

THE LONDON BOROUGH OF SOUTHWARK

TOWN AND COUNTRY PLANNING ACT 1990

AND ACQUISITION OF LAND ACT 1981

**THE LONDON BOROUGH OF SOUTHWARK (AYLESBURY ESTATE SITES 1B-1C)
COMPULSORY PURCHASE ORDER 2014**

**STATEMENT OF CASE MADE BY THE LONDON BOROUGH OF SOUTHWARK UNDER
RULE 7 OF THE COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007**

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STATEMENT OF CASE

1 INTRODUCTION

- 1.1 This Statement of Case (“the Statement”) has been prepared on behalf of the London Borough of Southwark (“the Council”) in its capacity as the acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.2 On 23 June 2014 the Council made the London Borough of Southwark (Aylesbury Estate Site 1b – 1c) Compulsory Purchase Order 2014 (“the Order”) pursuant to a resolution of the Council’s Cabinet of 18 March 2014 (report and minutes CD 1). The Order, together with the Council’s Statement of Reasons was submitted to the Secretary of State for Communities and Local Government (“the Secretary of State”) for confirmation on 7 July 2014. Three objection letters and one email of objections to the Order were received by the Secretary of State. The Secretary of State by way of a letter dated 17 September 2014 has given notice of his intention to call a Public Inquiry on a date yet to be fixed.
- 1.3 This Statement sets out the particulars of the Council’s case for the making of the Order that will be put forward at the Public Inquiry and sets out the Council’s initial response to the objections raised.
- 1.4 The Council is seeking to assemble in its ownership the land and associated rights and interests included in the Order (“the Order Land”) to secure the development and regeneration of this part of the Aylesbury Estate (“the Estate”) in the London Borough of Southwark. The ambitions for the regeneration of the Estate as a whole (“the Regeneration”) are set out in the Aylesbury Area Action Plan (“AAAP”) (CD 2) within section 1.6 on the vision and plan objectives.
- 1.5 The AAAP went through an examination in public process in 2009 with examination hearings held on 2 and 3 September 2009. The Council received the AAAP inspector’s report (CD 3) on 12 November 2009 which, subject to amendments recommended by the inspector, found the AAAP sound and confirmed that it satisfied the requirements of the 2004 Act and accorded with advice in PPS12. The AAAP was adopted by Council Assembly in January 2010, incorporating the amendments recommended by the AAAP Inspector,
- 1.6 The purpose of the acquisition of the Order Land is to enable demolition of the existing buildings in order to replace the 566 existing units of social and privately owned housing with a mixed tenure development comprising 815 homes. Of these, 255 will be at target rents, 92 will

be intermediate (affordable homes available as shared ownership or shared equity) and 412 will be private (of which 47 will be for open market rent and the remainder for sale), as well as a further 50 mixed affordable tenure extra care units and 6 units for people with learning difficulties (“the Scheme”). The current office and commercial space will be replaced with new community and leisure space, and the semi-private land currently on the Order Land will be replaced with public parks and communal private gardens. This will form part of the regeneration of the Estate as a whole which aims to provide a vibrant mixed use and mixed tenure community with high quality homes, spaces and public realm.

- 1.7 The Council seeks to bring forward the redevelopment of the Order Land by way of the grant of a long lease of the Order Land, conditional on the Council’s development partner, Notting Hill Housing Trust (“Notting Hill”) obtaining planning consent for the Scheme, such consent to be informed by and to be consistent with national, London Plan and local development plan policies, in particular with the policies set out in the AAAP which provide strategic and detailed guidance for the regeneration of the Estate including the Order Land. A redacted copy of the agreement between the Council and Notting Hill which sets out the basis for the redevelopment of this and other sites on the Estate (the Development Partnership Agreement – “DPA”) is included in the list of documents to be relied on at the inquiry at CD 4.
- 1.8 The Council undertook a European Union (“EU”) procurement exercise to select a development partner for the whole of the Estate (including the Order Land) but excluding Sites 1a and 7 (shown so marked on the plan at CD 5). An advertisement was placed in the Official Journal of the EU in September 2012 (OJEU notice – CD 6) and the ensuing procurement process has resulted in the selection of Notting Hill as the Council’s preferred development partner. The Council’s Cabinet resolved on 29 January 2014 to appoint Notting Hill (CD 7 – Cabinet report and minutes). Subsequently the Council and Notting Hill entered into the DPA on 28 April 2014. The terms of the DPA provide that Notting Hill will commence the redevelopment by submitting a planning application in autumn 2014 for the demolition of the existing buildings on the Order Land and the construction of new residential and community buildings. In order to implement planning permission on the Order Land, vacant possession is required, and the Council is obliged under the terms of the DPA to provide vacant possession of the Order Land, using compulsory purchase powers if necessary.
- 1.9 A detailed planning application for the Order Land was submitted on 10 October 2014. At the same time an outline planning application was submitted for the entire remaining development area within the Estate, as broadly delineated by the red line on the plan at CD 5; this sets out parameter plans and a design code, as well as illustrative plans of the area. It is intended that both the detailed planning application for the Order Land and the outline planning application will be presented to the same planning committee so that they can be considered together. The Scheme for the Order Land is regarded as being in accordance with the statutory development plan as a whole and it is thought unlikely that there will be a planning impediment

to the Scheme's delivery. Further details of the detailed planning application are included in Section 6 of this Statement of Case.

- 1.10 The Order Land is more fully described in Section 2 of this Statement of Case. The interests and rights comprising the Order Land are identified in the Schedule to the Order ("the Order Schedule") which refers to the map accompanying the Order ("the Order Map"). This Statement of Case sets out the Council's statutory power to acquire the Order Land in section 3, and in section 4 explains why the Order is necessary to secure the delivery of the Scheme. The Council's justification for the use of compulsory purchase powers is explained in section 5. The Scheme is described in more detail in section 6 of this Statement and the planning position and the policy context within which the Council's decisions have been taken is set out in section 7. The objections to the Order are summarised in section 10 together with the Council's initial response to those objections. Other matters referred to in this Statement include human rights and other special considerations.
- 1.11 The Council recognises that a compulsory purchase order can only be made where there is a compelling case in the public interest (paragraph 17 of the Office of the Deputy Prime Minister Circular 06/04 (Compulsory Purchase and the Crichel Down Rules) ("the Circular") refers). It is considered that in this instance there is a compelling case in the public interest for the confirmation of the CPO.
- 1.12 Upon confirmation of the Order the Council currently intends to execute one or more General Vesting Declarations, in order to secure unencumbered title to the Order Land.

2 DESCRIPTION OF THE ORDER LAND

- 2.1 Full details of the Order Land appear in the Order Schedule but in summary it comprises land and buildings known as Arklow House, Bradenham, Chartridge and Chiltern, which are part of the Estate.
- 2.2 The Council owns the freehold title to all of the Order Land. However, there are outstanding leasehold and other interests which need to be acquired to bring the Order Land within the control of the Council and to allow redevelopment to take place. The outstanding interests lie within the Order Land.
- 2.3 The Aylesbury Estate was constructed between 1966 and 1977 and upon its completion consisted of a total of 2,750 units on 28.5 hectares. The Estate replaced Victorian houses and factories, many of which had been damaged during the second world war.
- 2.4 The Order Land forms part of the Aylesbury Estate Regeneration Area and falls within the area covered by the AAAP. The Order Land is referred to in the AAAP (CD 2) at figure 6 on page 27 as "sites 1b and 1c" – these sites have been designed together and have been submitted for planning approval as one development proposal.

- 2.5 The Order Land comprises seven existing residential blocks ranging from four to fourteen storeys with a total of 566 residential units, ground floor garages, vacant commercial and office space, together with open grassed space and a games court.
- 2.6 The Council has secured vacant possession of 541 of the 566 residential units. There remain 21 leasehold interests and 3 secure tenants. In addition, there is one property which is being used for temporary accommodation purposes, in accordance with the Council's duty to provide temporary accommodation contained within the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).
- 2.7 Part of the Order Land is occupied by a games court and is subject to a restrictive covenant imposed in 1939 requiring the area (shown coloured blue on the plan at CD 5A) to be maintained as open space. It is understood that following the abolition of the London County Council (the original covenantee), the benefit of it has passed to the London Borough of Bromley. Further detail about this part of the Order Land can be found at paragraph 5.44 of this Statement of Case.
- 2.8 None of the Order Land is in commercial use other than the infrastructure of statutory utilities and some telecommunications infrastructure on the roof of the block known as Chiltern. The telecommunications infrastructure has been decommissioned and will be removed from the building prior to demolition. This is the subject of current and ongoing negotiations between the Council and the telecommunications operator, EE Limited. Notwithstanding the terms of their lease, which requires the Council as Landlord to provide suitable alternative accommodation to EE Limited if required, EE Limited has confirmed that it does not need alternative accommodation and will be able to remove its apparatus in line with the proposed demolition timetable. Part of this block contains former Council offices but these are no longer in use. The lower floors of the block known as Bradenham were also used for Council offices but these are also now vacant.
- 2.9 The garages below 67 and 68 Chartridge have been converted for use as a store. They are currently used by the Council's contractors, Standage & Co, who weld up and make secure vacant properties across the Estate. They occupy on the basis of a short term agreement which can be terminated on short notice. Standage & Co also occupy 69 Chartridge which they use as an office.
- 2.10 Immediately adjoining the Order Land there is a hostel known as Ellison House which is leased to the National Offender Management Service (an office of the Ministry of Justice) and used as accommodation for men who have recently been released from prison. This is Crown Land and as such has not been included within the Order Land. More detail about this land is included at paragraphs 5.38 – 5.43 of this Statement of Case.

