

Item No:	Classification: Open	Date: 23 April 2015	Meeting Name: Planning Committee
Report title:		Addendum Late observations, consultation responses, and further information	
Ward(s) or groups affected:		Faraday	
From:		Head of Development Management	

PURPOSE

1. To advise Members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
 - 3.1 **Item 1 –Application 14/AP/3843 – Aylesbury Estate, Land bounded by Albany Road, Portland Street, Westmoreland Road and Bradenham Close, London SE17**(Full application for the First Development Site).
 - 3.2 **Item 2–Application 14/AP/3844 – Aylesbury Estate, Land bounded by Albany Road, Portland Street, Bagshot Street, Alvery Street, East Street and Dawes Street, London SE17**(Outline application)
 - 3.3 **Item 1** - The number of habitable rooms for the affordable rent units detailed in Table 10 should be 14 as opposed to 21. The other tables which include the affordable rent habitable rooms (for example tables 21 and 22) are correct.
 - 3.4 **Item 1** - Paragraph 39 should read as follows: Across the FDS a total of 287 on site car parking spaces and 1292 cycle spaces will be provided as detailed in Tables 14 and 15 below. These include the car and cycle spaces provided on street.
 - 3.5 **Item 1** - Paragraph 81 should be clarified to state that the Extra Care units will be made up of Social Rent, Affordable Rent **and** Shared Ownership.
 - 3.6 **Item 1** - Transport for London have now confirmed that they will seek 24 cycle hire spaces instead of 30 as detailed in paragraph 275.
 - 3.7 **Item 1** - It should be clarified that the second Member Presentation took place on the 11th February 2015.

- 3.8 **Item 2** – The number of development parcels for the Outline Application is confirmed as 15 as opposed to 18. This is due to the fact that Site 1, Site 7 and the FDS have been dealt with separately.
- 3.9 **Item 2** – The final row of Table 22 should be titled - 'Net changes against the existing housing green space baseline'.
- 3.10 **Item 2** – In paragraph 274, Table X should be re-titled Table 25. Additionally, the final sentence in Paragraph 342 should include Table 26, as opposed to Table X.
- 3.11 **Item 2** – Paragraph 258 states that TfL have confirmed an extension to bus route 100 through the estate from Elephant and Castle to Old Kent Road. Subsequent discussions with TfL have clarified that to support future growth in population south of Elephant and Castle, an extension to an existing bus route serving Elephant and Castle will be required, for example the 100. Any proposed change to the bus network is subject to consultation.
- 3.12 **Item 2** - The proposed recommendation for the Outline Application is detailed in Appendix 1.
- 3.13 **Item 1 and 2**- It is noted that the application sets out that Plot 18 (referred to as Site 10 within the adopted AAAP) will be delivered as the first parcel within Phase 2. The phasing plan in the AAAP includes Plot 18 within Phase 1 of the delivery plan. The AAAP was always envisaged as having a degree of flexibility and should be viewed as a mechanism for the delivery of the overall masterplan. Plot 18 is a Council led scheme that will deliver a new health centre, early years facility and a new community facility as well as both private and affordable housing. The application presents an adjusted boundary line to Plot 18 which now incorporates a portion of an adjacent site which fell within Phase 3. The Council's design brief for Plot 18 was not concluded at the point the FDS application was being submitted, and therefore the site has been included within Phase 2 for the purposes of the application. The application commits to deliver the development of Plot 18 (if approved), in parallel with the delivery of the FDS. Ultimately this adjustment of the phasing boundaries will have no implications for the provision of affordable housing or other social infrastructure.
- 3.14 **Item 1 and 2** – For the purposes of the draft S106 Agreement, it is suggested that the following definition of Social Rented Housing be used;
- 'Housing owned and let by Local Authorities and Private Registered Providers (as defined in Section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the National Rent Regime (meaning the rent regime under which the social rents of tenants of social housing are set by the Homes and Communities Agency(or any successors thereto) with particular reference to the 'Guidance for Rents on Social Housing, May 2014' and the 'Rent Standard Guidance April 2015'.*
- 3.15 **Item 1 and 2** – The requirement for a Parking Delivery Plan should include reference to the developer agreeing to meet the Council's reasonable costs in reviewing parking provision, making changes to systems to reflect any changes to allocations eligibility, and making any changes to Traffic Orders.
- 3.16 **Item 1 and 2** - Late representations received in response to the publication of the Committee Report for both Items 1 and 2:

Received from 55 Innis House, Alvey Street, raising the following issues;

- The loss of affordable housing and social housing is greater than that given in the AAAP.
- The decant of estate residents to allow the comprehensive development denies housing to those on the housing list.
- Clarification must be sought on the definition of affordable and social rents as the private housing will drive up market rents.
- The legality of the process should be challenged as it negates the results of the 2001 democratic ballot, the structural issues on the estate are false, the District Heating System is not beyond repair and claims of extraordinary levels of crime on the estate are false.
- The exclusion of nearby residents from the estate consultation process makes the process and planning applications invalid.
- The increased deprivation and increased suicide rate of existing residents arising from the social dislocation and uncertainty of demolition threat have not been considered by the Council.
- The Planning Committee should be deferred until members can attend an open day to view the flats for themselves and see that they do not need demolition.

