

35% Campaign  
[www.35percent.org](http://www.35percent.org)

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 B1\*\*\*\*\*  
 London  
 SE1\* \*\*\*

Dear Sir/Madam,

**Corporate Complaint – failure of the Council to properly monitor Section 106 requirements for social rented housing**

We wish to complain that Southwark Council is failing in its duty to ensure that new housing developments comply with the terms and conditions of their Section 106 agreements.

Our complaint is:

- that affordable rented housing is being provided by developers instead of social rented housing, contrary to the permissions approved by the planning committee;
- that the Council has acquiesced in this and taken no effective action to remedy the situation when an instance of this bad practice had been brought to its attention;
- that the Council has made little or no effort to ensure that the social rented housing was provided in these and in all other similar cases;
- that the Council has not put into place any adequate monitoring arrangements to prevent this bad practice in the future;
- that the Council's wilful inaction is encouraging this bad practice to continue;
- that the Council's failure deprives Southwark residents of much needed social rented housing, replacing it with a tenure that is more expensive to rent;
- that the Council is wilfully ignoring a practice that substitutes for social rented housing a housing tenure that is not allowed by the saved Southwark Plan policies, the Core Policy or the draft New Southwark Plan, where it is specifically rejected on the grounds that it does not meet Southwark residents' housing needs (New Southwark Plan Oct 2015 DM2).

We append the relevant definitions of social rented and affordable rent to our complaint.

We are moved to make this complaint for the following reasons:

- 1 an instance of social rented housing being replaced by affordable rent at a major development delivered under the Bermondsey Spa regeneration;
- 2 the Council's acknowledgement that it has not monitored the delivery of social rented housing as required by the S106 agreements on two large regeneration sites, Bermondsey Spa and Canada Water;
- 3 the failure of housing associations providing housing in the borough to reply to requests for information on the amount of social rented housing that there is in new developments;
- 4 evidence in the GLA Housing Dataset<sup>1</sup> that developments approved as social rent in Southwark have been provided as affordable rent.

<sup>1</sup> <http://data.london.gov.uk/dataset/gla-affordable-housing-programme-outturn/resource/0c87e5dc-f1e9-4edf-b246-bef6b40a9ba3>

We expand on these reasons below;

1 **10/AP/3010** BERMONDSEY SPA SITE C5 This application was made by Notting Hill Housing Trust, for the redevelopment of part of the Neckinger estate, as part of the Bermondsey Spa regeneration and was approved by planning committee On 21st December 2010. Permission allowed for the demolition of a number of Council homes and construction of 205 new homes, some commercial and community premises and associated works. Permission was granted on the basis that the new homes would provide 44 social rented units. This is confirmed by both the officer's report and the GLA planning report for the application. These units were not delivered and instead 44 affordable rent units were substituted for them, which had rents that were appreciably higher than social rent, at up to 63% of market rent. This substitution was confirmed by both the Council and Notting Hill Housing Trust (NHHT) during the course of the public inquiry into the Aylesbury Compulsory Purchase Order (May 2015).

(NB We note that the Council considers the matter resolved, partly through having secured a number of social rented units from Notting Hill Housing Trust at its Manor Place depot development (Council Assembly answer 7, Nov 25 2015; application ref 15/AP/1062). However, these units were required to meet the affordable housing quota for that site and therefore cannot be used to offset the shortfall at the Bermondsey Spa redevelopment; a net loss of social rented housing remains across the two sites).

2 On 16<sup>th</sup> October 2015 we emailed Mr Jack Ricketts, Southwark's S106 Monitoring & Compliance officer asking when the Bermondsey Spa and Canada Water regeneration schemes were last monitored for compliance with S106 conditions. After receiving no substantive answer we made two FOI requests to the Council (ref 576121, 576182) asking when it last monitored these schemes, to which it replied in each case *"Please not this has not been monitored"*.<sup>2</sup>

3 We have also made a number of unanswered FOI requests to several housing associations, asking if they were providing social rented units as required by the S106 agreements on specified new development. We list these, with the number of social rented units for each development here;