3 EXPLANATION OF THE USE OF THE TOWN AND COUNTRY PLANNING ACT POWERS

3.1 The Order has been made pursuant to the provisions of Section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”), as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), to facilitate the carrying out of the redevelopment of the Order Land pursuant to the Scheme as part of the Regeneration.

3.2 Section 226(1)(a) empowers local authorities on being authorised by the Secretary of State to acquire land compulsorily for the purposes of development, redevelopment or improvement where it is not certain that they will be able to acquire the land by agreement and where they think that :

1. The acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land ; and

2. The development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.

The Council believes that the acquisition of the Order Land will facilitate the redevelopment of the Order Land as part of the redevelopment of the Estate as a whole and that the resulting redevelopment will result in an improvement to the environmental, social and economic well-being of the Estate and the London Borough of Southwark as a whole. The Council is utilising its powers under section 226(1)(a) because it is not certain that it will be possible to acquire the necessary interests by agreement although efforts are continuing and will continue in parallel with this process.

3.3 The development, redevelopment and improvement on or in relation to the Order Land are detailed in various sections of this Statement.

3.4 The ways in which the development, redevelopment or improvement are likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area are stated in section 4 below and analysed in section 5.

4 THE PURPOSE OF THE ORDER

4.1 The purpose of acquiring the Order Land within the Estate is to continue the ongoing regeneration of the Estate and to enable the site to be redeveloped for residential and community use as part of a mixed tenure sustainable neighbourhood.

4.2 In 1999 local residents started lobbying the Council to regenerate the Estate. The Council considered various options including refurbishment to respond to the concerns expressed by residents. Refurbishment options were dismissed on value for money and feasibility grounds,

as a result of the complexity and magnitude of the structural, electrical and mechanical works required.

- 4.3 The Council resolved to rebuild the Estate in 2005 (report and minutes of Council's Executive - CD 8). Among other sites in the Council's portfolio, the Estate as a whole and the Order Land in particular are seen as a very high priority and have cross-party political support. The redevelopment of the Estate is also seen as a pan London priority by the Greater London Authority ("GLA"). The GLA referred to the Estate by name in a press release issued after the budget announcement relating to funding for regeneration schemes (CD 9). Both the Council and Notting Hill have been involved in discussions with the GLA about the proposals for the Estate.
- 4.4 There are two areas of the Estate that have already been brought forward for redevelopment. In 2008 the Council entered into a development agreement with London & Quadrant Housing Trust ("L&Q"), one of the UK's largest registered providers of social housing, in relation to Site 1a in the south western corner of the Estate, shown on the location plan (CD 5). The development includes 261 homes (51% affordable), retail space and a community resource centre. Development of this site is now complete.
- 4.5 A compulsory purchase order was made and confirmed under section 14a of the Acquisition of Land Act 1981 (ie confirmed by the Council in the absence of any objections) for the land associated with Site 1a in this first phase of development in January 2010 . The development of Site 1a is considered to have been very successful with the properties winning several design awards. The social rented units and some of the intermediate units in Site 1a have been occupied by residents from elsewhere on the Estate.
- 4.6 The Council's Executive resolved on 9 February 2010 (Executive report and minutes – CD 10) to make necessary Compulsory Purchase Orders to acquire interests in land within the Estate including Site 7 and the Order Land, for the purpose of securing the continuing regeneration of the Estate in accordance with the provisions of the AAAP.
- 4.7 In July 2012 the Council made a compulsory purchase order in respect of the land known as site 7 in the AAAP (shown marked site 7 on the location map at CD 5). The Order was confirmed in May 2013. A copy of the Order, the Inspector's Report (the "CPO Inspector's Report") and the Secretary of State's decision letter (the "Decision Letter") are found at CD 11.
- 4.8 At paragraph 2.6 of the CPO Inspector's Report the inspector concluded that the buildings on site 7 were "...beyond economic repair and even if they were repaired and refurbished they would retain their appearance and they would remain in conflict with modern building standards." The Secretary of State agreed with the inspector's conclusions (in paragraph 8 of the Decision Letter).

- 4.9 L&Q, who had been appointed following a competitive tender process to develop Site 7, has commenced construction on this site. The proposed development on the site comprises 147 homes of which 58% (based on number of habitable rooms) will be affordable. The development is projected to be completed in autumn 2016 (some blocks will be completed earlier) and is so far proceeding as planned. Demolition of the existing blocks has been completed and construction of the new development has commenced. Three leaseholder households from Site 7 have relocated to new homes on site 1a.
- 4.10 As well as residential development, the Council has recently completed a major investment programme in local schools, with three complete new builds on the Estate: Walworth Academy was completed in 2010; Michael Faraday Primary School was completed in 2011; and Aylesbury New School (a brand new secondary school for the area, now called University Academy of Engineering, South Bank) was completed in August 2012. To the south of and overlooked by the Order Land a major investment programme has been carried out in Burgess Park, which was completed in summer 2012.
- 4.11 The development of the Order Land forms an important part of the regeneration of the Estate as a whole serving to continue the momentum of regeneration which has already begun on and around the Estate. The AAAP was structured to allow for different modes of delivery of the regeneration of the Estate, whether through land transfer or procurement.
- 4.12 The purpose of the Order is to acquire all interests not already in Council ownership where agreement to acquire cannot be reached, in order to achieve delivery of the Scheme. The Council is the freehold owner of all of the Order Land. Negotiations with leaseholders to date have indicated that there is a risk that the timely acquisition of these interests may only occur through the exercise of compulsory purchase powers.

5 JUSTIFICATION FOR THE ORDER

- 5.1 The Council will demonstrate at the Public Inquiry that the use of compulsory purchase powers is justified by the compelling case in the public interest for the redevelopment of the Order Land by way of the Scheme as part of the overall progress of the Regeneration of the Estate as a whole.
- 5.2 The Council recognises that s226 (1A) of the 1990 Act provides that a local authority must not exercise its compulsory purchase power under paragraph (a) of subsection 226(1) unless it thinks that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:
- (a) The promotion or improvement of the economic well-being of their area;

- (b) The promotion or improvement of the social well-being of their area;
 - (c) The promotion or improvement of the environmental well-being of their area.
- 5.3 The Council considers the redevelopment of the Order Land will enable the Council to provide a new high quality sustainable development, which will meet the needs of existing tenants and the future needs of the area. The AAAP Inspector's Report (CD 3) found that there were 'fundamental shortcomings' in the existing blocks on the estate and that 'refurbishment would be unlikely to achieve satisfactory living conditions in the longer term' (at paragraph 3.4).
- 5.4 The CPO Inspector's Report (CD 11) concluded (at paragraph 26) that 'the urban design and landscape of the estate is less than poor'.
- 5.5 Some of the dwellings on the Order Land have already been acquired by the Council and are now vacant. The Council requires vacant possession of the remaining dwellings in order that the blocks can be demolished and redevelopment can begin without delay. In addition the Council wishes to secure vacant possession within a reasonable timescale to limit the risks inherent in having a small number of occupiers remaining in mainly empty blocks . There have been instances of anti-social behaviour on the Order Land, including rough sleeping, fly tipping and an attempted break in at one of the residential properties. In addition, the office premises in the lower floors of the block known as Chiltern were reported as occupied by squatters. Aylesbury community wardens have increased the frequency of their patrols around the area to mitigate these risks.
- 5.6 The new dwellings will be of high quality and design and will comply with current environmental standards. More detail of the Scheme is given at sections 6 and 7 of this Statement of Case, and the Council believes that the Scheme will, through the provision of a mixed tenure development with new homes and open spaces, contribute to the improvement of the social and environmental well being of the area.
- 5.7 The new development will attract investment to the area and deliver significant benefits for the Borough's community in the medium to long term. These include new public realm, community facilities and employment and training opportunities as well as the new residential units, secured by the DPA.
- 5.8 In the "minimum requirements" section of the DPA (CD 4 - Schedule 3) there is provision for four full time equivalent posts to support community involvement and initiatives geared towards addressing worklessness. In addition there is a commitment for Notting Hill to provide employment and training opportunities during the redevelopment process. The Council believes that these initiatives will contribute to the improvement of the economic and social well being of the area.
- 5.9 The Council is satisfied that there is a compelling case for acquiring the interests in the Order Land in the public interest which outweighs the effect of compulsory acquisition on individual

rights. It considers that the case meets the requirements of paragraph 14 of the Circular, domestic legal requirements and the requirements of the European Convention on Human Rights.

- 5.10 Extensive consultation took place with local residents on the regeneration options and the AAAP from 1999 to 2009. The AAAP Inspector's report (CD 3) found at paragraph 2.9 that 'the methods used in preparing the AAAP were sufficient to ensure a reasonable opportunity for residents of the AAP area and surrounding communities to make their views known.' Consultation on the AAAP met and exceeded the minimum Regulations at the time and the requirements of the Council's Statement of Community Involvement (2008) ("SCI"), which sets out the minimum and expected consultation requirements on area action plans. The AAAP Inspector's Report concluded at paragraph 2.10 that the AAAP 'was prepared in compliance with the SCI after it [ie the SCI] had been approved by the Council, and before that in compliance with the minimum requirements set out in the 2004 Regulations'.
- 5.11 Consultation has continued on the specific design proposals for the Order Land. Resident feedback has been obtained on the proposals for the Scheme throughout the EU procurement process with regular stakeholder meetings being held with residents. Their feedback informed the development of the Council's requirements at every stage of the procurement process. A focus group consisting of five local residents and the director of the Creation Trust was involved at all stages and their role included meeting with bidders to help them better understand community issues and perspectives. This consultation also went beyond design issues and included discussions about the employment opportunities on offer, and other aspects of the regeneration process.
- 5.12 Since the selection of Notting Hill was finalised, the dialogue with the focus group has continued. This is in addition to the specific consultation carried out prior to the submission of the planning application and in accordance with the statutory planning process. Details of the consultation process around the planning application are set out in the Statement of Community Involvement (CD 12) submitted as part of the planning application. In summary there have been 21 consultation events including public exhibitions and workshops, Regular updates are provided to all residents through newsletters, a magazine and the Council's website.
- 5.13 The redevelopment of the Order Land will provide some of the additional rented and intermediate properties required to provide re-housing opportunities for the tenants and leaseholders of blocks in future phases so that these blocks can be redeveloped in the next phases of the Estate redevelopment.
- 5.14 The Council would prefer not to rely on the confirmation of compulsory purchase powers in order to successfully gain vacant possession of the properties occupied by leaseholders on the Order Land and has worked to gain as many voluntary agreements for lease surrender or

repurchase as possible. Indeed, since the Order was made, one of the leasehold properties (owned by a non-resident leaseholder) has been purchased by the Council.

