

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

Summary

Proof of Evidence of

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35% Campaign Group (Elephant Amenity Network),

For the Aylesbury Leaseholders Group



Introduction

1. Our objection is that the scheme underlying the order is no longer in accordance with the development plan.
2. The AAAP housing uplift requirement is not being met.
3. The numbers delivered to date fall short -
Phase 1a/Site 7 - 408 units¹. 425 was required.
FDS consent - 830 units.² 880 was required.
4. The Outline consent is for 2,745 units (max); 1,700 units (min).³ The AAAP requires 2,899⁴.

Shortfall in affordable housing by habitable rooms

5. The Outline scheme needs 4,790⁵ habitable rooms to ensure no overall net loss of affordable housing.
6. The planning consent allows a maximum of 5,247 affordable hb/rms and a minimum of 3,248 hb/rms⁶.
7. The s106 agreement should prevent the affordable housing falling below 4,790 units⁷, but an ambiguity in the definition of 'Development'⁸ means the affordable housing requirement could be met by delivering 4,791 hb/rms

¹ JF6 [GLA Stage 1 referral D&P/0306a/01](#) para 21 Table 3 pg 6

² JF7 CD63 [Officers report 14/AP/3843](#) para 30 Table 1

³ JF10 [Officers report 14/AP/3844](#) para 88

⁴ JF5 CD2 AAAP Table A5.1: Schedule of proposals sites pg 106, 107

⁵ JF12 [Officers report 14/AP/3844](#) para 97 Table 14; para 99

⁶ JF12 [Officers report 14/AP/3844](#) para 97 Table 14; para 99

⁷ JF13 s106 pg 20

⁸ JF14 CD39 s106 pg11

across both the First Development Site and Outline site, while 6,184 hb/rooms is needed, to ensure not net loss across both sites⁹.

8. Such a loss would exceed that anticipated by the AAAP [150 affordable units (548 hb/rms¹⁰) for the estate redevelopment¹¹] and by the GLA under the maximum scenario.¹²

Shortfall in affordable housing by floorspace

9. Any net loss of affordable housing should be calculated in terms of floorspace¹³. Total current floorspace is 54,747sqm.¹⁴
10. The amended planning application proposes 27,433 sqm of social rented floorspace¹⁵. Allowing for baseline leaseholder floorspace¹⁶, and shared-ownership in the proposed scheme¹⁷ the net loss is 7,791 sqm, contrary to the London Plan¹⁸ and the Mayor's draft Good Practice Guide for Estate Regeneration¹⁹, where compliance is entailed by the GLA funding agreement²⁰.
11. The Mayor's Affordable Housing and Viability SPG also expects that social rent should be replaced "*like-for-like*".²¹

⁹ JF15 [Officers report 14/AP/3844](#) 6887-703 = 6184 (Estate baseline minus Early phases); figures from col 6 Officer's Report Table 14, para 97

¹⁰ JF17 [Officers report 14/AP/3844](#) – 7344/2012 = 3.65 av. hab rooms x 150 = 548 hb rms, derived from Table 14

¹¹ JF16 CD2 [AAAP](#) 3.3.1 pg 35

¹² JF18 [GLA Stage 2 referral](#) para 14 pg 4

¹³ JF24 [London Plan Chp 3](#) Policy 3.14B; para 3.82 pg 101

¹⁴ JF27 [CIL form 17/AP/3885 pg3](#)

¹⁵ JF28 Calculated from the Appendix II Schedule of Accommodation [Design and Access statement Addend V2 – Pt 5 LR](#) planning ref 17/AP/3885

¹⁶ JF29 [Officers report 14/AP/3843](#) para 84; calculated on proportion of leasehold hb/rms to total rooms multiplied by total floorspace – 178/1575 = 0.113 x 54,747 = 6,187sgm

¹⁷ JF28 Calculated from the [Design and Access statement Addend V2 – Pt 5 LR](#) planning ref 17/AP/3885

¹⁸ JF24 [London Plan Chp 3](#) Policy 3.14B; para 3.82 pg 101

¹⁹ JF31 [Draft Good Practice Guide to Estate Regeneration Dec 2016](#) para 9 pg 11

²⁰ JF30 The Mayor's [funding agreement](#) para 3.5, pg 52

²¹ JF31 [Mayor's Affordable Housing and Viability SPG 2017](#) para 2.66 pg 29

12. Re-provision in terms of units or habitable rooms²², should only be done
*"where the redevelopment...is providing a housing mix more appropriate to the needs of....existing and prospective future residents – for example where there is increased provision of dwellings for larger households"*²³.
13. The AAAP sets this benchmark²⁴ and the FDS Scheme does not conform to this and so it does not allow the lost affordable housing to be calculated in habitable rooms or in units.

