

Aylesbury CPO Public Inquiry Arguments



Aerial view of Phase 1b/1c Order land

Viability

Show how the figures were fiddled in the AAAP to make it look viable to get it through the examination in public.

Show how NHHT's credit rating has been downgraded by credit agencies since the last public inquiry.

Viability assessment for phase 1b/1c - find out when due and make an FOI request.

Chase the ICO for our FOI for the full unredacted DPA.

DPA provisions breached

Show how NHHT has breached various provisions in the DPA including its obligation to purchase 5 street properties that it was to offer on shared equity terms to leaseholders in phase 1b/1c.

Deliverability

Show how [Wood Dene estate](#) was demolished in 2007 and how NHHT has [left the site empty](#) for 10 years without building any new homes. This will be the future of phase 1b/1c. Manor Place depot was granted planning permission in 2015 but construction has still not started.

Public sector funding requirement	Total funding shortfall £m	
Land value deficit	76.185	62.98
Infrastructure costs (shortfall after developer contributions)	20.737	3.44
Leasehold acquisitions	130.422	65.73
CPO enquiry costs	1.500	1.50
Re-housing tenants, estate management and community safety	21.853	15.39
Demolition	39.075	11.28
Land disposal and programme management	9.893	9.00
Total	299.665	169.32
Funding Income		86.69
Funding Gap		82.63

Table A7.2: Total funding shortfall

Figure 1:

Tenure switch

Submit copy of [Southwark's evidence](#) from previous Inquiry where they claim to have robust S106 monitoring procedures.

S106 Monitoring	
8.	The Council aims to review compliance of the major aspects of each S106 obligation (payments, Affordable Housing provision and works in kind) every 12-18 months. Should any concerns arise the following process should be followed:
-	Stage 1, monitor the obligations / respond to any concerns raised.
-	Stage 2, investigate concerns and identify potential remedies.
-	Stage 3, negotiate compliance in full; or seek legal / court action (subject to Head of Development Management approval); or agree an alternative provision through a Deed of Variation (subject to an application made under S106A or S106BA and Head of Development Management approval).

Extract from Southwark's [evidence to first Inquiry](#)

Submit copy of [Ombudsman decision](#) and Sunday Times [article](#) showing Southwark's failure to monitor S106 AH tenure delivery because it doesn't actually have any monitoring procedures and therefore misled the previous Inquiry.

Highlight NHHT's other developments where social rent intended but affordable



Figure 2:

rent delivered - i.e. the one in Lambeth delivered on the [Claremont East estate](#). Show how the breach at Bermondsey Spa hasn't been resolved, i.e. the Council hasn't taken effective action to recover the SR homes - i.e. there still remains a net loss across the Bermondsey Spa and Manor Place Depot sites.

Re-run all of our previous criticisms of Kate Davies and her predilection for affordable rent and privatisation. Include also Steve Hilditch's recent [article](#) criticising Davies and Notting Hill (Hilditch is a former board member).



Figure 3:

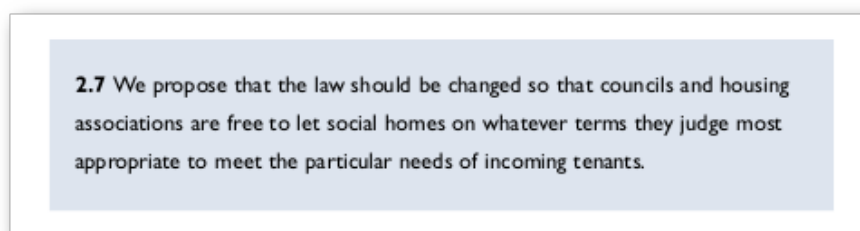


Figure 4:

St James's estate

[Southwark News article](#) on rent hikes and evictions MP Neil Coyle's criticisms

and Cllr Pollak's quote saying NHHT is acting like a 'predatory landlord'.



Figure 5:

Maydew House

Why can't same be done with Aylesbury?

[This report](#) describes different funding for DHS works, including the 'GLA Back-log fund' and the [accompanying appendices](#) show that the Four Squares estate (a High Investment Needs estate) was brought up to DHS for just £12m. Work out how much this is per unit and also show similar comparables.

On the question of sources of funding, one could also include the Section 106 off-site pooled funding and that set aside for new Council homes.

This Cabinet item from 2011 gives details of 'High Investment Needs estates' and gives cost estimates of DHS works: <http://moderngov.southwark.gov.uk/ieIssueDetails.aspx?IId=11030&Opt=>

Appendix 6 shows the Aylesbury as not being the most costly of the estates. We could find out the actual costs of other estates on the list and do a comparison.