- **09/AP/1870** Canada Water regeneration sites A&B Affinity Sutton - 123 social rented homes
- **11/AP/0139** Silwood estate regeneration Notting Hill Housing - 22 social rented homes
- **04/AP/0102** Bermondsey Spa regeneration Hyde Housing - 202 social rented homes -
- **12/AP/0164** Bermondsey Spa regeneration Hyde Housing - 7 social rented homes
- **05/AP/2617** Bermondsey Spa regeneration Hyde Housing - 38 social rented homes
- **11/AP/0138 & 11/AP/4338** Neo Bankside off-site social housing provision agreement Family Mosaic - 22 social rented homes
- **10/AP/2429** Neo Bankside off-site social housing provision agreement Affinity Sutton - 9 social rented homes
- **10/AP/0663** Neo Bankside off-site social housing provision agreement Affinity Sutton - 4 social rented homes
- **10/AP/1860** Neo Bankside off-site social housing provision agreement Affinity Sutton - 23 social rented homes
- **10/AP/2725** Neo Bankside off-site social housing provision agreement Affinity Sutton - 17 social rented homes
- **09/AP/2388** Royal Rd Heygate replacement housing site Affinity Sutton - 76

<sup>2</sup> [https://www.whatdotheyknow.com/request/current\\_tenure\\_mix\\_bermondsey\\_sp#incoming-741212](https://www.whatdotheyknow.com/request/current_tenure_mix_bermondsey_sp#incoming-741212)  
[https://www.whatdotheyknow.com/request/canada\\_water\\_regeneration\\_sectio#incoming-741207](https://www.whatdotheyknow.com/request/canada_water_regeneration_sectio#incoming-741207)

- social rented homes
- **08/AP/2406** Albert Barnes House Heygate replacement housing site London & Quadrant - 18 social rented homes
- **08/AP/2409** Prospect House Heygate replacement housing site London & Quadrant - 15 social rented homes
- **08/AP/2411** Townsend Street Heygate replacement housing site London & Quadrant - 37 social rented homes
- **08/AP/2427** Library Street Heygate replacement housing site London & Quadrant - 21 social rented homes
- **08/AP/2440** Brandon Street Heygate replacement housing site London & Quadrant - 18 social rented homes

4. The [GLA dataset](#) for its Affordable Housing Programme outturn (AHP 2011-15), lists a number of developments that it confirms have been delivered as affordable rent, but which have been approved as social rent by Southwark in their respective planning consents:

- a) **Family Mosaic – 32 Crosby Row SE1 3PT (scheme ID: 569133)**  
Southwark's permission (11/AP/0140) approved 5 social rented units, but the GLA dataset shows that these have been delivered as affordable rent at between 40% and 57% of market rent.
- b) **Family Mosaic – 430 Old Kent rd SE1 5AG (scheme ID: 569135)**  
Southwark's permission (11/AP/0138) approved 22 social rented units, but the GLA dataset shows that these have been delivered at affordable rents of between 34% and 49% market rent.
- c) **Leicester Housing Association – Bermondsey Spa regen (scheme ID:570653)**  
Southwark's permission (11/AP/3251) approved 8 social rented units, but the GLA dataset shows that these have been delivered at affordable rents of between 39% and 52%.
- d) **London & Quadrant Group – 149 Rye Lane SE15 4ST (scheme ID: 570976)**  
Southwark's permission (06/AP/0995) approved 7 social rented units, but the GLA dataset shows that these have been delivered as affordable rents of between 74% and 78% market rent.
- e) **Leicester Housing Association – Crown St Depot (scheme ID: 606076)**  
Southwark's permission (13/AP/0561) approved 7 social rented units, but the GLA dataset shows that these have been delivered at affordable rents of 40% market rent.
- f) **A2Dominion Housing Association – 45-48 Lancaster St (scheme ID: 623651)**  
Southwark's permission (12/AP/1066) approved 19 social rented habitable rooms, but the GLA dataset shows that these have been delivered as affordable rent of between 30% and 59% market rent.

In light of the above we are given good reason to believe that the social rented housing levels approved by the planning committee has not have been provided on the above developments, contrary to both the intention of the Council as the local planning authority, as expressed through its planning committee decisions and the S106 agreements for these developments.