Breach of dwelling type requirements measured against AAAP

14. The AAAP requires 23% of the dwellings to be houses.²⁵
15. The percentage of houses delivered/consented;
- early phases - 5.4%.
 - FDS consent - 5.7%.
 - Outline consent - 19.7%.
- The anticipated regeneration total of 15.2%, 7.8% short of the AAAP target.²⁶
16. There are also shortfalls in meeting family, three/four-bedroom targets in other dwelling types too (requirement in brackets);
- Phase 1a/site 7 – 30²⁷(60²⁸)
 - FDS - 108²⁹(149³⁰)
 - Phase 1b/1C - 32³¹(38³²)

²² JF32 [GLA Stage 1 referral 14/AP/3844](#) para 19 pg 5

²³ JF33 [Housing SPG 2016](#) 5.1.14 pg 139

²⁴ JF34 CD2 [AAAP](#) BH4 pg36

²⁵ JF37 CD2 [AAAP](#) 1.6.4 pg 20

²⁶ JF40 [Officers report 14/AP/3844](#) Table 17 para 117; see also [Officer's report 14/AP/3843](#) table 24 para 112, which gives 16.4% as anticipated total of houses.

²⁷ JF44 [Officers report 14/AP/3844](#) Table 9 para 90

²⁸ JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 19 units (Phase 1a), 41 units (Site 7)

²⁹ JF44 [Officers report 14/AP/3844](#) Table 10 para 91

³⁰ JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 69 units (Phase 1b), 80 units (Phase 1c)

³¹ JF44 [Officers report 14/AP/3844](#) Table 10 para 91

³² JF44 CD2 [AAAP](#) Table A5.1: Schedule of proposals sites pg 106; 18 units (Phase 1b), 20 units (Phase 1c)

Breach of dwelling type requirements on Outline site measured against baseline

17. Under the maximum scenario for the Outline site 425 units of social rented family housing will be built, under the minimum scenario 263³³, compared with 776 social rented family units on the existing Outline site.³⁴

Non-compliance with AAP rehousing objective

18. Under the Outline minimum scenario the requirement to “*accommodate approximately 50% of existing tenants through... re-provision..on site*”³⁵ will be frustrated. Social rent unit numbers would fall short for all unit sizes, except four bedroom plus (minimum scenario figures in brackets) - one-bed 340 (163); two-bed 298 (205); three-bed 304 (117); four-bed plus 132 (146).³⁶
19. Just 34 tenants and 5 leaseholders have been rehoused in the 147 new homes on Site 7 – 23%.³⁷
20. A FOI response that shows 9% of residents rehoused is tabulated below:³⁸

	Decanted			Rehoused on site	
Phase/plot	Tenants	Leaseholders	Households	Tenants	Leaseholders
1a	n/a	n/a	53		

³³ JF46 [Officers report 14/AP/3844](#) Table 11 para 92 – 189+160+76=425: Table 12 para 93 - 117+99+47 = 263

³⁴ JF47 s106 Heads of terms pg 6 JF48 CD63 [Officer's report 14/AP/3843](#) Table 18 para 84 – 874 minus 98 = 776

³⁵ JF49 CD2 [AAP](#) A7.1.9; para 7.2.6 pg 75

³⁶ 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

³⁷ JF51 CD79 Council's updated Statement of Case Nov17 para 4.12 pg 14,15

³⁸ JF53 FOI response

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

Site 7	n/a	n/a	59	112	6
FDS (1b/1c)	403	n/a	566	-	-
Phase 2	410	n/a	632	-	-
Total	813	n/a	1310	-	-

Failure to meet dwelling size requirements

21. We have identified 17 units which do not meet the AAAP floorspace requirement for their respective tenures and housing type³⁹.

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

22. The FDS planning consent permits 51.2% affordable housing.⁴⁰ A Financial Viability Note states that '*It would not be viable to provide more affordable housing within this application*'.⁴¹
23. A submitted amendment⁴² to the consent⁴³ increases the amount of affordable housing by 153 units (37%). Together with proposed amendments to Plot 18⁴⁴ there is a net increase of 120 affordable units, (26%)⁴⁵. There is no explanation of how the increase can be viable.

DPA does not require social rent

24. 75% of the 50% affordable housing should be social rent. The Development Partnership Agreement (DPA) refers only to 'target rent' with no mention of the term 'social rent'.

Tenure requirements of GLA funding

³⁹ JF54

⁴⁰ Although it is in Phase 1, where AAAP BH3 pg 35 requires 59%

⁴¹ JF56 NHHT Financial Viability Note 4 Mar 2015 – obtained by FOI request.

⁴²

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

⁴³

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

⁴⁴

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

⁴⁵ JF57 GLHearn Supporting Statement Oct 2017 v2 5.35 Table 4 pg20

25. NHHT is funding the social rented homes on the FDS with a GLA grant for shared ownership and affordable rent, not social rent.

Conclusion

26. There is not a compelling case in the public interest for the objectors' properties to be compulsory purchased by the Acquiring Authority.
27. The scheme falls outside the public interest because it does not comply with the AAAP.
28. 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.
29. The compulsory purchase of the properties on the FDS does not fulfil the required economic interest test due to substantial funding problems.