- 5.15 The Council has carried out all reasonable searches and preparatory work as a matter of diligent inquiry required to establish a full record of the interests in the Order Land. The Council instigated negotiations to try to acquire the interests in the Order Land by agreement rather than by compulsory acquisition in October 2008. There have been extensive negotiations with all leaseholders and secure tenants on the Order Land since that date. Negotiations will continue throughout the CPO process. The Council wishes to ensure that the CPO process is commenced even while those negotiations are ongoing to minimise the risk that small numbers of isolated occupiers remain on the Order Land now that the majority of occupiers have left by agreement. This will also ensure that the redevelopment of the Order Land is not unduly delayed should agreement with remaining residents not be achievable.

Leaseholder Options

- 5.16 The Council seeks where possible to acquire third party interests by agreement rather than relying on compulsory purchase powers. This is in accordance with paragraph 24 of the Circular. However that paragraph of the Circular does recognise that it is “sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”. As previously mentioned, the Council has, over time, undertaken negotiations to acquire third party interests and indeed approximately two thirds of such interests have been acquired in this manner. Leaseholders receive compensation for their properties, together with additional payments for home loss (basic loss in the case of non-resident leaseholders), disturbance and reimbursement of their legal and surveyors’ fees.
- 5.17 The Council recognises that resident homeowners affected by regeneration who are not easily able to afford to purchase suitable alternative residential accommodation require more viable and attractive re-housing offers than those provided by its statutory duty as set out in the Land Compensation Act 1973.
- 5.18 On 26th September 2006 the Council resolved to offer an enhanced re-housing package to affected homeowners on the Estate and in particular those living in the blocks in the first phases scheduled for demolition and regeneration (Executive report and minutes – CD 13). This offer was subject to certain qualification criteria, based, among other things, on when the right to buy the affected property was exercised or when it was purchased if via open market sale and the occupation status and the financial position of the homeowner.
- 5.19 On the 14th December 2010, the Council agreed the set of fully worked re-housing offers along with their particular qualification criteria for all resident homeowners affected by regeneration on the Aylesbury Estate, including those owning property on the Order Land (Cabinet report and minutes CD 14).

- 5.20 On 18 March 2014 the Council agreed a further policy paper under which a new model of home ownership – shared equity – is now being offered (Cabinet report and minutes at CD 15). This model was introduced in response to the lack of interest of some homeowners in the shared ownership model whereby rent is payable on the retained share of the shared ownership property. With shared equity, no rent is payable on the retained portion. This option will assist with the re-housing process. The new shared equity model is available, subject to financial qualification, to all leaseholders on the Estate when they become eligible for re-housing assistance. This option will help with re-housing not just in relation to the Order Land but future phases on the Estate.
- 5.21 If a homeowner can, subject to an assessment made by the Council, afford some level of ongoing home ownership, they may purchase a suitable alternative property from the Council on full or shared ownership (including shared equity) terms. The re-housing offers made by the Council are such that where a resident homeowner cannot afford any ongoing form of home ownership, they may be re-housed as a Council tenant or as a tenant of a registered provider. Only where a resident homeowner can afford to purchase a suitable alternative property on the open market without assistance is access to the enhanced re-housing package restricted.
- 5.22 Applications for re-housing assistance have been made in seven cases in respect of the Order Land, some of which are still in progress.
- 5.23 Council officers have been working with resident homeowners on the Order Land over the past 4 to 5 years to ensure that applications for the Council's enhanced re-housing package could be processed well in advance of vacant possession being required. This can be a lengthy process due to the financial assessment involved. In addition to the re-housing offers that can be provided by the Council, officers have tailored their assistance to help resident leaseholders simultaneously to explore other re-housing options such as shared ownership products available from other registered providers and purchases on the open market. Other support services have also been facilitated through a community development trust (Creation Trust) working solely with Aylesbury Estate residents. These support services have included an independent money advice service and advocacy and support specifically targeted at more elderly residents. The Council has produced a series of leaseholder guides for residents and a copy of the most up to date version can be found at CD 16.
- 5.24 As part of its selection under the EU procurement process, Notting Hill was required to put forward its proposals to assist the Council with its re-housing process. It has agreed to make available up to 15 of its newly built properties on other schemes within the Borough for residents of the Order Land. These have been offered on affordable shared ownership terms, with no rent or a reduced rent payable depending on individual financial circumstances. The availability of this alternative housing, which comprises a range of flats of different sizes at Edmund Street London SE5 in close proximity to the Order Land, is intended to assist with the

re-housing process. A map showing the respective locations of these properties and the Order Land is found at CD 17.

- 5.25 In May 2014 two compensation claims in respect of acquisitions by the Council on the Estate were heard by the Upper Tribunal (Lands Chamber). The Tribunal is yet to issue its determinations. Since the valuation principles put forward by the parties at these hearings directly affect and influence the values applicable to all the outstanding leasehold properties on the Order Land (save for the two properties in Arklow House) negotiations have been held in abeyance pending the Tribunal's determinations. This is considered fairer to the parties than continuing and completing negotiations that could result in the Council paying remaining leaseholders less or more than would be the case if the principles of the Tribunal's determinations were applied.
- 5.26 In respect of the two properties in Arklow House, which are not likely to be influenced by the Tribunal's determinations, being of different construction and therefore relying on different comparable evidence for valuation, purchase offers were made by the Council to the leaseholders in July 2014 and responses to these offers are awaited.
- 5.27 One non-resident leaseholder has, since the Order was made, accepted the Council's offer and the Council's purchase of that property completed on 15 October 2014. A further leasehold purchase is currently in solicitors' hands with a projected completion date of mid November.
- 5.28 In the case of the remaining 18 leaseholders revised purchase offers will be made as soon as the Tribunal determinations have been published.
- 5.29 Seven of the nine resident leaseholders have so far visited the show flat at Notting Hill's development at Edmund Street.
- 5.30 The Council is taking steps to try to ensure that when the Tribunal determinations are published, the Council will be in a position to make revised offers to the leaseholders so that they are able to take informed decisions about their re-housing options.
- 5.31 The Council intends to provide in evidence a detailed chronology of correspondence and meetings with leaseholders during this period.

Tenant negotiations and support

- 5.32 The Council has an active programme of re-housing the secure tenants on the Order Land which has been running since October 2009. As a result the majority of secure tenants have already moved from the Order Land. Three households remain.

- 5.33 The re-housing programme is managed by a locally based team of staff who assist all tenants with registering, bidding and eventually moving home. Support is offered through regular home visits and a neighbourhood office where tenants are able to visit and work with officers to secure suitable accommodation. The majority of tenants move through the Council's "Homesearch" system where they receive band one status (the highest priority) in line with the Council's allocation policy and can move to empty properties within the borough. In addition the Council has negotiated for Aylesbury tenants living in the Order Land to have first refusal on a number of new build sites where properties meeting their requirements are available to let.
- 5.34 As well as working with leaseholders, as set out above, Creation Trust has been assisting tenants with their re-housing options. The Trust is based on the Estate and provides a bespoke re-housing support service and is able to help tenants explore their options.
- 5.35 The Council produces a quarterly newsletter to keep residents informed of the progress of the regeneration.
- 5.36 All tenants moving as a result of the regeneration proposals benefit from the payment of statutory home loss payments, disturbance allowances and have their removal fees paid for them in accordance with Council policy. The Council's Tenants' guide is found at CD 18.

Temporary accommodation

- 5.37 There is one non-secure temporary accommodation tenant on the Order Land. Temporary accommodation tenants have been housed there when properties have become vacant, in accordance with the Council's duty to provide temporary accommodation contained within the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002). Each of the non-secure temporary accommodation tenants have entered into a non-secure tenancy agreement. By virtue of paragraph 4 Schedule 1 of the Housing Act 1985 the non-secure tenancy agreement does not create and is not capable of creating a secure tenancy. However, in order to ensure that clean title can be secured, the Council has included these properties in the Order. Support is given to assist non-secure tenants to move to suitable permanent homes prior to the vacant possession date. Notices to quit were served and these properties have all, except one, been vacated. Households that have not secured a permanent home are assisted to move to alternative suitable temporary accommodation unless the Council has no statutory duty to provide such support.

Other matters affecting the Order Land

- 5.38 In relation to the property known as Ellison House, immediately adjacent to the Order Land, the Ministry of Justice (the tenant of Ellison House) has agreed with the Council that it will not be able to continue to occupy those premises as the redevelopment progresses and accepts that vacant possession of Ellison House will be required in order that the redevelopment of the

Order Land can proceed. There have been a number of meetings between officers of the Council and the Ministry of Justice (“MoJ”) and it has agreed in principle to vacate Ellison House and surrender its leasehold interest when the Council has obtained vacant possession of the remainder of the Order Land in order that demolition can proceed.