We also believe that this fault may extend to other similar developments, where approved social rented units have not been delivered. Further, while the Council would appear to have no formal mechanism for checking such delivery we do not believe it would be unaware of any such practice, given the close working relationships between the Council and approved housing associations, needed to

provide affordable housing in the borough.

We ask the Council to take the following steps to remedy this situation:

- a borough-wide audit of all schemes where social rented housing has been secured at planning committee, to ensure compliance with S106 tenure conditions;
- through such an audit an examination of the actual cash rents being charged as a means to ensure that when a provider claims it is providing social rent, it is truly social rent. This is needed because of the growing tendency of providers and the Council to conflate the terms social rent, affordable rent and target rent;
- that the developer/housing association is required to restore social rented housing to any development where it has not been delivered, contrary to the planning consent and that the Council take all available and necessary means to achieve this;
- that any housing associations that is found to have failed to deliver social rented housing, or substituted it with affordable rent, contrary to the Council's express policy and any S106 agreement is removed from the Council's list of approved housing associations;
- that a condition of remaining on the Council's list of approved housing associations is that associations are fully transparent about the tenures, rents and service charges that they charge and that they respond to public enquiries according to the requirements of the Freedom of Information Act and Environmental Information Regulations.

We believe that this complaint addresses a serious matter that could have an extensive impact on many people in the borough, not least those in desperate need of a truly affordable, decent home. It may also have ramifications for the way in which the Council manages its own resources, including public land, and the use of accurate information in the development of future policy. We therefore look forward to a full reply within the timescales of the Council's complaints policy.

Yours sincerely

Jerry Flynn

(on behalf of the Elephant Amenity Network/35percent campaign)

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## APPENDIX

## Fact box: Affordable and private housing

Private (or market) housing is available to either buy or rent privately on the open market.

The National Planning Policy Framework sets out that there are three types of affordable housing:

1. Social Rented Housing is housing that is available to rent either from the council, a housing association (known as Registered Providers) or other affordable housing providers for which guideline target rents are determined at a national level.
2. Affordable rented housing is similar to social rented housing but affordable rent is subject to rent controls that require a rent of up to 80% of the local market rent.
3. Intermediate affordable housing is housing at prices and rents above those of social/affordable rented but below private housing prices or rents. It can include part buy/part rent, key worker housing and intermediate rent housing.

Source: New Southwark Plan, Options Version, Draft Policies and Area Visions, Oct 2014

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## **Section 106 planning conditions - breaches identified in tenure provision**

The following is a list of developments that the 35% Campaign has identified as having breached planning conditions, primarily by the substitution of social rent for affordable rent (i.e. up to 80% market rent). The list has been compiled as a result of cross checking planning committee reports, section 106 agreements, Land Registry information and the GLA affordable housing outturn dataset<sup>1</sup> (1/4/2011 – 31/3/2014).

It is widely acknowledged that the Mayor, the government and many housing associations now favour the provision of affordable over social rent - there is more funding for it and it creates greater revenue streams for providers. Southwark has consistently opposed the provision of affordable rent on the basis that it is not affordable for the majority of the borough's residents and its planning policy is unambiguous in its requirement for social rather than affordable rent.

However, the following list of identified breaches in tenure provision causes concern that the Council is opposed to affordable rent only in appearance - not in practice. The list is by no means exhaustive and we are calling for a full audit in order to establish the full scale, of what we believe to be a systemic monitoring and compliance failure on behalf of the local planning authority.

1. **Family Mosaic – 32 Crosby Row SE1 3PT (scheme ID: 569133)**  
Southwark's planning committee report (11/AP/0140) approved 5 social rented units, but the GLA dataset shows that these have been delivered as affordable rent at between 40% and 57% of market rent.
2. **Family Mosaic – 430 Old Kent rd SE1 5AG (scheme ID: 569135)**  
Southwark's planning committee report (11/AP/0138) approved 22 social rented units, but the GLA dataset shows that these have been delivered at affordable rents of between 34% and 49% market rent.
3. **Leicester Housing Association – Bermondsey Spa regen (scheme ID:570653)**  
Southwark's planning committee report (11/AP/3251) approved 8 social rented units, but the GLA dataset shows that these have been delivered at affordable rents of between 39% and 52%.
4. **London & Quadrant Group – 149 Rye Lane SE15 4ST (scheme ID: 570976)**  
Southwark's planning committee report (06/AP/0995) approved 7 social rented units, but the GLA dataset shows that these have been delivered as affordable rents of between 74% and 78% market rent.
5. **Leicester Housing Association – Crown St Depot (scheme ID: 606076)**  
Southwark's [planning committee report](#) promised that 7 of these 69 new homes would be social rented, but the GLA affordable housing outturn data shows these as affordable rent at 40% market rent. Paragraph 74 of the planning committee report also asserted that the developer would refurbish and extend the neighbouring council-owned Bethwyn Road Playgroup Centre. However, these refurbishment and extension works have not been undertaken.
6. **A2Dominion Housing Association – 45-48 Lancaster St (scheme ID: 623651)**  
Southwark's planning committee report (12/AP/1066) approved 19 social rented habitable rooms, but the GLA dataset shows that these have been delivered as affordable rent of