3.17 Received from the 35% Campaign, raising the following issues;

- There is a concern that the social rented homes will be converted to affordable rent post approval as has been the case on several other recent applications. New 'affordable rents' would be well beyond the means of most Southwark residents, but faith will be lost in the transparency of the planning process.
- Members should reject the Aylesbury applications, until such time as a full S106 legal definition of the precise social housing tenure proposed is published for public consultation.
- It is noted that changes have been made to the above planning applications for the redevelopment of the Aylesbury estate, given in the two letters 'Points of Clarification', 7 April 2015.
- It is a concern that such elementary information such as unit numbers is only being correctly supplied after formal consultation has ended and only a short time before the applications are presented to committee.
- The clarifications also means that consultees no longer have an accurate overview of the changes in number and by tenure between current provision, early phases, and the proposed developments that was provided by Table 5.10 in the Planning Statement Feb 2015.
- The Minimum Residential Scenario is now described as 'not a realistic scenario' the difference between that and the Maximum is a thousand units, an exceptionally large difference that creates further uncertainty about the eventual size and mix of the development.
- It is noted in the clarifications letter the explicit statement that 'in all cases social rent means target rent'. However the clarifications supply no proper definition of social rent. The reference and quote from the AAAP is not adequate. Unlike the full and proper definition of Affordable Rent provided there is no reference to statutory or regulatory basis for social rent.
- It is requested that the precise wording of the 'Social Rented Housing' definition that will be used in the S106 agreement should the applications be approved.

- The concern is that target rent will in fact be a much higher rent than that paid as social rent by most of those living in the surrounding SE17 area and that it will be much higher than most council tenants in Southwark.
- This is the case for the previous phase of the Aylesbury development (12/AP/2332) and a Bermondsey Spa development (10/AP/3010); in the first the social rented housing was defined in affordable rent terms, in the second social rented units (at target rents) were eventually let as affordable rent units.
- Without this information it is not possible to make a proper response to the significant and late changes made in the applications. Additional time is required to allow consultees and others in the local community time to digest, discuss and comment on the changes after the further information has been received. It is therefore requested that there be a formal re-consultation period.
- Para 109 of 13/AP/3844 says that social rented housing will be secured by legal agreement. This was not the case in the second phase of the Aylesbury redevelopment where the social rented housing was switched to affordable rent in the legal agreement; the committee can therefore have no confidence in this assurance in the absence of the definition of social rent to be used in the legal agreement or unless it sees the legal agreement (ref 12/AP/2332 - we gave details of the switch in our submission of 18 April 2015).
- Table 9 includes in the number of social rented homes units from phase two that are in fact affordable rent as noted above; it has no column for affordable rent. This will mislead the committee.
- Para 106-109 addresses the objections previously made that social rent will be switched to affordable rent. It does not explain the specific cases cited to support the objections (one of which, Bermondsey Spa, 10/AP/3010 was noted in an objection of 23 March 2015). The applicant's letter referred to in para 109 simply re-iterates that 'target rent' is 'social rent', without explaining what 'target rent' is, nor why it is necessary to use the term at all if it is identical to 'social' rent. This is inadequate and does not provide the committee with the information it needs to make a reasonable decision on the application.
- The full and detailed definition of social rented housing to be used in the legal agreement (the S106 agreement) must be provided to the committee and made public and that a period of formal public consultation is allowed before any decision is made on either application. Without this information proper and transparent decisions that the local community can be confident in cannot be made.

3.18 Most of the points of objection detailed above had been raised in earlier objections and have been considered and addressed in the Committee Reports for both applications. In terms of a definition for Social Rented housing it is suggested that the definition detailed in paragraph 3.15 should be used in the S106 Agreement that will bind both applications. With regards to the Clarifications Letter it is not considered that the information contained therein would necessitate the need for a full re-consultation exercise as it did not include any new information. In effect, it simply sought to clarify information that had already been submitted and consulted upon.

3.19 Conclusion of the Head of Development management

The issues raised do not affect the overall conclusions of the reports, that the applications are broadly in compliance with the adopted Aylesbury Area Action Plan,

and meet the test of the NPPF in being a sustainable form of development. No substantial issues have been identified which would justify withholding planning permission. Therefore the recommendation remains that planning permission should be granted for both applications, subject to conditions, completion of a s106 agreement, and subject to referral to the GLA.

REASON FOR LATENESS

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

5. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7524 5403

APPENDICES

No.	Title
Appendix 1	Recommendation