- 5.39 The then Parliamentary Under-Secretary of state for prisons and youth justice, Crispin Blunt MP, confirmed in writing in July 2012 to the Council that vacant possession of Ellison House would be given by 31 December 2017. This confirmation was given on the basis that alternative premises were provided.
- 5.40 In October 2013 Jeremy Wright MP, then Parliamentary Under-Secretary of State for Justice confirmed that a thorough exploration of the planning options would be required before any surrender of the existing lease could be considered, whilst welcoming the Council's commitment to work towards a positive outcome.
- 5.41 More recently the MoJ has confirmed that alternative premises will not be required before the lease of Ellison House can be surrendered. Given the progress made with the other aspects of the regeneration the timetable set out in 2012 now needs to be accelerated.
- 5.42 On 6 May 2014 the Council made a written offer of a financial settlement in consideration of this surrender and awaits confirmation that this offer has been accepted. A further letter from the Leader of the Council was sent to the MoJ on 7 October 2014 requesting their response to that offer, together with confirmation that an earlier date for vacant possession can be agreed.
- 5.43 The Council reasonably expects it will be able to acquire vacant possession of Ellison House when it is required for demolition. In the event that vacant possession of Ellison House has not been secured by this time, Notting Hill and its contractors will still be able to commence demolition of the buildings on the Order Land and to begin the re-building at the eastern end of the Order Land. This can safely be done while Ellison House remains occupied, if necessary.
- 5.44 The benefit of the restrictive covenant that affects the land coloured blue on the location plan at CD 5A is vested in the London Borough of Bromley (“LBB”). The Council has been in negotiations with LBB for the release of the covenant so that the area affected by the covenant can be developed as part of the Scheme. On the basis that the Scheme provides adequate replacement open spaces, LBB have confirmed that they would be willing to release the covenant in return for a new covenant in similar terms being imposed over the new areas of open space created as part of the Scheme. These are Westmoreland Park and Portland Park and the open space to be known as Westmoreland Square which will be partly on the Order Land and partly on the adjoining site known as site 1a. A deed will be entered into between the Council and LBB to deal with the release of the covenant and the imposition of the new covenant.

6 PROPOSED USE OF THE ORDER LAND

- 6.1 The Council will demonstrate in evidence the need for the Scheme in the context of the Regeneration of the Estate as whole.
- 6.2 The principal elements of Notting Hill's Scheme for the development of the Order Land are as follows:
- 6.2.1 The replacement of the existing 566 residential units with 815 new residential units, comprising a range of sizes, from 1-bedroom units to 5-bedroom units, and a range of dwelling typologies (including flats, maisonettes and houses). This range of unit sizes and dwelling types will be provided across the tenures (social rent, intermediate and private for sale and rent), to ensure the potential for a fully mixed community.
- 6.2.2 All the tenures are distributed across the site, securing park frontage views to tenants as well as private homeowners.
- 6.2.3 255 units will be let at target rent levels, meeting the needs of existing secure tenants on other parts of the Estate, thus facilitating regeneration of the estate as a whole.
- 6.2.4 92 units will be intermediate units, which will meet the needs of existing leaseholders on other parts of the estate, and thus facilitating regeneration of the estate as a whole.
- 6.2.5 412 units will be private for sale or open market rent, which will contribute to the delivery of new homes to meet both Southwark's and London-wide housing needs and targets.
- 6.2.6 In addition, the proposals include 50 Extra Care units which will be a mixture of affordable tenure types (target rent, affordable rent and intermediate) and 6 units for people with learning difficulties at affordable rent. These 6 units will be provided as a facility with support spaces for medical staff.
- 6.2.7 Overall the split between affordable and private units based on the number of habitable rooms is 50% affordable, excluding the extra care units, (75% target rent and 24% intermediate and 1% learning difficulties units at affordable rent) and 50% private.
- 6.2.8 6% of the units provided will be mixed tenure houses, providing family homes with four bedrooms or more. Every dwelling type (maisonette, house, flat) will have private outside space with either a balcony or garden. For the dwellings provided in the apartment blocks there will also be access to communal amenity space.
- 6.2.9 The proposals include extensive areas of high quality open space for community use including children's play areas and gardens. A range of tree-lined streets will be provided, offering different character and feel. The new development will be fully permeable with clear pedestrian and cycle routes through between the new buildings in all directions. The Design

and Access Statement prepared as part of the planning application illustrates these proposals (CD 19). The planning application documents and the DPA refer to the area broadly covered by the Order Land as the First Development Site (or FDS).

- 6.2.10 Safe streets will be a key feature of the development, with numerous front doors at street level ensuring high footfall and windows to principal rooms providing animation and passive surveillance.
- 6.2.11 High quality and varied architecture will be delivered throughout, with no outward distinction between the different tenure types.
- 6.2.12 Well distributed internal dwelling layouts will be provided, incorporating well sized and proportioned rooms, good circulation areas and ample storage. All units will be designed to generous space standards that meet or exceed those set out in the AAAP. All homes will be built to lifetime homes standards, providing flexibility to residents as their needs change over time.
- 6.2.13 A high percentage (69%) of homes will be dual-aspect. The new development will meet current building standards in terms of sound separation and thermal performance and other sustainable design features.
- 6.2.14 Parking will be provided at a ratio of 0.38 spaces per dwelling, either off-street (within the podium) or on-street; car club spaces will also be provided. Cycle storage will be provided ensuring at least one cycle storage space per dwelling with two spaces for all three bedroom or larger dwellings.
- 6.2.15 The development proposals are consistent with the policies set out in the AAAP and adhere to the design guidance support documents, in terms of quality, range and character.

7 PLANNING POSITION OF THE ORDER LAND

- 7.1 The Order Land is the subject of the Planning Application for the Scheme pending determination by the Local Planning Authority. The Scheme is considered to be in line with national, regional and local plan policies, in particular the requirements of the AAAP. Notwithstanding that the application has not yet been taken to Planning Committee for determination, at present it is not thought that there are any reasons why planning permission should not be granted.
- 7.2 The Order Land falls within allocated proposals site AAAP P1. Appendix 5 of the AAP (page 106 CD 2) sets out the Schedule of proposals sites. It sets out the proposed uses (figures are all approximate) for the whole of AAAP P1, the sizes of homes (studio, 1 bed etc), the type of

homes (flats, maisonettes and houses) and the anticipated phasing. It also sets out indicative development sub totals for each of the blocks. In reference to the Order Land and in terms of proposed use (all figures are approximate) it sets out:

1b: 408 homes (C3 Use Class), 250sqm retail uses (A Use Classes)

1c: 472 homes (C3 Use Class)

7.3 Further planning policy designations, as shown on the Adopted Policies Map (2012) (CD 20) apply to the site:

- Urban Density Zone
- Aylesbury Action Area Core
- Air Quality Management Area

7.4 The following also apply which have planning implications:

- Flood Risk Zone under the Southwark Core Strategy 2011
- Public Transport Accessibility Level (PTAL) of 3, which indicates moderate access to public transport.

7.5 The AAAP was deemed sound and in general conformity with national policy, London Plan policies and higher level policies of the local development plan by the AAAP Inspector in 2009. Since 2009 the Council has adopted its Core Strategy (2011) (CD 21) and the Mayor has updated the London Plan (2011 and 2013) (CD 22). Some of the London-wide and borough-wide standards are now different to the standards set out in the AAAP. For example the AAAP has larger residential floorspace standards for target rented units and housing typology mix to the London Plan and Southwark borough-wide policies and SPDs. In these cases, the AAAP guidance will generally take priority since it provides policy specific to this location to best meet the needs of the regeneration of the Estate. Both the London Plan and Southwark borough-wide policies and SPDs acknowledge that there may be area specific variations to the overarching standards.

7.6 The Planning Application is pending determination by members of the Planning Committee subject to such conditions as members see fit and planning obligations to be entered into by legal agreement to secure the provision of affordable housing and financial contributions towards the necessary infrastructure. The Council will be in a position to provide further evidence on the planning position in its proofs of evidence and at the Inquiry.

- 7.7 At present the Scheme is deemed by officers to be in general accordance with the development plan and as noted, there are no reasons why planning permission should not be granted.
- 7.8 The Scheme layout seeks to create a new network of streets and public open spaces with buildings addressing the street frontages. The proposed buildings are arranged as four perimeter residential apartment blocks set around landscaped courtyard areas and two blocks of terraced houses. The apartment blocks range between 5 and 20 storeys in height (20 storeys at the corner of Albany Road and Portland Street) and the terraced houses are 3 and 4 storeys high. The site layout also incorporates one public square (Westmoreland Square) and two pocket parks (Westmoreland Park and Portland Park). Where possible existing trees have been retained along Westmoreland Road, Portland Street and Albany Road.
- 7.9 The Scheme meets the Council's development objectives for the regeneration of the Order Land and the Estate and the S106 will secure the following:
- 7.9.1 50% affordable housing (75% target rent, 24% intermediate and 1% affordable rent for adults with learning difficulties) based on habitable rooms (52% affordable housing including extra care);
- 7.9.2 the provision of three public open spaces: public square (Westmoreland Square) and two neighbourhood play areas (Westmoreland Park and Portland Park); both of these will include children's play space and play equipment;
- 7.9.3 the provision of an enhanced public realm to create new streets and upgrade existing ones including extensive new tree planting
- 7.9.4 a financial contribution towards education, employment during construction, sports development, strategic transport and health;
- 7.9.5 The provision of 3 car club bays within the development.
- 7.10 The appointment of Notting Hill as developer partner for the delivery of the Order Land and the wider area has superseded Policy D2 of the AAAP. This provides a tariff system of financial obligations to be paid by separate developers to ensure both the delivery of key infrastructure and the Master Plan for the Estate and the mitigation of adverse planning impacts "the Aylesbury Infrastructure Tariff"). As set out in the DPA, Notting Hill will now be responsible for the delivery of the key infrastructure and the Master Plan for the Estate, including the Order Land. This is considered acceptable in planning policy terms; the s106 provision will continue

to meet the aspirations of the tariff and this, along with the provisions of the DPA, is broader of scope and purpose to ensure wider mitigation.