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<sup>1</sup><http://data.london.gov.uk/dataset/gla-affordable-housing-programme-outturn/resource/0c87e5dc-f1e9-4edf-b246-bef6b40a9ba3>

between 30% and 59% market rent.

7. **Guinness Trust - Stead St early housing development (12/AP/1455)**  
This was supposed to be a replacement housing development for decanted residents of the Heygate estate. The officers report describes a policy compliant application with the requisite quota of social rented units (84). However, the [section 106 agreement](#) describes these as 'affordable rent' and these are also listed in the GLA outturn data as affordable rent.
8. **Aylesbury estate regeneration Site 7 (12/AP/2332)**  
The planning committee report said that this application for 147 new homes was policy compliant and would provide a policy-compliant number of social rented homes (49). However, the section 106 agreement defines social rent in affordable rented terms.
9. **34-42 Grange Road, Family Mosaic (11/AP/3251) - 8 social rented homes**  
Again the planning committee report says social rented and the definition of 'social rented' in the section 106 agreement is worded in terms of affordable rent. The GLA data shows these have been provided at affordable rent.
10. **Abbey St - former TA building (12/AP/3127) Notting Hill Housing Trust**  
The planning committee report approved 5 social rented and 4 affordable rented homes in this 51 unit redevelopment of the former Territorial army building on Abbey Street. GLA data shows that all units have been delivered under the tenure of affordable rent.
11. **Rolls Rd/Coopers Rd - (12/AP/3201), Peabody**  
The [planning committee report](#) confirms that of the 47 new homes in this development, 9 should be social rent and 2 let at affordable rent. The GLA data shows that the 9 'social rented' units are being let as affordable rent at 37% market rent.
12. **177-184 Grange Rd - (11/AP/1390), Leicester (ASRA) Housing Association**  
The [planning committee report](#) for this redevelopment of existing buildings providing 38 new homes, says that it was supposed to provide 9 social rented units. The GLA data shows that these have been delivered as affordable rent at up to 52% market rent.
13. **6 Pages Walk, SE1 4SB (12/AP/2702)**  
The planning committee report said that 12 of these 82 new homes consented would be social rented. However, again the definition of 'social rented' in the section 106 agreement is worded in affordable rent terms.
14. **27-29 Blue Anchor Lane Bermondsey (12/AP/4049)**  
The planning committee report said that of the new homes, 6 would be social rented. However, again the definition of 'social rented' in the section 106 agreement enables affordable rent.
15. **BERMONDSEY SPA SITE C5 (10/AP/3010)**  
This application was made by Notting Hill Housing Trust, for the redevelopment of part of the Neckinger estate, as part of the Bermondsey Spa regeneration and was approved by planning committee On 21st December 2010. Permission allowed for the demolition of a number of Council homes and construction of 205 new homes, some commercial and community premises and associated works. Permission was granted on the basis that the new homes would provide 44 social rented units. This is confirmed by both the officer's report and the GLA planning report for the application. These units were not delivered and instead 44 affordable rent units were substituted for them, which had rents that were appreciably higher than social rent, at up to 63% of market rent. (NB We note that the Council considers the matter resolved, partly through having secured a number of social rented units from Notting Hill Housing Trust at its Manor Place depot development (Council Assembly answer 7, Nov 25 2015; application (ref 15/AP/1062). However, these units were required to meet the affordable housing quota for

that site and therefore cannot be used to offset the shortfall at the Bermondsey Spa redevelopment; a net loss of social rented housing remains across the two sites).

