



Application to vary S106 planning agreement pursuant to outline planning permission ref. 07/CO/0046 at Phase 1a, Aylesbury Estate, London SE17

This application is to vary certain parts of the S106 agreement pursuant to outline planning permission ref. 07/CO/0046. This permission provided for a mixed use redevelopment at the western end of the Aylesbury Estate and forms Phase 1A of what will be a larger redevelopment of the entire estate over the next 15 years.

The outline permission was described as follows:

"Outline Planning Application for the demolition of 1-41 Bradenham, 1-12 Red Lion Close, the Aylesbury Day Centre, the elevated pedestrian link across Bradenham Close and the single storey garages on Red Lion Close, and the erection of a series of buildings ranging in height from 1 (c.4.5m) to 10 storeys (29.9m) in height comprising around 260 dwellings, 404m² of retail floorspace, a new day centre and provision of public open space and public realm improvement work."

The outline permission was granted subject to a S106 which was dated 25th March 2009.

It is now sought to vary this deed to reflect the tenure and dwelling mix as were subsequently approved through the reserved matters stages and as were built on site. It is also now sought to relax the restriction on residents' eligibility for Southwark parking permits such that affordable housing occupants can apply. Further detail on these changes is set out below.

Amendment to Schedule 3 concerning the quantum and mix of housing

Schedule 3 of the agreement provides tables confirming the overall quantum, tenure mix and dwelling mix envisaged across Phase 1A. The outline permission provided for 260 residential units overall, made up of 90 social rented, 29 shared ownership and 141 private market units.

This tenure mix resulted in 46% affordable housing and 54% private market housing across the scheme.

The dwelling mix across the scheme involved predominantly one and two bed flats (approximately 90% of the overall number) with just under 10% three and four bed flats.

The reserved matters subsequently approved for Phase 1A resulted in subtle changes to the tenure and dwelling mix, with an increase in affordable

housing through the creation of further social rented accommodation and the conversion of some of the shared ownership units to intermediate market rent (IMR). The private units were reduced as a result. These changes also enabled the creation of one additional unit resulting in a total of 261 residential units across the scheme as a whole.

The reserved matters approval, which is what has been built, resulted in the following tenure breakdown:

Social rented 101 units
Shared ownership 18 units
IMR 15 units
Market housing 127 units

Please see *appendix one* showing the tenure mix tables.

It is therefore necessary to amend Schedule 3 of the S106 to substitute the new tables indicating the actual as built quantum, tenure mix and dwelling mix.

It should be recognised that these variations have already been considered and approved at the reserved matters stage. Furthermore, in terms of Development Plan policy, as set out in Aylesbury Area Action Plan (AAP), Policy BH3 (Tenure Mix) seeks 41% private housing and 59% affordable housing in Phase 1 with 75% of the affordable housing being social rented and 25% being intermediate. These changes move closer to this policy objective in that affordable housing now constitutes the majority tenure across Phase 1A with 51%, and private being 49% - whereas in the S106 a tenure split of 46/54 percent affordable/private breakdown was envisaged. Within the affordable housing tenures the predominance of social rented remains, in accordance with Policy BH3.

The dwelling mix as built is broadly comparable in proportional terms as was envisaged in the S106 with the majority of the units being one and two bedroom. The additional unit created adds to the housing stock in this location and as with the other changes listed above has already been approved through the reserved matters stage. Accordingly, the variation sought to Schedule 3 is not considered to raise any new policy issues and merely serves to bring the deed into line with the details approved at reserved matters and as constructed.

Amendment to Schedule 6 concerning Parking (off-site)

It is also sought through this application to vary Schedule 6 which presently prohibits residents, other than those registered disabled, from applying for a Southwark parking permit. Agreement has now been reached with the Parking officers at Southwark to enable the affordable housing residents within Phase 1A to apply for Southwark permits as some neighbouring roads are about to be adopted enabling on-street parking bays to be created.

The private residents within Phase 1A already have the option of buying a permit from L&Q to enable them to park in the bays on the estate roads which are adjacent. By amending the S106 to enable the affordable housing residents to acquire permits from the Council ensures an equitable approach for all residents.

As detailed above, the number of affordable units across Phase 1A is now 134 and all of these properties will be potentially eligible for permits as a result of this change. However, in reality the number of residents who actually apply is anticipated to be lower than this as not all households will own a car. Furthermore, the number of bays that will be created on street (which will be delivered by L&Q under the terms of a S278 agreement with the Public Realm Division at Southwark) will be much less than this number, which will limit to some extent the take up of permits. Some limited overspill of residents' parking is therefore possible into neighbouring roads which form part of this Controlled Parking Zone (CPZ). However, Southwark Parking officers have advised that there is sufficient capacity elsewhere in the zone to accommodate such overspill parking; moreover in the medium term as the remainder of Phase 1 is delivered over the next 5 years additional road space will be created for permit bays.

This amendment is also in accordance with policy TP3 (Parking standards: residential) of the AAP, which envisages up to 40% parking provision (in terms of parking spaces) across the Aylesbury.

To facilitate this change, clauses 1.2 and 2 need to be varied. Clause 1.2 currently requires L&Q to inform all residents (apart from disabled badge holders) that they cannot apply for a permit. It is hereby sought to vary this such that the clause will only require L&Q to inform private residents of the prohibition on applying for permits. The affordable properties which are now eligible are as set out in the accompanying tables.

Please see *appendix two* Affordable Housing Addresses

Clause 2 currently obligates the Council to amend the local Traffic Management Order (TMO) to prohibit all but disabled badge holders from applying for Southwark permits. It is hereby sought to vary this clause to obligate the Council to amend the TMO to prohibit the private properties detailed in these tables from applying for permits whilst allowing the affordable properties to apply. L&Q are willing to meet the Council's reasonable fees in undertaking this TMO change.

Southwark Parking officers have confirmed that amending the TMO to cite specific properties which are and are not eligible is perfectly feasible for them to administer going forward.

The process of amending the TMO will be initiated through the Public Realm Division at Southwark, which will need to be referred to the local Community

Appendix One – Tenure Mix Table

The tenure mix under schedule 3 of the current Section 106 agreement is as follows

| S106 Table | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|--------------|
| | A | B | C | D | E | Total |
| Rented Affordable (Affordable) | 26 | 48 | nil | 12 | 4 | 90 |
| Intermediate Affordable (Shared Ownership) | 11 | 8 | 8 | 2 | nil | 29 |
| Intermediate Market Rent (IMR) | nil | nil | nil | nil | nil | 0 |
| Market Housing (Private) | 15 | 41 | 10 | 50 | 25 | 141 |
| Total | 52 | 97 | 18 | 64 | 29 | 260 |

The revised tenure mix as consented under reserved matters, and 'as-built', on site is as follows:

| As Consented via Reserved Matters Table (and as constructed) | | | | | |
|---|-----------|------------|-----------|-----------|--------------|
| | A | BE | C | D | Total |
| Rented Affordable (Affordable) | 37 | 36 | 15 | 13 | 101 |
| Intermediate Affordable (Shared Ownership) | nil | 12 | 3 | 3 | 18 |
| Intermediate Market Rent (IMR) | 15 | nil | nil | nil | 15 |
| Market Housing (Private) | nil | 83 | nil | 44 | 127 |
| Total | 52 | 131 | 18 | 60 | 261 |