7.11 In addition to the s106 provision for the Order Land and the Estate, the Notting Hill provision through the DPA (set out in Schedule 3 of the DPA (CD 4) – Minimum Requirements) includes:

7.11.1 Within the Scheme: 50 affordable tenure extra care units, 6 units for people with learning difficulties and 250m² community space delivered as part of the development;

7.11.2 Within the master plan for the Estate: a workplace coordinator to deliver an extensive programme of employment and training and £1.25m of funding to the local community trust over the next five years.

7.12 The implementation of the Scheme will result in the replacement of the existing residential accommodation with new affordable units, to deliver an overall gain in affordable accommodation of 3,232m² (including extra care this would deliver an overall gain of affordable accommodation of 9,910m²). Saved policy 4.6 'Loss of residential accommodation' of the Southwark Plan 2007 (CD 23) seeks to resist the net loss of residential floor space. Policy 3.14 'Existing Housing' of the London Plan 2013 (CD 22) also resists the loss of affordable housing. In the case of an estate renewal, where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floor space of affordable housing. The Scheme will deliver good quality, generous sized homes that will meet or exceed the space standards set out in the AAAP and incorporate the latest standards of sustainable design.

7.13 The existing housing provision on the site is 566 units. The Scheme will deliver 353 affordable housing units (excluding the 50 extra care units) of which 75% (by habitable room) would be target rented accommodation. Overall there would be no net loss of residential floorspace, or affordable housing floorspace across the Order Land.

7.14 Strategic Policy 6 of the Core Strategy 2011 (CD 21), requires a minimum of 35% affordable housing on schemes of 10 units or more. The AAAP outlines that 50% of the new homes will be affordable with a mix of tenures on each development site; it then sets out that the early phases should provide a higher percentage (59%) of new affordable units, the mid phases 50% and the later phases 42%. It is recognised in the affordable housing SPD that affordable housing provision should normally be calculated on a habitable room basis. The proposal would provide 50% affordable housing based on habitable rooms (52% including extra care). This exceeds the requirements of Strategic Policy 6 in the Core Strategy and whilst not meeting the phasing percentage, does meet and exceed the overall AAAP requirement in

terms of both percentage and tenure mix. The outline masterplan application indicates an overall 50/50 tenure split.

- 7.15 Excluding the extra care and the units for adults with learning difficulties, the split between the target rented and intermediate accommodation is 76:24 based on habitable rooms. This generally accords with the AAAP which requires a 75:25 split. The target rents will be secured within the s.106 agreement.
- 7.16 The Scheme will provide affordable housing provision that is well above the minimum borough-wide requirements of the Southwark Plan and Core Strategy. Whilst there is a minor divergence from the AAAP phasing percentage requirement, the overall 50% affordable units will be delivered consistently across the master plan, as set out in the outline planning application proposals. The Scheme will achieve the AAAP aim of a mixed tenure community, whilst re-providing the existing level of social rent housing at the site in line with the requirements of the London Plan.
- 7.17 The AAAP accounts for the playspace needs across the masterplan area and provides indicative locations for doorstep playable space, local playable space, neighbourhood playable space and youth space. The AAAP sets out the requirement for two local areas of local playable space and neighbourhood playable space within the Order Land development and this requirement has been exceeded in the proposals. Two local playable spaces are provided within the perimeter apartment blocks on Albany Road and two neighbourhood play spaces are provided with the provision of the two pocket parks, Westmoreland Park and Portland Park which each include a play park and play equipment for children.
- 7.18 The site is within close proximity of numerous open space facilities including Burgess Park and provides playspace on site for residents of the development and a financial contribution will be made through the s106 towards sports facilities within the vicinity of the Order Land.
- 7.19 The Order Land is situated within the 'Urban Zone' which requires a density of between 200 and 700 habitable rooms per hectare. This is identified in the Core Strategy (CD 21) and the Adopted Policies Map (CD 20). The AAAP has adapted the borough-wide density ranges specific to the Estate (based on the ranges in the Southwark Plan which were broadly taken forward into the Core Strategy). The AAAP outlines a density range of 601-700 habitable rooms per hectare for site 1b and 701-1000 habitable rooms per hectare for site 1c. Based on the Order Land area of 3.9 hectares (AAAP sites 1b and 1c combined), the development of 2,651 habitable rooms equates to a density of 680 habitable rooms per hectare. The density sits within the required density range, which is considered acceptable in policy terms.
- 7.20 AAAP policy BH4 requires 70% of homes to have 2 or more bedrooms; of these 20% of homes to have 3 bedrooms, 7% of homes to have 4 bedrooms and 3% of homes to have 5 or

more bedrooms. The borough-wide Core Strategy mix is less challenging than the AAAP policy with Core Strategy policy 7 requiring at least 60% of units to have 2 or more bedrooms and, within the Urban Zone (within which the Order Land lies), at least 20% 3-, 4-, or 5-bedroom homes. Excluding the extra care units, the Scheme would provide 59% of units with 2 or more bedrooms; of these 14% are 3 bedroom units, 4% are 4 bedroom units and 3% are 5 bedroom units. The outline planning application provides a much higher percentage of larger family homes which is appropriate given the lower density low rise design of much of the later phases of development.

- 7.21 Whilst the unit size mix across the Scheme does not entirely satisfy the requirements of the AAAP, the provision of 21% of 3-, 4- and 5- bedroom units just exceeds the requirements of the Core Strategy. The provision across the Scheme of a higher percentage of smaller units will assist with the process of re-housing from the existing Estate buildings where there is a greater number of one and two bedroom flats. By contrast, the masterplan for the remainder of the development area, set out in the outline planning application, exceeds the AAAP policy requirements, with the provision of more larger family homes with 35% of 3-, 4- and 5 bedroom units, appropriate to the lower density, low rise areas. Overall the scheme will deliver a good proportion of large family sized homes and a good mix of bed-size units across the Order Land which accords with the aspirations of the AAAP.
- 7.22 Appendix 5 of the AAAP: Schedule of proposals sites estimates that the mix of types of housing on sites 1b and 1c that could be provided on these sites will be 67% flats, 27% maisonettes and 6% houses. The Scheme will deliver 84% flats (including 50 extra care flats and 6 learning disabilities flats), 10% maisonettes and 6% houses. The Scheme exceeds the percentage for flats and meets the percentage for houses, although, due to the constraints of the site, falls below the percentage of maisonettes as set out in the AAAP. However, in line with the AAAP, there are maisonettes located on the ground floor of all the residential apartment blocks, as well as a number of duplex flats at higher level, and this provision, which amounts to 13% of the total of all new properties, is considered acceptable.
- 7.23 Policy 4.3 of the Southwark Plan 2007 (CD 23) requires 10% of residential units to be provided as wheelchair accessible fitted out for occupation. The Scheme would provide 40 wheelchair accessible units in addition to the provision of the 50 extra care units (of which 7 are wheelchair units) and the 6 learning disabilities units (all of which are wheelchair units). Of the 40 wheelchair accessible units (of which 53% are affordable) there are 14 one bedroom flats (of which 10 are affordable), 23 two bedroom flats (of which 8 are affordable) and 3 three bedroom flats (all of which are affordable) including 1 three bedroom ground floor maisonette (with internal platform lift) with a private garden. A total of 40 wheelchair accessible car parking spaces would be provided off-street in the podium parking in close proximity to the

wheelchair units. The provision is acceptable in accordance with policy, and would provide good quality wheelchair accessible housing.

- 7.24 The Scheme layout, scale, massing and design approach responds to the context surrounding the site and accords with the aims of the AAAP. The concentration of height across the Order Land is considered appropriate given the existing context and accords with the guidance within the AAAP. Further details regarding materials, detailed finishes and landscaping will be secured by condition to ensure the anticipated and required design quality to ensure the scheme is a success, is achieved.
- 7.25 The overall internal space standards for all dwellings accord with the minimum floor areas set out within the AAAP (CD 2), the Southwark Residential Design Standards SPD 2011 (CD 24) and the London Plan 2011 (CD 22), whichever are the greater. In addition, overall, 69% of units would have a dual aspect and all units have internal storage space and private amenity space in the form of either a balcony or private garden. Four communal courtyard gardens would be provided for residents. In the four courtyard blocks all apartment units have access into the communal amenity space.
- 7.26 The application proposes parking at a ratio of 0.38 spaces per unit, which is in line with the AAAP expectations. This is provided by means of on-street parking for the affordable tenure and some of the larger private tenure units, and by off-street parking for the remainder of the private tenure units and the wheelchair accessible units. A total of 123 off-street parking spaces would be provided in the podia of two of the perimeter apartment blocks, 40 of which would be wheelchair accessible spaces.
- 7.27 The London Plan and Strategic Policy 13 'High environmental standards' in the Core Strategy require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. The Scheme is in line with the London Plan 2011 target of a 35% carbon emissions reduction over that required by Part L of the Building Regulations 2013.
- 7.28 The new development provides primarily residential use with 260m² of non-residential use (community or leisure space). This is considered appropriate in land use terms and in accordance with the requirements of the AAAP. The Order Land is currently primarily in residential use with some (disused) office accommodation, and the surrounding uses are predominately residential. It is considered that it will provide an appropriate sustainable development providing much needed housing in the borough and a high proportion of affordable housing at social target rent levels. The housing proposed is considered to be of good quality, with a mix of dwelling sizes and housing types across the Order Land, addressing recognised housing need.

SUMMARY OF PLANNING POLICIES

The London Plan July 2011 consolidated with Revised Minor Alterations October 2013

- 7.29 The London Plan sets out the Mayor's objectives and policies for London. His objectives include ensuring that the city meets the challenges of economic and population growth in ways that ensure a sustainable, good and improving quality of life and sufficient high quality homes and neighbourhoods for Londoners.
- 7.30 Of particular relevance to the Aylesbury Estate, London Plan Policy 2.14 emphasises that within the Areas of Regeneration, which include Walworth and the Aylesbury Estate, the Mayor will work with strategic partners to achieve their sustained renewal.
- 7.31 Policy 3.8 indicates that Londoners should have a choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings. Policy 3.9 provides support for building mixed and balanced communities which include a range of dwelling types and tenures. Policy 3.14 advises that loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.
- 7.32 Southwark's Local Development Framework is consistent with these policies. The Mayor has formally confirmed that Southwark's Core Strategy and the AAAP, which in particular demonstrates how London Plan policy 3.14 is met, are in general conformity with the London Plan.

Draft Further Alterations to the London Plan

- 7.33 The Mayor consulted on alterations to the London Plan from 15 January to 10 April 2014. The Examination in Public took place in September 2014 and the inspector's report is expected towards the end of 2014. The alterations do not make any significant changes to policies affecting the redevelopment of the Estate.

Local development framework

- 7.34 The redevelopment and regeneration of Aylesbury area has been an objective of the Council since the 1990s and the Council adopted the AAAP for the area in 2010. The following documents set out the Council's policies for this area:
- Aylesbury Area Action Plan 2010
 - The Core Strategy 2011
 - The Adopted Policies Map 2012

- Southwark Plan 2007 (Saved Policies)

These policy documents can be found at CD 2 and CD 20 to CD 23.

The Core Strategy 2011

- 7.35 The Core Strategy provides the overarching planning framework for the borough. It contains a vision and strategy for each area of the borough. The vision for Aylesbury in the AAAP (CD 2 foreword page 3) states that the Council will use the guidance in the AAAP to work with stakeholders to achieve a phased redevelopment of the Aylesbury Estate which delivers 4,200 new homes over the 15 year life-time of the core strategy.
- 7.36 The target for new homes on the estate is reiterated in Core Strategy (CD 21) policy 5 (Providing new homes). The same policy indicates that residential density should generally be up to 700 habitable rooms per hectare. However it notes that within Core Areas (of which the Aylesbury estate is one), this density can be exceeded when developments are of an exemplary standard of design.
- 7.37 Core strategy policy 6 states that across the Aylesbury Action Area as a whole around 50% of homes should be affordable, of which 75% should be social rented and 25% intermediate. A mix of homes is required by Core Strategy policy 7, including provision of 30% of homes with three bedrooms or more in the AAAP area. The policy is aimed at ensuring a mixed community.

The Adopted Policies Map 2012

- 7.38 The Aylesbury Estate is designated as a Core Area on the Adopted Proposals Map (CD 20). As is noted above, this designation allows provision for the potential of a higher density, subject to high quality design. The Order Land falls within an allocated proposals site (AAAP P1) on the Adopted Policies Map. The allocation for the site is set out in the AAAP.

The Southwark Plan

- 7.39 The Southwark Plan (CD 23) was formally adopted by the Council in July 2007. The majority of policies were saved in 2010 and continue to be used. Some policies have since been superseded or supplemented by the Core Strategy and Aylesbury AAAP. In particular policies 4.1 (Density of residential development) and parts of 4.3 (Mix of dwellings) and 4.4 (Affordable Housing) have been replaced by Core Strategy and AAAP policies.

Aylesbury Area Action Plan (AAAP)

- 7.40 Detail of the adoption of the AAAP is set out at paragraph 1.5 of this Statement of Case. The AAAP was prepared by a multi-disciplinary team and adopted following a long period of consultation with residents and stakeholders in the wider community. A fuller description of the

consultation process can be found at paragraph 1.3 of and appendix 1 to the AAAP (CD 2). The policies in the AAAP reflect the overall aspiration for a balanced community where people would choose to live. These policies were supported by 82% of the residents who attended the final exhibition of the plans. The AAAP identified and labelled a number of sites for regeneration on the Estate and the site in which the Order Land is located was labelled Site 1b – 1c.

- 7.41 The AAAP provides a vision, objectives and detailed policies to guide the redevelopment of the estate. This emphasises the aim of providing around 4,200 new homes, with a mix of tenures and dwelling sizes. Policy MP1 states that development should be in general compliance with the masterplan. Policy MP2 states that proposals sites have been designated and that planning permission will be granted for proposals in accordance with the Adopted Proposals (now Policies) Map and appendix 5 of the AAAP. The adopted land allocation for sites which include the Order Land is for around 4,200 new homes (approximately one fifth of which are on the Order Land itself) with a mix of tenures and dwelling sizes, 4,000m² health and social care space, 2,500m² employment space, 1,150m² education and learning space, 500m² community space and 1,750m² of retail space.
- 7.42 The AAAP is intended to provide greater certainty for developers and the community as to what form of development would be acceptable. The AAAP has been subjected to extensive public consultation, and an Examination in Public. After being found to be sound, and adopted by the Council (with modifications), it provides clear and up to date guidance, and is in itself in conformity with the strategic policies of the London Plan.

Community Infrastructure Levy

- 7.43 The Council is also in the process of preparing a Community Infrastructure Levy (“CIL”). The examination hearing on the Council’s proposals took place on 29 – 30 July 2014 and interim findings have been forwarded to the Council by the examiner. The Council proposes to consult on some alterations in late 2014 with a view to adopting its CIL by April 2015.

National Planning Policy Framework 2012

- 7.44 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and encourages Local Planning Authorities to approach decision making in a positive way and seek solutions to enable appropriate sustainable development to be brought forward.
- 7.45 The NPPF sets out guidance on delivering a wide choice of high quality homes. This includes guidance for local authorities to use their evidence base to ensure their local plan meets the full, objectively assessed needs for market and affordable housing, including identifying the size, type, tenure and range of housing that is required in particular locations.

- 7.46 The NPPF also sets out national guidance on decision-taking including setting out that the planning system is plan-led and that in assessing applications, local authorities should apply the presumption in favour of sustainable development.

National Planning Practice Guidance

- 7.47 The National Planning Practice Guidance (NPPG) provides further information on implementing the guidance in the NPPF. This includes guidance on the importance of good design, determining planning applications, and housing.

Policy Conclusions

- 7.48 Together, the London Plan, the Core Strategy, relevant saved Southwark Plan policies, the Adopted Policies Map and the AAAP comprise Southwark's Development Plan. The NPPF and NPPG provide the national guidance. Southwark's development plan is consistent with the aspirations and policies in this national guidance.
- 7.49 Consistent with Section 38 (6) of the 2004 Act, planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is therefore considered that any development which comes forward and conforms with the requirements of these documents (or can provide clearly argued justifications for any deviations) will have a high degree of certainty of achieving planning permission and a low risk of a potential challenge to any positive decision.
- 7.50 The Council believes that, following detailed review of the Scheme to be brought forward by Notting Hill, the proposals for the Order Land are materially in accordance with these policies and the development plan as a whole. It is very unlikely that there is a planning impediment to the delivery of the Scheme.

8 IMPLEMENTATION AND FUNDING OF THE SCHEME

Delivery

- 8.1 The Council is confident that the selection of Notting Hill for the development of the Order Land will ensure that the Scheme is delivered within proposed timescales.
- 8.2 Notting Hill has an established track record of constructing, maintaining and managing homes for Londoners since its formation in 1963. At 31 March 2014 Notting Hill managed 28,418 homes, of which over 28,000 are located in London.

- 8.3 Notting Hill's programme of developing new homes is one of the largest amongst affordable housing providers in London. In the year to 31 March 2014, 676 newly built homes were completed and 249 were refurbished. During the year, 2,216 plots were acquired for development, and construction works commenced on 1,412 new homes.
- 8.4 Notting Hill has to date committed £2.5m in progressing its proposals for the redevelopment of the Order Land, applying for planning approval and seeking the diversion of utilities (telecommunications, electricity, gas, water) currently serving the Order Land. Further funds are committed to enable the redevelopment to proceed once vacant possession has been obtained.
- 8.5 A detailed planning application seeking approval for the demolition of the existing buildings on the Order Land and the construction of new homes, public realm and non-residential space was submitted by Notting Hill to the London Borough of Southwark on 10 October 2014.
- 8.6 Notting Hill is confident that the construction of the new development on the Order Land can be implemented once planning approval and vacant possession is secured.
- 8.7 The DPA provides the contractual commitment whereby Notting Hill will deliver the Regeneration. This is set out in broad terms in the Objectives in the DPA (CD 4 at clause 2) and the minimum requirements in Schedule 3, with the mechanism for delivery being set out in clauses 4 and 5.

Funding

- 8.8 Funding for the redevelopment of the Order Land is in place. Notting Hill has net assets of £1.8bn financed by loans, and £468m of reserves built from a history of strong financial performance. For the year ending 31 March 2014 Notting Hill made a surplus of £66m from turnover of £229m with an operating margin of £29%.
- 8.9 The market value of Notting Hill's housing assets is estimated at £4.2bn. The Notting Hill Group has in place at the current time loan facilities totalling £1.7bn, of which £447m is unutilised and available for drawing. Group cash held as either cash in bank or on deposit totals £33m, meaning that immediately available liquidity (within 48 hours) equals £480m.
- 8.10 The strength and robustness of Notting Hill's financial standing is demonstrated by its external credit rating. Notting Hill is rated by Moody's Investor Services as A2. Furthermore, Notting Hill retains a significant number of financially unencumbered properties, underpinning the ability to secure funding for its development pipeline and growth aspirations.
- 8.11 Notting Hill has been allocated in excess of £59m grant funding in the 2015-18 GLA affordable housing funding programme. Some of this funding will contribute to the capital cost of providing new homes on the Order Land.