16. **Canada Water regeneration sites A&B (09/AP/1870) - Affinity Sutton**  
The [planning committee report](#) for the planning application behind this development, said that it would provide 123 **social rented** homes. However again the [section 106 legal agreement](#) describes these in terms of '**affordable rent**' (i.e. up to 80% market rent).
17. **Canada Water Site C (12/AP/4126)**  
Notting Hill Housing Association was [granted planning permission](#) for 1,046 units of which just 34 would be social rented. Despite the planning committee report clearly stating 'social rented', when it came to drafting the s106 agreement Notting Hill omitted the 'social' from 'social rented', consequently leaving the door open to interpretation as affordable rented. Indeed, in its [press release](#) and [web page](#) for the scheme, Notting Hill describes all rented units as 'affordable rent'.
18. **Canada Water Site E - Mulberry Business Park (13/AP/1429)**  
The [planning committee report](#) confirms that developer Galliard homes submitted a financial viability assessment claiming that it couldn't provide the required 35% affordable housing and could only afford to provide 23 social rented units in total. However, again the [section 106 agreement](#) signed in relation to the planning permission says that rent levels for the 23 social rented units are to be determined by the Homes and Communities Agency's formula for 'affordable rent' (i.e. up to 80% market rent).
19. **Neo Bankside development (06/AP/1481)**  
According to the planning officer's [report](#) for the planning application, this would provide off-site affordable housing comprising 130 homes of which 94 would be social rented. However planning documents show that just 62 social rented homes have been provided. Furthermore, the officer's report and section 106 agreement asserted that the off-site social rented units were to be fully funded by Neo Bankside without the need for any supplemental grant funding. However, GLA records show that the following Neo Bankside off-site provision sites did indeed receive grant funding (and for affordable rent - not social rent):
20. **10/AP/2429**  
Neo Bankside off-site social housing provision agreement Affinity Sutton - 9 social rented homes
21. **10/AP/0663**  
Neo Bankside off-site social housing provision agreement Affinity Sutton - 4 social rented homes
22. **10/AP/1860**  
Neo Bankside off-site social housing provision agreement Affinity Sutton - 23 social rented homes
23. **10/AP/2725**  
Neo Bankside off-site social housing provision agreement Affinity Sutton - 17 social rented homes
24. **11/AP/0138 & 11/AP/4338**  
Neo Bankside off-site social housing provision agreement Family Mosaic - 22 social rented homes
25. **Silwood estate regeneration Site 4B (11/AP/0139)**  
Notting Hill Housing - 22 social rented homes. The the definition of social rented in the section 106 agreement is worded as affordable rent and these are showing up in GLA funding records as having been provided as affordable rent. In addition, the CORE lettings data system is showing only 19 social rented units currently let at this site.



26. **Bermondsey Spa Regeneration (04/AP/0102)**  
Hyde Housing was granted outline planning for 605 homes in 2005, 202 of which should have been social rented. The outline planning consent was for a number of sites (E-U) that would come forward in reserved matters in a period spanning nearly 10 years. Several of the latter phases are showing up in the GLA data as affordable rent rather than social rent. Hyde Housing has also been advertising<sup>2</sup> units on this site to rent at £1800 per month (intermediate rather than social rent).
27. **166-178 Camberwell road, SE5. (14/AP/0175)**  
84 units of which planning committee report said 10 would be social rented. These are listed by the Housing Association (A2Dominion) in its [press release](#) as affordable rent.
28. **20-30 Wilds Rents (Sadlers Yard) SE1 (11/AP/0217)**  
The [planning committee report](#) confirms that six of the 37 new residential units in this development were to be social rent (5 x 3-beds, 1 x 2-bed). However, the [section 106 agreement](#) defines social rent using the affordable rent definition and the GLA data shows these as having been provided at levels of up to 40% market rent.
29. **434-452 Old Kent Road (11/AP/1180)**  
The [planning committee report](#) for this application said that 8 of the 85 new residential units in this development would be social rented. Indeed it made special reference to the preference of social rent over affordable rent in its negotiations with developer L&Q. However, the [section 106 agreement](#) defines social rent using the affordable rent definition and the units are listed in the GLA data as affordable rent.
30. **90-92 Blackfriars Road (12/AP/3558)**  
The [planning committee report](#) for this application said that of the 53 residential units consented, 8 would be social rented. However, the [section 106 agreement](#) defines social rent using the definition for affordable rent.
31. **(126 Spa road) 12/AP/0164**  
Bermondsey Spa regeneration Hyde Housing - 7 social rented homes  
The [officer's report](#) approves 46 units of which 38 private, 7 social rent and 1 affordable rent capped at 65% market rent. However, in the [section 106 agreement](#) for this application, the social rented units are described as 'affordable rent' - enabling rents of up to 80% market rent. In Jan 2016, Hyde [advertised](#) a 3-bed 'affordable' unit in this development for rent at £1,849 per month.
32. **Bermondsey Spa regeneration Hyde Housing - 38 social rented homes. (05/AP/2617)**  
[Planning application documents](#) show that 138 homes were approved here, of which 38 should have been social rent. However, the [s106 agreement](#) provides an accommodation schedule of which units should be social rent, but fails to provide any definition of social rent whatsoever.
33. **Royal Rd Heygate replacement housing site Affinity Sutton (09/AP/2388)**  
The 76 social rented homes consented are being advertised by Affinity Sutton as affordable rent and are also described in the GLA outturn data as affordable rent. In addition, the CORE lettings data system is showing only 45 social rented units currently let at this site.
34. **Heygate replacement housing sites**  
We also understand that the following L&Q developments comprising the other Heygate 'early housing sites' have clauses in the section 106 agreements enabling affordable rent to be provided instead of social rent:

**08/AP/2406**

Albert Barnes House Heygate replacement housing site London & Quadrant - 18 social rented homes

**08/AP/2409**

Prospect House Heygate replacement housing site London & Quadrant - 15 social rented homes

**08/AP/2411**

Townsend Street Heygate replacement housing site London & Quadrant - 37 social rented homes

**08/AP/2427**

Library Street Heygate replacement housing site London & Quadrant - 21 social rented homes

**08/AP/2440**

Brandon Street Heygate replacement housing site London & Quadrant - 18 social rented homes

35. **Bermondsey Spa Site C (Larnaca Works) 06-AP-2272**

Paragraph 61 of the [planning report](#) for the Larnaca site planning application confirms that the Larnaca development was to provide 90 residential units with 35% affordable housing, comprising 87 affordable habitable rooms of which 61 habitable rooms would be social rented (17 units). However, the [section 106 agreement](#) describes these 17 units as 'affordable rent'. The GLA Affordable Housing outturn data shows Hexagon Housing Association as the the Larnaca Works site's registered provider. The 17 units are listed in the GLA outturn data as affordable rent.

36. **Bermondsey Spa Site C (Grange Yard) 14/AP/2102**

The [planning committee report](#) for the planning application confirms that this site was to provide 167 residential units, of which 34 were to be social rent. The section 106 agreement for this development is not available on the planning portal so it is not known whether this says social or affordable rent, but the Mayor's GLA dataset lists this scheme (under Leicester Housing association) with rents at affordable rents well above social rents at 52% market rent, which equated to £154 per week (excl. service charges) for a 1-bed in March 2014.

37. **Quebec Quarter (Canada Water) 11/AP/2565**

L&Q was granted permission in 2011 for the construction of 7 blocks comprising 366 residential units of which 25% must be affordable . The [officer's report](#) for the planning application says the development will be built "*with social rented units providing 61% of the affordable units*". However, the [section 106 agreement](#) signed in relation to the planning consent says that rents for the social rented units should be determined according to the [HCA's formula](#) for affordable rents (i.e. up to 80% market rent). Furthermore, L&Q's website now [describes](#) the social housing at Quebec Quarter as 'affordable rent'. The officer's report also promised that there would be a review mechanism inserted into the section 106 agreement to capture any uplift in the property market between consent and implementation. However, according to the Council's planning portal there has been no such viability review, despite the significant increase in property prices since the scheme was consented in 2011.

38. **Camberwell Road/Medlar Street (12/AP/2444)**

In November 2012, Peabody was [granted planning permission](#) to build 66 homes on this two-part site of which 14 would be social rent and 6 affordable rent (up to 80% market rent). However, in April 2015 Peabody [wrote](#) to the Council explaining that despite GLA funding and a £2m expected windfall due to the property market upturn, it would need to

reduce the number of social rented units because it had incurred £997,000 in unforeseen costs of asbestos removal during site remediation. As a result, 6 of the 4-beds and 3 of the social rented 3-beds that were originally consented will instead be sold as private housing, leaving just 5 social rented homes in the development. The application for a variation of the agreed affordable housing quota was not accompanied by a viability assessment, as required by the legislation governing section 106B applications for variations.

39. **185 Park Street (Delancey) - 14/AP/3842**

The [planning committee report](#) for this application confirms that the developer would be fulfilling the affordable housing requirements off-site. Namely by rebuilding a care home on Southwark Park road. We understand that instead the Care Home site is being sold (freehold) by the Council to the developer and that the care home units will not be policy-compliant affordable housing secured by a section 106 agreement. Instead the site will be leased to a charity (United St Saviours) for a period of 50 years, after which time all of the accommodation will revert to the ownership of Delancey and will then be entirely unencumbered by any contractual obligation to remain affordable housing. This is a breach of policy which requires a minimum period of 125 years for the securing of affordable housing tenure.

40. **122-144 SOUTHWARK BRIDGE ROAD (05/AP/0495)**

The [section 106 agreement](#) for this application says that of the 164 new homes, 26 should be social rent and 36 shared ownership. However, Land Registry documents indicate that no agreement has been signed with a registered provider for the provision of these.

41. **Redevelopment of Wyndham Garage, Wyndham Road SE5 0UB (05-AP-1957)**

The [planning committee report](#) says that it was supposed to provide 9 social rented units, but units in this development have been advertised online at affordable rents.

42. **Redevelopment of Hartleys Jam Factory, Bermondsey (ref:99-AP-1361)**

In September 2000, Southwark granted planning permission for the redevelopment of Hartley's Jam Factory in Bermondsey to provide 154 residential units (ref:99-AP-1361), a number of which were to be provided as affordable housing including social rented in the 5th phase of the scheme (Block E). It is understood that Block E was infact never built and that all 154 units have been sold as private residential dwellings.

43. **Signal Tower, Elephant & Castle (09/AP/1940)**

The planning committee report for this 22 storey tower on Newington Causeway said that the development would provide 11 affordable homes at intermediate affordable rent. Land Registry information shows that no agreement has been signed with a registered provider accredited by the Tenant Services Authority and that these 11 units have been sold on the open market. The developer in this case is the same developer of the Jam Factory development (Galliard).

44. **193-197 LONG LANE LONDON SE1 (03/AP/0641)**

This development comprising 83 new flats along with office space and retail is yet another development by Galliard Homes under the cover of a shell company (this time called 'Northcover Ltd'). The planning application documents said that 15 of the 83 units would be social rented. However, [Land Registry documents](#) show that 6 of these have been sold on shared ownership terms. The housing association in this instance was 'Ujima Housing Association', which was later disbanded and taken over by L&Q after its CEO was convicted of fraud.

45. **118 Southwark Park Road (03/AP/0878)**

From the same developer Galliards, this is the building on Southwark Park Road which was in the national news about its 'homeless spikes'. The [section 106 agreement](#) secured 13 units for social rent and 12 shared ownership. However, Land Registry documents show that 13 shared ownership units have been provided and 12 for rent. It is unknown whether

these are being provided as social rent or affordable rent.

46. **Bermondsey Works - Rotherhithe New Road (13/AP/0065)**

The [planning committee report](#) for this application said that of the 158 new homes in this development there would be 6 shared ownership and 4 social rented homes. However, the [section 106 agreement](#) describes 10 affordable homes all as shared ownership. The legal agreement secures no social rented homes whatsoever.

Adding the numbers from each of the developments together, gives a total of 1145 social rented homes approved at committee that we think have been provided as affordable rent. Until such time as there has been a borough-wide s106 audit, enforcement action taken and procedures put in place for ongoing monitoring of compliance, then the Council's commitment to social rented housing remains in question.