Link to appendix 6: <http://moderngov.southwark.gov.uk/documents/s19628/Appendix%206%20List%20of%20>

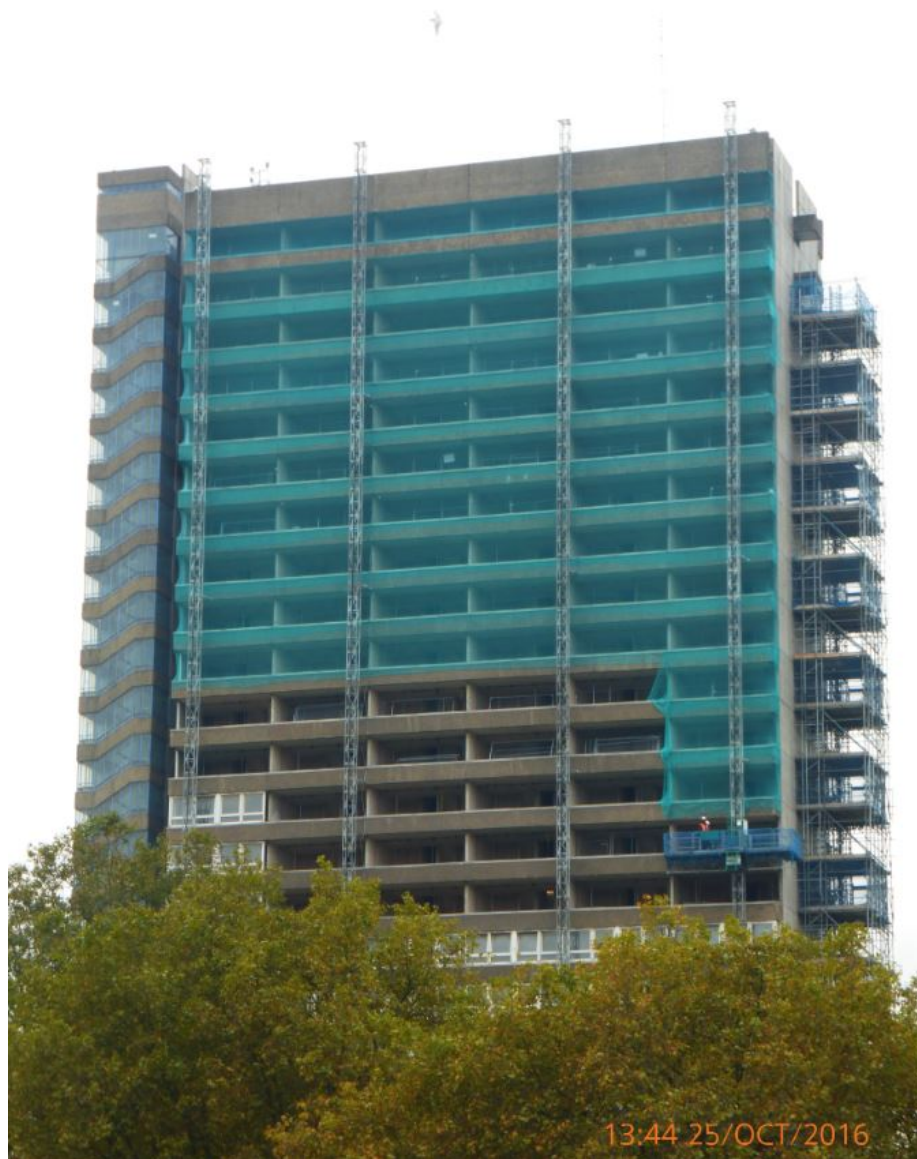


Figure 6:



Figure 7:

Southwark has in any case already [committed £12.5m to Major Works](#) bringing homes on the estate up to Decent Homes Standard.

PSED

The only Equalities Assessment conducted on the scheme to date (the [2009 EqIA which accompanied the AAP](#)), relied upon the mitigation measures in place at the time for leaseholders- i.e. the rehousing options enshrined in the Council's [2006 rehousing policy](#) which included the like-for-like 'property swap' for leaseholders. The 2006 policy and the Council's [Handbook for leaseholders](#) clearly state the 'property swap' as one of the available rehousing options:

Section five

On September 26, 2006 Southwark Council adopted a comprehensive policy for home owners. This was developed in consultation with the Aylesbury Leaseholder Group, a resident based group established to represent home owners interests.

The following options are available for home owners:

- (a) Buying a property on the open market – the ‘do it yourself’ option
- (b) Buying a shared ownership unit – the part buy / part rent option
- (c) Buying a retained equity unit – the part buy option
- (d) Comparative value transaction – the ‘property swap’ option
- (e) Sitting tenant option – the ‘below market value’ option
- (f) Becoming an RSL or council tenant – the ‘safety net’ option

Extract from the [Leaseholders Handbook](#)

The EqIA specifically references the 2006 rehousing policy for leaseholders which it says offers leaseholders the ‘*widest possible choice of rehousing opportunities*’:

develop an ethos of partnership. This spirit of cooperation and partnership was evident when stakeholders developed the re-housing policy framework for leaseholders and tenants in November 2006. This document helped to identify the priorities for the redevelopment.

