei Ginzburg's Narkomfin Communal House in Moscow', *Journal of the Society of Architectural Historians*, (1998) v. 57, n. 2, pp. 160–81/

10 See for example, David Lewis, 'Criticism', *Sheffield*, A Special Number edited by Pat Crook, *Architectural Design*, (September 1961), pp. 397–398; 'Housing at Park Hill and Hyde Park, Sheffield', *The Architects' Journal Information Library* (21 July 1965), p. 160; and 'Park Hill Development', *The Architects' Journal* (23 August 1961), p. 272.

11 See the work of Richard Baxter on the importance of the view to Aylesbury residents. See for example Richard Baxter, QMUL, and Mark Davidson, Clark University, 'The violence of urban regeneration: home and place unmaking in the gentrification of the Aylesbury Estate', (April 2015) and Richard Baxter, 'The High-Rise Home: Practices of Verticality on the Aylesbury Estate' (April 2015), paper submitted to the *International Journal of Urban and Regional Research*.

12 See for example <http://35percent.org/blog/2014/07/23/mystery-objector-1301/> (accessed 13 February 2015). As 35percent report, 'But more worrying is the Council's response on page 109, where it states that it has "recommended a lower CIL rate in the lower value area of the Borough, within which the majority of housing estates identified for Estate renewal are located." 35percent refers to p. 109 of the [www.southwark.gov.uk/.../cdcil5\\_appendix\\_i\\_of\\_regulation\\_19\\_consultation\\_statement](http://www.southwark.gov.uk/.../cdcil5_appendix_i_of_regulation_19_consultation_statement). CIL stands for Community Infrastructure Levy.

13 See [http://www.savills.co.uk/\\_news/article/72418/175241-0/4/2014/savills-research--london-regeneration-research-proposal](http://www.savills.co.uk/_news/article/72418/175241-0/4/2014/savills-research--london-regeneration-research-proposal) For specific reports see for example <http://pdf.euro.savills.co.uk/residential---other/spotlight-public-land.pdf> (accessed 13 February 2015).

14 See <http://pdf.savills.com/documents/Foreword%20by%20Community%20Secretary,%20Eric%20Pickles%20and%20the%20regeneration%20research%20proposal.pdf> (accessed 13 February 2015).

15 See the report by Nicholas Boys Smith and Alex Morton, 'Create Streets; Not just Multi-Storey Estates' at <http://www.createstreets.com/> See also 'Better Regeneration' and 'Why aren't we building more streets?'. The low regard in which Create Streets hold high-rise housing is made clear by the fact that in one essay 'Create Streets Lite' an image of a tower block in the Wyndham Estate is captioned with the name of a tower block on the Portland Street Estate.

16 See for example Richard Baxter, 'The High-Rise Home: Practices of Verticality on the Aylesbury Estate' (April 2015), paper submitted to the *International Journal of Urban and Regional Research*

17 Loretta Lees, 'The Urban Injustices of New Labour's "new urban renewal" the case of the Aylesbury Estate', accessed at [https://southwarknotes.files.wordpress.com/2009/12/lorettalees\\_pptx.pdf](https://southwarknotes.files.wordpress.com/2009/12/lorettalees_pptx.pdf)

18 See Stephen Morgan, 'FRUSTRATING REGENERATION SCHEMES – RECENT HIGH COURT CHALLENGES TO COMPULSORY PURCHASE ORDERS'

[http://www.landmarkchambers.co.uk/userfiles/documents/resources/3.4\\_High\\_Court\\_Challenges\\_to\\_CPOs.pdf](http://www.landmarkchambers.co.uk/userfiles/documents/resources/3.4_High_Court_Challenges_to_CPOs.pdf), point 3.21.

19 See *Statement of Case made by the London Borough of Southwark under Rule 7 of the Compulsory Purchase Inquiries Procedure) Rules 2007*, p. 4, point 1.11.

20 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7691/1918885.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7691/1918885.pdf), see para. 17.

21 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7691/1918885.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7691/1918885.pdf), see para. 19.

22 Antony Bare, 'Chancellor lifts HRA borrowing caps for councils 'in high need'', *Public Finance*, 22 November 2017. See <http://www.publicfinance.co.uk/news/2017/11/chancellor-lifts-hra-borrowing-caps-councils-high-need>

23 Jane Rendell, *The Architecture of Psychoanalysis*, (London: IB Tauris, 2017)

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24 Leo Hollis, 'London vernacular: A capital offence', *Icon*, 29 October 2015. See <https://www.iconeye.com/architecture/features/item/12307-london-vernacular-a-capital-offence>

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25 Leo Hollis, 'London vernacular: A capital offence', *Icon*, 29 October 2015. See <https://www.iconeye.com/architecture/features/item/12307-london-vernacular-a-capital-offence>

26 See *Equalities Impact Assessment for Aylesbury Area Action Plan* (January 2009), p. 5. [http://www.southwark.gov.uk/downloads/download/1975/aylesbury\\_area\\_action\\_plan\\_accompanying\\_documents](http://www.southwark.gov.uk/downloads/download/1975/aylesbury_area_action_plan_accompanying_documents)

27 See the zoning of this development where Aylesbury leaseholders are being offered shared ownership deals. See <http://www.camberwellfields.com/the-development/site-plan>

28 See <https://southwarknotes.files.wordpress.com/2009/12/aylesbury-phase-1a.jpg>