8.12 In addition the Council has already made provision in its current five year housing investment programme of £76.7m. This means that the Council has sufficient funds for site assembly on the Order Land and phase 2 of the Regeneration (as set out in the AAAP). This includes budgeted demolition costs for the Order Land and phase 2 of £9.2m and £13m respectively.

Construction

8.13 Notting Hill has a framework of contractors, established in 2013 by a selection process compliant with EU procurement regulations. By virtue of their experience and commercial capacity, thirteen contractors on this framework are regarded as capable of undertaking the construction work on the Order Land. A competitive process, supervised by Notting Hill's consultant surveyors, will be employed to select which of these contractors will be employed to redevelop the site.

9 HUMAN RIGHTS CONSIDERATIONS

9.1 The Human Rights Act 1998 ("the **1998 Act**") incorporates into domestic law the European Convention on Human Rights ("the **Convention**").

9.2 A compulsory purchase order will only be made and confirmed where there is a compelling case in the public interest (paragraph 17 of the Circular). In making this Compulsory Purchase Order (and any associated decisions) the Council has duly considered the human rights of the property owners of the Order Land.

9.3 The purpose for which the Order is to be made must also be sufficient to justify and outweigh any interference by the Council with the human rights of those with an interest in the land affected (Section 6 of the 1998 Act). In the Council's view the Order engages certain human rights under the 1998 Act. The term 'engage' simply means that human rights may be affected or relevant matters for consideration.

9.4 In the case of the Order a number of rights are potentially engaged and the Council has given these matters due consideration, namely:

- Article 6 : Right to a fair trial/hearing – in the determination of an individual's civil rights Article 6 gives an entitlement to "a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The process of making and confirming the Order engages these rights.
- Article 8 : The right to respect for private and family life – the Aylesbury AAP proposes to demolish and regenerate the Aylesbury Estate. The Scheme would result in demolition and redevelopment of the Order Land leading to the re-provision of new homes and the relocation and potential loss of some others; and

- Article 1, Protocol 1 : Protection of Property – Article 1 protects the right of individuals to the peaceful enjoyment of possessions. No individual can be deprived of his/her possessions except in the public interest and subject to the relevant national and international law. The Council recognises the potential for interference with individuals’ right to peaceful enjoyment of existing and future homes upon the confirmation and implementation of the Order.

9.5 Notably, not all human rights operate in the same way. Few rights are absolute and thus cannot be interfered with under any circumstances. Other ‘qualified’ rights, including the aforementioned Article 6, Article 8 and Protocol 1 rights, can lawfully be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in seeking to bring about regeneration in the public interest against potential interference with individual human rights. It is acceptable for the Council in making the Order and the Secretary of State in confirming it to strike a balance between the legitimate aim of regeneration for the benefit of the community as a whole against potential interference with some individual rights.

9.6 The Council believes that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would be necessary, proportionate and would strike an appropriate balance between public and private interests. The Council is of the view that the Order would be lawful, in the public interest, necessary and proportionate.

10 OBJECTIONS AND THE COUNCIL’S RESPONSE

10.1 Four objections have been received in respect of the Order. The grounds of the objection raised by each objector are summarised in the table below, together with, in each case, the Council’s summary response. The Council will amplify these responses, as appropriate, in the evidence given at the Inquiry.

10.2 The Council has sought to categorise the objections under various grounds as set out in column 1 of the table below. The Council currently proposes to call witnesses to address each of the grounds of objection raised.

10.3 The Council is proposing to call witnesses to provide evidence in support of the contents of this Statement and in response to the objections made to the Order and reserves the right to call rebuttal evidence.

10.4 The Council does not consider that the issues raised in the objections materially affect or undermine the compelling case in the public interest for confirmation of the Order.

Objector ID	Summary of Objection	Council's Response
<u>STATUTORY OBJECTIONS</u>		
1. Aylesbury Leaseholder's Action Group (comprising 8 or possibly 9 leaseholders of Bradenham, Chiltern and Chartridge)	1. Objectors are happy with existing dwellings which are built to the Parker Morris standard +10% and which have approximately 100yrs left to run on their lease.	As set out in the AAAP all proposed new units will be built as a minimum to Parker Morris space standard +10% for the social rented units; Parker Morris standard +5% for the intermediate units; Parker Morris standard for the private; or, for each tenure, the current Southwark borough-wide standard, whichever is the greatest.
	2. Give consideration to refurbishment instead.	<p>The option to refurbish was considered but the Council decided in favour of the demolition and development option. As set out in the AAAP, this decision was made on the basis of:</p> <ul style="list-style-type: none"> • The structural position of the estate buildings • The quality of the existing environment, which goes against good urban design principles and many elements of its layout, such as raised walkways, contribute to crime and safety issues • The costs of refurbishment to deliver sustained and visible improvement beyond basic standards. <p>In his report following the public inquiry into the CPO for site 7 on the Aylesbury Estate, (CD 11) the planning Inspector found (at paragraph 26) that the buildings on the estate were beyond economic repair and even if they were repaired and refurbished they would retain their appearance and they would remain in conflict with modern building standards. Paragraph 8 of the Secretary of State's decision letter agreed with the Inspector's conclusions and the Secretary of State decided to confirm that CPO.</p>
	3. Right to return is required	<p>The option to return for leaseholders is not an offer that the Council has made on any of its big regeneration schemes in the past and the Council has been consistent with that policy in respect of the Aylesbury estate. Option to return offers have been made on other regeneration schemes (Wooddene, Elmington) but only in respect of tenants, not leaseholders.</p> <p>Policy dictates that qualifying resident home owners should be prioritised for low cost home ownership schemes in the newly developed units but that this will be dependent on what is available at the time.</p> <p>Leaseholders from the Order Land were given an opportunity to view properties on the first site to be developed, site 1a, and to apply for Low cost home ownership schemes, but decided not to pursue these.</p>
	4. Re-housing options are unclear	There are three main options for home owners to consider, depending on their circumstances. These are: 1) Purchasing a replacement property on the open market, 2) Purchasing a replacement property through a low cost home ownership scheme with a registered provider, 3) Seeking re-housing assistance from the Council and eventually

		<p>becoming a full/shared owner or tenant of a Council property.</p> <p>Live-phase regeneration home owners are invited to make a re-housing assistance application to the Council's home ownership service. The scheme is conditional on full disclosure by applicants of their financial circumstances.</p> <p>The purpose of the financial assessment is to determine which category of assistance a home owner may qualify for. The assessment determines whether they can afford to remain in home ownership either privately or remain in home ownership as a shared or full owner with the Council as landlord, or whether a reversion to a Council tenancy is appropriate.</p> <p>The Council keeps detailed records of contact made with home owners and can demonstrate that we have made every effort to engage with each of them and have fully encouraged them to make rehousing assistance applications. This ranges from us staffing a leaseholder drop-in service two days per week at the local housing office as well as letter and information drops to the properties themselves. The nine objector leaseholders are not among our list of frequent visitors to the drop-in service</p> <p>The Council has provided all leaseholders on the site with a booklet explaining and setting out the detailed rehousing process, and options available, to all resident leaseholders. A copy of the guide is found at CD 16.</p>
	<p>5. No consideration of social cost of breaking up community</p>	<p>An Equalities Impact Assessment was carried out as part of the AAP. While this did not assess all of the groups with protected characteristics identified under the 2010 Equalities Act, the outcomes of that assessment are still valid and demonstrate that the overwhelming impact on local people will be positive from the redevelopment.</p> <p>In taking the decision to phase the redevelopment the Council is seeking to maintain as much as possible the existing community and the social networks that exist within it. Where possible groups of tenants may be re-housed close to one another and priority is given to tenants to express an interest in new developments where numerous properties are available.</p> <p>Furthermore, Council-assisted re-housing enables those home owners that apply, engage and qualify to choose where in the borough they would like to live. One home owner from site 7 moved less than half a mile away from their Aylesbury home through the Council's choice based lettings scheme, enabling them to maintain their links to healthcare services and their church.</p> <p>Three leaseholder households from site 7 have also moved to site 1a and others have moved to properties nearby.</p>
	<p>6. No details in SoR in respect of cost of CPO and how it will be funded.</p>	<p>The DPA includes provisions for Notting Hill to make a fixed price payment for the first development site, payable in instalments as the site is developed.</p>

	<p>Need information about viability of scheme.</p>	<p>The Council will have overall responsibility for land assembly and the delivery of vacant possession of the development sites throughout the agreement.</p> <p>On the first development site this also includes the obligation on the Council to bear the cost of the demolition of the existing blocks to top of slab level.</p>
	<p>7./ 8. There is no need for Council's scheme. The Council hasn't taken into consideration the Levitt Bernstein options appraisal.</p>	<p>The options appraisal referred to is included in the 2004 report (Briefing Report on Structural Robustness of 5 and 6 storey Jespersen blocks by Alan Conisbee and Associates, BPTW partnership and Levitt Bernstein Architects) (CD 25).</p> <p>The considerations and recommendations supporting these reports contributed to the Council's decision making process. Other considerations also fed into this process, which finally led to the Council's decision to redevelop the entire estate, as set out in the 2005 Executive report (CD 8).</p> <p>In the CPO Inspector's Report (CD 11 paragraph 25) the inspector confirmed that the AAAP policy document is an adopted part of the Development Plan and sets out a strategy for the wholesale regeneration of the estate. The inspector also noted that the buildings on the estate were beyond economic repair (paragraph 26). He confirmed that the structural condition of the blocks was well documented and noted their environmental inadequacies.</p>
	<p>9. Condition of properties is due to the Council's lack of investment. Properties acquired by the Council have been secured but left in a derelict manner which causes blight and adds to the Council's justification for a CPO.</p>	<p>There is an on-going maintenance, repair and replacement programme for all the dwellings on the estate, which is managed by the Council. All dwellings are kept to basic dwelling standards,.</p> <p>Some of the vacated properties have been put to use by the Council as temporary accommodation where viable to do so, but where not viable they have been secured.</p> <p>There is a balance to be struck between maintaining the dwellings to a reasonable standard and carrying out major works of repair (for which Leaseholders will be liable to pay through the terms of their leases).</p>
	<p>10. The Council has failed to comply with paragraph 17 of Circular 06/2004 in terms of human rights and doesn't address Articles 1 and 8.</p>	<p>Paragraph 9.4 of the Council's Statement of Case specifically addresses the Article 1 and Article 8 rights that are enjoyed by the property owners and finds in paragraph 9.6 that the "Council believes that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would be necessary, proportionate and would strike an appropriate balance between public and private interests."</p> <p>Paragraph 4.2 of this Statement of Case states that "in 1999 local residents started lobbying the Council to regenerate the Estate".</p>

	Doesn't address issue of proportionality of making CPO and doesn't make out case for CPO being in the public interest.	<p>Paragraph 4.3 goes on to state that redevelopment of the Order Land has cross-party political support and is a pan London priority for the GLA. The Council believes that it has carefully considered the balance to be struck between the effect of the acquisition on individual rights and the wider public interest in the redevelopment of the Order Land.</p> <p>In the CPO Inspector's Report (CD 11) the Inspector stated that there was a more than compelling case for confirmation of the Order in that case (paragraph 29). He accepted that the planned development of the Order Lands would improve the economic, social and environmental well being of residents in the borough, would be in accordance with the AAAP and with the development plan and would be in accordance with sustainability principles set out in the NPPF (paragraph 28 & 29). The current order is based on a scheme which is similarly in line with the AAAP and development plan and offers similar, indeed enhanced benefits, including community facilities to be built on the Order Land and the additional community benefits secured through the DPA.</p>
	11. The CPO is oppressive and vulnerable to legal challenge.	This is not accepted.
Objector ID	Summary of Objection	Council's Response
<u>2. Mrs Judith Bos (leaseholder in Chartridge)</u>	1. No attempt to negotiate by Council.	The Council has been in negotiation with Ms Bos for a number of years and terms were agreed in 2012 but Ms Bos decided not to proceed. Furthermore the Council has been waiting to hear from the objector's surveyor since 16 June 2014 and has had no response.
	2. CPO could have been avoided.	In light of the Council being unable to acquire the property by agreement it had to proceed with making the CPO.
	3. No attempt to discuss personal circumstances of objector and no mitigation discussed.	<p>The Council will pay the statutory entitlement under the compensation code which includes:-</p> <ol style="list-style-type: none"> 1. market value of land taken 2. basic loss 3. reasonable incidental costs of acquiring a replacement property within 12 months of the Council's acquisition of the property 4. reasonable legal and surveyor's fees.
	4. Proposed scheme will not enhance social environment and no evidence to indicate effect of the scheme on residents.	<p>The proposed scheme includes complete redesign of the physical environment, includes high quality public realm, streets and squares, public parks, play areas and youth recreation areas.</p> <p>The streets have been designed to offer safety, with clear sightlines, windows from habitable rooms onto the street level optimise passive supervision, and a maximum number of front doors to dwellings, to encourage footfall and activity on the street.</p> <p>The street design will promote cycling, and pedestrian movement through the development, extending links with wider networks in the borough and facilitating access to existing public amenities such</p>

		<p>Burgess Park and Surrey Square Park.</p> <p>There are a number of new community facilities proposed across the development including an Employment and Training space, all in line with the AAAP.</p> <p>As part of the development agreement, the development partner has committed to a programme of training, and apprenticeship opportunities as well as the provision of job opportunities in a range of skilled and professional sectors; all these will be prioritised for local residents.</p> <p>In the CPO Inspector's Report (CD 11) at paragraph 28 the inspector confirmed that the rolling programme of redevelopment is essential to the success of the overall strategy set out in the AAAP.</p>
	5. Development is dense and exceeds GLA thresholds.	The proposal for the new development is in line with the AAAP density bands, which in turn is in line with the National and London Plan policies.
	6. Transport Infrastructure has not been considered by the development plans.	<p>The proposal accommodates a transport infrastructure strategy, which includes:</p> <ul style="list-style-type: none"> • provision of existing bus routes and potential extended bus routes. • provision for cyclists, in terms of the street design and connection with existing and proposed cycle routes and proposed Quiet Ways • provision for car club spaces and Mayor's Cycle Hire stands
	7. Delay in bringing scheme forward has resulted in blight.	Confirmation of the Order will be of benefit as it will enable regeneration to proceed and end the uncertainty.
	8. Scheme will have negative impact on schools, education and health and no regard has been had.	<p>Two rebuilt schools and one new school have been delivered ahead of the housing development; this provision , was planned in line with anticipated population growth of the redevelopment, set out in the AAAP.</p> <p>As part of the redevelopment, and in line with the AAAP, a new health facility will be delivered. This will replace the existing Aylesbury Medical Centre and the existing Health Centre (located in Taplow). The new facility will meet the anticipated catchment area and numbers and will provide a range of the health services.</p>
	9. Other options haven't been explored by the Council.	<p>A range of options were considered as part of the process of development of the Aylesbury AAAP. These options were developed over several stages and the local community was consulted at each stage. This consultation process enabled the community to help shape the plan from the outset and led to the final version of the AAAP. The AAAP was adopted by the Council, with public support, in 2010 as the policy framework for the future of the area.</p> <p>An Equalities Impact Assessment was carried out as part of the AAAP.</p>

		<p>While this did not assess all of the groups with protected characteristics identified under the 2010 Equalities Act, the outcomes of that assessment are still valid and demonstrate that the overwhelming impact on local people will be positive from the redevelopment.</p> <p>The proposals that are now being delivered are in line with the AAAP.</p>
	10. Breach of Article 1 in respect of human rights and therefore at odds with paragraphs 17 and 19 of Circular 06/2004.	<p>Please see the response to objection 10 by ALAG above.</p> <p>The Council's Statement of Case states in paragraphs 8.8 – 8.12 that the Council's development partner Notting Hill has provided confirmation regarding funding sources and availability and the Council is therefore confident that there is no conflict with paragraph 19 of Circular 06/2004 as the resources necessary to make the development possible have been identified to the Council. The planning application in respect of the Order Land, which is in conformity with the AAAP will be submitted by the end of September following much pre-application discussion and therefore there is no risk of the Council not knowing how it intends to use the land, in accordance with the requirements in paragraph 19.</p>
	11. Breach of Article 8 of the First Protocol of Human Rights.	Please see the response to objection 10 by ALAG above.
<u>Objector ID</u>	<u>Summary of Objection</u>	<u>Council's response</u>
<u>3. Ms Rita Enuechie (leaseholder in Chartridge)</u>	The objection can be summarised as an explanation of the objector's personal circumstances, which are confidential in nature. The objector summarises the current position regarding the objector's application for re-housing assistance which has been, to date, unsuccessful.	<p>The Council does not agree with the position as put forward by the objector.</p> <p>The Council can and will put forward further evidence on this point at the public inquiry if required. However the Council has, prior to receipt of the objector's letter to DCLG, agreed to re-open the objector's case to give her a further opportunity to provide outstanding information in support of her application for re-housing assistance. It is therefore likely that the position may have changed between the date of this Statement of Case and the date of the Public Inquiry.</p>

NON-STATUTORY OBJECTIONS		
<u>Objector ID</u>	Summary of Objection	Council's response
4. Paul Palley – leaseholder of 74 Wendover (a property on the Estate but not part of the Order Land)	Mr Palley's objections are lengthy and detailed and in some cases difficult to summarise. A copy of the objections has been annexed as CD 26	The Council's response to Mr Palley's objections has been added to the objections as attached.

11 ADDITIONAL INFORMATION

- 11.1 Additional information about the regeneration of the Aylesbury Estate as it progresses is available on www.southwark.gov.uk
- 11.2 A copy of the Order, the Order Map and this Statement of Case and supporting documents can be inspected at the Council's offices at 160 Tooley Street, London SE1 2QH between 9.30am and 5pm, Mondays to Fridays (excluding bank holidays).
- 11.3 Persons requiring information about the Scheme should contact

Aylesbury Regeneration Team
Southwark Council
PO Box 64529
London SE1P 5LX
Tel :020 7525 4817
Mob: 07904 056 604
Email: aylesburyteam@southwark.gov.uk

12 LIST OF DOCUMENTS FOR THE INQUIRY

- CD1 Cabinet Report & Minutes 18 March 2014 (re making of CPO)
- CD2 AAAP
- CD3 AAAP Inspector's Report
- CD4 Redacted DPA
- CD5 Location Plan
- CD5A Land Registry Plan showing open space land
- CD6 Advert placed in OJEU
- CD7 Cabinet Report & Minutes 28 January 2014
- CD8 Executive Report & Minutes 27 September 2005
- CD9 GLA Press release
- CD10 Executive Report & Minutes 9 February 2010
- CD11 Site 7 Order, CPO Inspector's Report and Decision Letter
- CD12 Statement of Community Involvement
- CD13 Executive Report & Minutes 26 September 2006
- CD14 Cabinet Report & Minutes 14 December 2010
- CD15 Cabinet Report & Minutes 18 March 2014 (re shared equity)
- CD16 Leaseholder guides
- CD17 Map showing NHHT alternative housing sites
- CD18 Council Tenant's Guide
- CD19 Planning Application – Design & Access Statement
- CD20 Adopted Policies Map
- CD21 Core Strategy 2011
- CD22 London Plan (2011 and 2013)
- CD23 Southwark Plan 2007 – saved policies
- CD24 Southwark Residential Design Standards SPD 2011
- CD25 2004 Conisbee Report
- CD26 Paul Palley response