Figure 8:

Given that the ‘property swap’ option was subsequently withdrawn in 2010, it can be argued that the scheme doesn’t comply with the PSED because one of the mitigation measures set out in the EqIA which underlies the AAAP have been withdrawn. Indeed it was the only mitigation measure that would have enabled leaseholders to remain homeowners in the borough.

Inspector Coffey said that leaseholders are left with two bleak options: moving out of the area or remaining but being impoverished. Like-for-like swap was the only option that would have enabled leaseholders to remain in the area without being impoverished. *We will need to show that the shared equity deal impoverishes leaseholders despite change in the £16k policy*

types of replacement housing and therefore provides an immediate opportunity to respond to the identification of unanticipated adverse impacts on population retention levels. In order to provide opportunities and choice for residents, the options for rehousing will be provided through 4 routes:

- new mixed tenure housing through partnerships with Residential Social Landlords (RSL's);
- by allocating existing Council units to those residents who wish to remain Council tenants;
- by identifying new affordable housing (under the planning obligations) in the redevelopment area which will be available to Aylesbury households;
- and by introducing a package of other measures including compensation for leaseholders to offer the widest possible choice of re-housing opportunities.

Figure 9:

Non conformity with AAAP

BRE Sunlight/Daylight

Show in detail how the private high-rise blocks on the park front will seriously affect daylight in the affordable units behind.

Sustainable Energy

Show how the sustainable energy requirements of the AAAP are not being adhered to - ie. biomass (see draft blog on phase 1a missing biomass)

Cycling Infrastructure

What does the AAAP say about cycling infrastructure and other transport infrastructure?

Open Space

Net loss of 1.8 hectares of open space - is this in conformity with the AAAP?

Density

The AAAP says *“The HCA has also recently admitted Aylesbury phases 2 and 3 to round 6 of the government backed Private Finance Initiative (PFI). Under this programme it is proposed that the council will effectively deliver 1000 new homes of which around 400 will be affordable council owned new homes”*.

provided as part of the FDS (0.39ha). Table 22 below sets out the amount of public open space proposed across the Aylesbury Estate.

Table 22: Public open space provision

	Public accessible open space (Ha)
Existing Housing Green Space baseline	4.8
Early phases	0.12ha
Proposed detailed phase	0.39ha
Proposed Outline phase	2.49ha
Regeneration Programme total	3
net change against AAAP	-1.8ha

157 Whilst it is acknowledged that there will be a reduction in the overall amount of amenity space compared to the existing estate, the AAAP assumed there would be an increase in density and that new spaces would be designed to maximise attractiveness and usability.

Figure 10:

We know that the HCA PFI finance was scrapped shortly after the AAAP was adopted.

1419 units are required in phase 1 - does the planning application for the order site plus the new homes delivered on phase 1a add up to this?

The AAAP says that the scheme will deliver 1,450 extra new homes to contribute to the London Plan requirement of 16,300 new homes by 2016/2017. We can show that the scheme is providing less than the 1,450 promised and that Southwark has failed miserably to come anywhere near the 16,300 target.

Room Sizes

The AAAP says that:

Does the accommodation schedule in the planning application for the FDS conform with these requirements?

Footnote

Find references to where Council says openly that compensation paid to leaseholders is insufficient to purchase on open market

Policy	Target
BH1	<p>To provide approximately 4,200 new homes (1,422 net) within the action area core between 2009 and 2027, including approximately:</p> <ul style="list-style-type: none"> • 1419 units in phase 1 • 645 units in phase 2 • 450 units in phase 3 • 1695 units in phase 4 • and at an average of 221 homes per year

Figure 11:

3.1 Background	REASONS
<p>3.1.1 This section deals with the number of new homes, their size and tenure mix, sustainable construction and use of resources. The focus is on the design of the new homes that will replace the existing Aylesbury Estate but it is also very important that the new development should respect the wider AAP area including preserving and enhancing the nearby conservation areas.</p> <p>3.1.2 Under the current re-housing policy existing residents will be given the opportunity to remain in affordable homes in the borough, and return to the action area core following redevelopment if desired.</p>	<p>3.1.3 At present there are 2,758 homes in the action area core. The layout of the estate is poor and does not make efficient use of the land.</p> <p>3.1.4 The London Plan's requirement for Southwark is 16,300 new homes by 2016/2017. The AAP will deliver about 1,450 extra homes to contribute towards this target. The increase in the number of homes will allow new private and intermediate homes to be introduced into the area, contributing to the creation of a mixed community and helping to ensure that the scheme is financially viable.</p> <p>3.1.5 The feasibility of accommodating this</p>

Figure 12:

3.4 Size of homes

BH4: Size of homes

The following mix of housing sizes will be provided in the action area core:

- A maximum of 3% studios all in private tenure;
- At least 70% of homes to have two or more bedrooms;
- At least 20% of homes to have three bedrooms;
- At least 7% of homes to have four bedrooms; and
- At least 3% of homes to have five or more bedrooms.

Figure 13: