



**Inquiry into
The London Borough of Southwark (Aylesbury Estate Wolverton 1-59) (No 2)
Compulsory Purchase Order 2012**

**Proof of Evidence of
Tim Cutts MA, Dip. Management Studies, MRTPI, MCMI
For the London Borough of Southwark**

PINS Reference NPCU/CPO/A5840/70807

March 2013

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1 CURRICULUM VITAE

Tim Cutts MA, Dip Management Studies, MRTPI, MCMI

- 1.1 I, Tim Cutts, have been employed by the London Borough of Southwark ("the Council" and acquiring authority) since 2006 as Team Leader in the Council's Planning Policy Team. My role involves managing the preparation of development frameworks including Development Plan Documents, Area Action Plans and Supplementary Planning Documents and the Council's Community Infrastructure Levy (among others).
- 1.2 I am a member of the Royal Town Planning Institute and the Chartered Management Institute. I hold a masters degree in Town and Country Planning from University of the West of England and a postgraduate Diploma in Management Studies from London South Bank University. I have over twelve years of town planning experience including policy planning and development management. In particular, I have extensive experience of leading on the development of planning policies and examinations in public.
- 1.3 I have led the preparation of a number of significant plans, including the instant Aylesbury AAP (January 2010) ("AAP") (CD12), the Canada Water Area Action Plan (2012) and the Elephant and Castle Opportunity Area Planning Framework / Supplementary Planning Document (2011).
- 1.4 I am also responsible for developing the Council's strategy and policy on employment and retail matters in both the Southwark Plan (2007) and the Core Strategy (2010). I gave evidence on these matters at the 2005 public inquiry into the Southwark Plan and 2010 EIP into the Core Strategy respectively. I have appeared as a witness for the Council at Section 78 planning appeal inquiries and hearings.
- 1.5 Prior to joining the Council, I had four years experience as a development control planning officer at the London Borough of Merton with responsibility for handling a wide range of planning applications.

Involvement with the Aylesbury Regeneration

- 1.6 I have been involved in the preparation of the AAP from its inception to adoption. In 2006, I co-wrote a brief to procure a consultant team to assist in preparation of the AAP. I managed the consultant team, provided planning policy guidance, produced planning reports and chapters for the AAP, ensured extensive consultation in accordance with the Council's Statement of Community Involvement, and overall ensured that the AAP was legally compliant with the Planning and Compulsory Purchase Act 2004 ("2004 Act") and met the "tests of soundness". I was involved at each stage of the process, from the preparation of the issues and options report (2007), the preferred options and the revised preferred options reports, (both in 2008), the publication/submission version of the AAP (2009) and adoption of the AAP (January 2010). Further, I was the Council's lead planning witness at the examination into the AAP held in 2009.
- 1.7 As part of the delivery of the strategic vision of the AAP, I provide ongoing advice and guidance on detailed policy matters in connection with development briefs, procurement exercises or planning applications such as the redevelopment of Phase 1A of the Aylesbury and the proposed scheme on the Order Land.
- 1.8 The Inspector's Report on the examination into the Aylesbury AAP Development Plan Document dated 12 November 2009 (CD15) concluded that the AAP was sound and met the requirements of the 2004 Act and Regulations. In particular, the Inspector was satisfied that: *"The housing area which it is proposed to renew shows clear signs of stress and there is evidence that the built fabric would be expensive to retain in the long term and would in any event be unlikely to achieve a satisfactory residential environment. Given the extensive renewal that needs to be undertaken and the evident availability of finance for the initial stages, I consider that it is advantageous to bring the AAP forward in advance of completion of the Borough's Core Strategy"* (paragraph 2.3, CD15).
- 1.9 The AAP was the subject of extensive and iterative consultation at each stage in the process of preparing the AAP, as set out in paragraph 1.3, figure 3 (CD 12). The examination inspector deemed that consultation carried out on the

AAP was appropriate and complied with the Council's Statement of Community Involvement. Through a series of consultations during and preceding the AAP, there has been effective community engagement and strong support for the regeneration of the Aylesbury.

- 1.10 At the RTPI Planning Awards 2010, the Aylesbury AAP was awarded a commendation in the Spatial Strategies category (Appendix TC10).

2 SCOPE OF EVIDENCE

2.1 My evidence covers:

- I. The statutory basis and justification for the exercise of compulsory acquisition powers by the Council and the reasons the Council resolved to use them;
- II. Contribution to the promotion or improvement of the economic, social or environmental wellbeing of the area;
- III. Planning policy framework.

- 2.2 In particular I will consider the statutory powers used by the Council with reference to guidance in ***Circular 06/2004: Compulsory Purchase and the Crichel Down Rules*** ("the Circular") (CD4); the contribution made by the Scheme to the economic, social and environmental wellbeing of the Aylesbury area with reference to the planning policy framework and the proposed scheme on the Site comprising the Order Land; and lastly whether there are any planning impediments to the Scheme within the meaning of Circular guidance.

3 THE STATUTORY BASIS, JUSTIFICATION FOR THE EXERCISE OF COMPULSORY ACQUISITION POWERS BY THE COUNCIL AND REASONS THE COUNCIL RESOLVED TO USE THEM

- 3.1 The Council being the acquiring authority is seeking to compulsorily purchase the Order Land (described in detail in the proof of my colleague Jane Seymour and in the Council's Statement of Case (CD 8)) under section 226 of the Town and Country Planning Act 1990 ("the 1990 Act") (as amended by section 99 of the Planning and Compulsory Purchase Act 2004).

3.2 On 18 July 2012, the Council made and publicised the Order pursuant to a resolution of its Executive of 9 February 2010 (CD1). The Order was submitted for confirmation to the Secretary of State on 27 July 2012.

3.3 The purpose of the Order is to enable the Council to assemble in its ownership the various interests and associated rights over the land in order to facilitate the development of the proposed scheme on the Order Land.

The statutory basis for the Order and Circular 06/2004

3.4 In preparing and making the Order, the Council was satisfied that the Order met the requirements of Section 226(1)(a) of the 1990 Act and the guidance as to use of the appropriate statutory powers in the Circular.

3.5 Section 226(1)(a) of the 1990 Act – ***“Compulsory acquisition of land for development and other planning purposes”*** – provides that: -

A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area -

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,

3.6 Sub-section 1A qualifies this enabling statutory power as follows: -

But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think 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

- 3.7 As paragraphs 13-15 of the Circular (CD 4) advise, an acquiring authority may only make use of the statutory procedures in the Acquisition of Land 1981 Act where an appropriate enabling power exists. Further that power must be the most specific power available given the purpose for which the authority seek to make the acquisition. In accordance with this guidance, the Council considers that the planning power under Section 226(1)(a) is the most specific and appropriate power available to the Council for the purpose of facilitating the redevelopment of the Order Land by way of the Scheme which will provide a high quality mixed tenure housing development comprising 147 homes, 58% affordable housing, attractive open spaces and public realm.
- 3.8 Paragraph 17 of the Circular requires that *"a compulsory purchase order should only be made where there is a compelling case in the public interest"*.
- 3.9 Paragraphs 18 and 19 of the Circular emphasise that an acquiring authority should have a clear idea about how it intends to use the land it is proposing to acquire, and that the order is justified in the public interest.
- 3.10 Paragraph 23 of the Circular, advises that where planning permission is required for a proposed scheme and it has not been granted, there should be no obvious reason or impediment why it should be withheld. In particular an acquiring authority should be able to demonstrate that the proposed scheme would be in accordance with the provisions of section 38(6) of the 2004 Act, namely that it in accordance with the development plan unless material planning considerations indicate otherwise.
- 3.11 In making the Order, the Council has had regard to the above mentioned Circular guidance. The Council considers that Section 226(1)(a) is the most appropriate enabling power. Further and given the adopted AAP which seeks to promote housing led regeneration of the Aylesbury Estate, and the contribution of the Scheme to the redevelopment on the Site and the social, economic and environmental wellbeing of the area, there is a compelling case in the public interest for making the Order which overrides other private interests or rights.

- 3.12 Appendix A of the Circular provides specific guidance to acquiring authorities relying on Section 226 of the 1990 Act. In particular, paragraph 2 expounds that Section 226 is *"intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents"*. Notably, the Order Land forms part of a wider area which is the subject of the adopted (and commended) AAP (a development plan document) which *"provides a blueprint for the ambitious regeneration of the Aylesbury Estate over the next 20 years"* (see 'Forward' to AAP). Throughout, my proof I refer to relevant guidance from this Appendix A and seek to demonstrate that the Council has used the power under Section 226 as a positive tool to deliver the much anticipated regeneration of the Aylesbury Estate to which the Order Land would make a positive contribution and has applied the guidance appropriately in promoting the Order.
- 3.13 Together with the proof of evidence of my colleague Jane Seymour, my proof of evidence shows that Council has a clear idea about the intended use of the Order Land, that planning permission for the intended use has been granted and that there is a compelling public interest in compulsorily acquiring the Order Land.

Intended use of the Order Land

- 3.14 In this proof I make reference to the Site being land comprising 1-59 Wolverton, Aylesbury Estate and upon which the proposed scheme is situated. The extent of the Order Land differs from the application site for the Scheme in that the Order Land includes interests outside the application site to facilitate delivery. Therefore, my references to 'Site' are references to the site being the subject of the planning application and comprised in the Order Land.
- 3.15 On 16 July 2012 London and Quadrant (L&Q) submitted an application (12/AP/2332) (CD17) for full planning permission for a housing scheme on the Site. Submission of the planning application followed a period of pre-application discussions with the local planning authority to finalise their proposals in line with the authority's planning policies.

3.16 The planning application proposes to demolish the existing buildings on (or adjoining) the Site and redevelop the site to provide 147 residential units consisting of 30 x 1 bed, 71 x 2 bed, 13 x 3 bed, 28 x 4 bed and 5 x 5 bed homes. It is proposed that 58% of the habitable rooms provided, would be affordable housing. The proposal would provide a basement car park area (with 44 car parking spaces) with a new vehicle access from the south of the site. Plans showing the proposed ground plan, proposed elevations and other illustrative drawings can be found in CD17 ("the Scheme").

3.17 On 6 November 2012, members of the Council's Planning Committee considered the planning application for the Scheme and resolved to grant planning permission in line with the officers' recommendation (CD18), subject to conditions and completion of an appropriate legal agreement a Section 106 Agreement pursuant to the 1990 Act to secure the provision of affordable housing and financial contributions towards the necessary infrastructure and mitigation of adverse impacts of the scheme. The s106 Agreement (CD20) has subsequently been concluded and planning permission (CD19) was granted on 19 February 2013. The key benefits or mitigation secured by the S106 are detailed below.

3.18 The Council considers that the granting of planning permission for the Scheme provides compelling evidence that the intended use of the Site would facilitate redevelopment and there is a clear intended purpose for the Land. In the next section 4, I set out the 'wellbeing case' for the compulsory acquisition and in Sections 5 and 6, I demonstrate that there is no planning reason why planning permission for the application would have been withheld.

4 CONTRIBUTION TO THE PROMOTION OR IMPROVEMENT OF THE ECONOMIC, SOCIAL OR ENVIRONMENTAL WELLBEING OF THE AREA

4.1 The Aylesbury estate was constructed between 1966 and 1977. The estate was designed by architect Derek Winch whose ambition was to create a living environment linked to other estates in the borough with the creation of elevated pedestrian walkways. The majority of housing stock on the estate was constructed using Jespersen 12M large panel system block. While the

estate was built using principles which were fashionable when it was built, it has not stood the test of time well.

- 4.2 Paragraph 1.2.2 of the AAP (CD12) notes that the estates problems are well known. The following section outlines the main issues affecting the estate established in the sustainability appraisal of the AAP and the evidence base used to prepare the AAP.

Economic and social issues affecting the Aylesbury Estate

- 4.3 The Aylesbury estate is located in Faraday ward which suffers from high levels of social and economic deprivation. The 2010 Multiple Indices of Deprivation indicate that the Aylesbury estate is within the 20% and 30% most deprived super-output areas in the country.
- 4.4 At the time of the 2001 census, 65.5% of the working age population was economically active compared to 70.3% in Southwark and 74% in Great Britain (2001 Census). In October 2012, in Faraday ward 6.2% of the workforce were in receipt of job seekers allowance, compared to 5.2% in Southwark and 3.8% in Great Britain (Nomis 2012). With regard to educational attainment, according to the 2001 census 38.8% of people between the age of 16 and 74 in Faraday ward had no qualifications compared to 29.5% in Southwark and 22.3% had higher level qualifications compared to 34.8% in Southwark.
- 4.5 The 2010 Indices of Deprivation suggest that much of the estate lies in 10% and 20% most deprived areas in the country with regard to the living environment and the 20% most deprived areas with regard to crime.
- 4.6 In 2009, Southwark published that Southwark Housing Requirements Study Aylesbury Estate sub-area report, 2009 (Appendix TC01). This study found that:
- 50% of households on the Aylesbury estate earned less than £15,000 pa. compared to 46.6% in Southwark. Conversely 3.8% of households had an income of more than £60,000 compared to 12.8% in Southwark (paragraph 2.5).

- 45% of households on the estate considered that there was at least one serious problem with their property. The most common problems were reported to be damp penetration or condensation and heating or plumbing (paragraph 3.3).
- Over 20% of all households across Aylesbury estate live in overcrowded conditions. The groups most likely to be overcrowded are lone parents, couples with children and groups of adults (paragraph 3.9).
- 22% were dissatisfied with their property, compared to 11% in Southwark (paragraph 3.12).
- 37% of respondents to the survey in the Aylesbury estate reported that they wanted to move, compared to a Southwark average of 30.6% (paragraph 3.13).
- Overall, a total of 1,517 households in Aylesbury estate were assessed as living in unsuitable housing due to one or more factors, including overcrowding, disrepair, children in high-rise flats, and the accommodation being too expensive (paragraph 4.5).

Environmental issues affecting the Aylesbury Estate

- 4.7 The urban design of the estate suffers from a number of problems. The appearance of the facades of the system built blocks, their shape, colour and material, is monotonous. The lack of diversity in terms of appearance, massing and scale results in a drab landscape which lacks richness or differentiation. This, combined with the contrast to surrounding areas serves to increase the stigma attached to the estate. The absence of a hierarchy of streets creates an environment which lacks legibility and is difficult to navigate.
- 4.8 While pedestrian connectivity around the estate is relatively good, the public realm is especially poor. Much of the estate was designed on the premise that traffic and pedestrians should be separated. A series of high level walkways would provide access around the estate for pedestrians, while cars would operate at ground level. In practice, the high level walks are very difficult to navigate, with frequent stairs, are inhospitable for those with mobility impairments, and the many turns and blind spots feel unsafe.

- 4.9 At ground level, many of the streets are lined with garages and forecourts which again reduce surveillance and results in an unattractive environment for pedestrians and cyclists. Many of the roads are terminated in cul-de-sacs and while pedestrians can move through these, the absence of consideration given to materials and footway treatments compound problems for those with mobility impairments.
- 4.10 Many of the buildings themselves are overscaled and fail to operate on a human scale. The very long 14 storey north south oriented blocks on Thurlow Street and Portland Street create overshadowing which is a particular problem around the base of the buildings and in entrances to lifts and stairwells. In many instances, the scale of the buildings are also overbearing on surrounding developments, in locations such as Mina Road, Portland Street and Wooler Street (see photographs in TC02).
- 4.11 The condition of the buildings themselves is dealt with in the proof of evidence of Ms Catherine Bates. The evidence presented at the examination on the AAP suggested that the system built blocks perform very poorly with regard to energy efficiency and their Standard Assessment Procedure (SAP) ratings fall significantly below those required for modern construction (typically 80+) (paragraph 2.2.5, Demolition Evidence Base, March 2009, TC03). With regard to structural considerations, it was noted that the 7, 8 and 13 storey blocks were designed and constructed in accordance with post-Ronan point requirements, the 5 and 6 storey blocks were not been designed to avoid disproportionate collapse in the event of accidental loading caused by a gas explosion (paragraph 2.3.3 - 2.3.5, TC03).
- 4.12 There is approximately 6.2ha of green space on the footprint of the estate, comprising housing amenity spaces and roadside spaces. The majority of these are of little interest comprising mainly of grassy areas and some trees. Although many of these spaces are located between blocks, they are not well overlooked because of the fact that pedestrian movement frequently occurs on the first level walkways and because in many areas, the private gardens which face onto these spaces have been screened off to provide privacy. There is a lack of distinction between whether spaces are public or private, generating questions over perceived ownership. In addition, the spaces

adjacent to the 14 storey blocks tend to be overshadowed for much of the day. In view of these issues, many of these spaces appear to be underused and of limited value.

- 4.13 Burgess Park is the closest park to much of the estate. It is metropolitan open land and a district park in the hierarchy in Southwark's draft Open Spaces Strategy 2010. Surveys of the park have consistently found that it rates poorly in terms of quality. The 2010 draft Open Spaces Strategy scored its quality at 57.1%, well below the level of 66% which is the minimum threshold for Green Flag status. A detailed survey of Burgess Park was undertaken by Groundwork Southwark and Lambeth on behalf of Southwark in August 2009. The survey comprised an online and postal questionnaire sent to 3,500 households directly around the Park and 1,500 among specific community facilities for distribution.
- 4.14 The key findings were that while Burgess Park is highly valued by its local community, there is an underlying feeling that it is 'unloved'. The majority of respondents considered that it needed better facilities and to be redesigned. Redesign should focus on better integration of the park (e.g. better linkages and signposting) and landscaping incorporating wildlife areas. It was also important that safety was improved.

Benefits of regeneration to economic and social wellbeing

- 4.15 The Aylesbury AAP (CD12) seeks to facilitate a redevelopment of the entire estate, replacing the existing 2,700 properties with around 4,200 brand new, mixed tenure homes. It establishes a vision and objectives to guide the regeneration.
- 4.16 The vision emphasises the opportunity to provide 4,200 new homes, representing an uplift of around 1,500 homes. Paragraph 3.13 of the London Plan states that *"the Mayor is clear that London desperately needs more homes in order to promote opportunity and real choice for all Londoners"*. Policy 3.3 (Increasing housing supply) of the London Plan (relevant extracts are included in TC04) indicates that the Mayor will seek to ensure provision of an annual average of 32,210 net additional homes across London. Table 3.1 in the London Plan confirms that Southwark has a target providing a minimum

of 20,050 new homes over the period of 2011-2021, a rate of 2,005 new homes per year. New homes on the Aylesbury estate will help meet Southwark and London's need for additional housing. The AAP sites, including AAP1 which incorporates the Order Land have been allocated on Southwark's Adopted Policies Map 2012 TC11 and through the AAP and are needed to help meet Southwark's London Plan housing target.

- 4.17 The AAP also envisions that redevelopment will deliver a new and more balanced mixed community with far better living conditions. The aspiration to create a mixed community is consistent with Core Strategy objective 2a and London Plan policy 3.9 which states that communities mixed and balanced by tenure and household income should be promoted across London. Currently 81% of homes across the estate are in social rented tenure. The estate is located in Faraday ward in which 78% of homes are in social rented tenure. AAP policy BH.3 (Tenure Mix) (p. 35, AAP) seeks to ensure that the redevelopment will provide a mix of tenure including 50% private housing and 50% affordable housing and this policy scored well in the sustainability appraisal undertaken of the Plan.
- 4.18 AAP policy BH4 (Size of homes) (p. 36, AAP) seeks to ensure that a mix of dwelling sizes is provided with at least 30% of homes having 3 or more bedrooms. Policy BH5 (Type of homes) (p. 37, AAP) will ensure that a mix of housing typologies is provided, in particular introducing a significant component of houses into the new neighbourhood. This was strongly supported in consultation on the AAP with 89% of respondents at revised preferred options stage supporting the increased provision of houses. These policies are consistent with London Plan policy 3.8 (Housing Choice) which seeks to ensure that Londoners have a genuine choice of homes.
- 4.19 With regard to living conditions, the design guidance in the AAP seeks to ensure that all social rented homes in the redeveloped neighbourhood are no smaller than existing homes on the estate. Consultation undertaken in preparing the AAP showed consistently that people living on the estate value the size of their homes. The AAP vision reiterates that all social rented housing will be built 10% larger than Parker Morris Standard to ensure that redevelopment does not diminish the quality of individual homes. Commenting on this aspect of the plan in his report, the EIP inspector

remarked *"The AAP includes detailed design guidance in Appendix 6 which sets out space standards equivalent to the present council rented flats for the new social rented housing (Parker Morris + 10%) and this would be expressly required by Policy BH5. I consider that the new development built in accordance with this guidance would, notwithstanding the significant increase in the number of dwellings in the area, provide much improved living conditions"* (paragraph 3.5, CD15).

4.20 Policy COM2 (Opportunities for new business) (AAP p. 69) seeks to create around 2,500sqm of business floorspace, which alongside 1,700sqm of shopping floorspace envisaged in policy COM1 (Location of social and community facilities) (AAP p. 67) would provide new sources of employment. It is envisaged that the range of facilities would also be boosted by provision of a new health centre. It is envisaged that this would serve 9 GPs which should be sufficient to meet needs of the increased population on the estate and have a slightly wider catchment area.

4.21 The AAP also integrates the regeneration of the estate with significant improvements being undertaken to local schools, which also help provide additional school places to help meet the educational needs of the new population of the estate. The Will Alsop designed Michael Faraday primary school in the heart of the estate opened its doors in 2010 following a rebuild. The school's Interim Ofsted assessment in 2010 rated it as outstanding in all areas. The Walworth Academy on Albany Road has been rebuilt and opened in 2010. Another school is also planned on the Walworth lower school site on Trafalgar Street. Construction started on this school, "New School, Aylesbury", in August 2010. It is due to open as an academy in September 2014.

Benefits of regeneration to environmental wellbeing

4.22 The AAP vision highlights the potential to create a much more permeable layout with good street frontages with new homes that will overlook streets and spaces, providing much better natural security. It also emphasises that good design will be at the core of the redevelopment to help create a varied and interesting new residential neighbourhood. AAP policies MP1 (The masterplan) (p. 22, AAP), PL1 (Street layout) (p. 44, AAP) to PL8 (Burgess

Park (p. 56, AAP) and the AAP Design Guidance in appendix 6 (p. 109, AAP) aspire to create well designed streets and spaces which are easy to understand, lively and interesting, which are well overlooked and feel safe and which provide interest and allow for the development of character.

- 4.23 Commenting on the urban form, in his report the AAP Inspector agreed that: *"There are fundamental shortcomings in the urban form which is characterised by monolithic blocks of flats of up to 14 storeys accessed largely by elevated walkways. The internal stairways and dark corridors appear to offer opportunities for crime and this was a view expressed in consultation on the Plan. Evidence obtained for the Sustainability Appraisal showed that some areas near the Walworth Road were in the 10% most affected in terms of crime in England. At street level the buildings present a forbidding and unkempt appearance and pedestrian routes are constrained by the layout of what in many cases are particularly large buildings. Whilst it is possible that some of the maintenance shortcomings of the buildings could be addressed, I agree with the Council that refurbishment would be unlikely to achieve satisfactory living conditions in the longer term"* (paragraph 3.4, CD15).

- 4.24 New homes will be built to the highest standards of sustainable design and construction. The Demolition Evidence Base (TC03) indicated that the SAP ratings of the existing blocks within the Aylesbury Estate are currently around 43 to 59. While typical for construction of this type and age, these ratings fall significantly below those required for modern construction (typically 80+). To meet Core Strategy policy 12 (CD9), all new homes will be built to Code for Sustainable Homes level 4 as a minimum and to comply with London Plan policy 5.2 (Minimising carbon dioxide emissions) will need to reduce carbon emissions by 44% over the 2006 Building Regulations requirement. Policy BH.6 (Energy) (AAP p. 39) envisages that the energy supply for the action area core will be generated by combined heat and power. The feasibility of this was assessed in the Sustainable Design and Construction strategy background paper (May 2009). Table 4.12 of the Sustainable Design and Construction strategy background paper indicates that the existing estate emits 18,400 tonnes of CO₂ per year. By contrast redevelopment incorporating gas-fired CHP would emit 11,410 tonnes per year (the relevant extract is included in TC05).

- 4.25 The reduction in CO emissions will contribute to the overall reduction in CO₂ of 22.4% by 2020 and an 80% reduction by 2050 which are targeted in the Council's Energy and Carbon Reduction Strategy 2011. Commenting on the energy strategy in the AAP, the EIP inspector agreed that *"Overall I conclude that the plan would be likely to meet the targets it sets itself in terms of zero carbon growth development and would result in an appropriately sustainable form of development"* (paragraph 3.14, CD15).
- 4.26 Evidence from estates elsewhere in Southwark suggests that average water consumption in the existing development would be around 160L per person per day. To meet Code for Sustainable Homes level 4, this level would be reduced to a maximum of 105L per person per day. With regard to water run-off, Core Strategy policy 12 would require the development to attenuate run-off by 50%.
- 4.27 With regard to open space, the AAP aims for a big improvement in the quality of open space available to residents and local people. There would be about 60ha of open space in the action area, following redevelopment, the same quantum as at present but the configuration of open space, its lighting, design and landscaping would make it much more usable. Policy PL5 (Public open space) (AAP p. 51) states that new development will provide a high quality network of different open spaces of a range of sizes and functions. On the estate footprint, the existing amenity areas would be consolidated into three green fingers which can provide for a range of functions, including children's play, informal recreation and food growing. Policy PL8 (Burgess Park) (AAP p. 56) states that Burgess Park will be transformed to become an attractive and better used open space, serving residents of the redeveloped neighbourhood and south east London.
- 4.28 Policy PL6 (Children's Play Space) (AAP p. 51) will ensure that all proposals provide for 10sqm of playspace per child, in accordance with the standard set out in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012). This will comprise a range of spaces, including doorstep space for young children and neighbourhood facilities for older children and teenagers.

- 4.29 A masterplan for Burgess Park has been prepared and the initial phase of the transformation of the park was completed in July 2012. £8m, including £4m from the Mayor's Priority Parks Scheme was secured to carry out these works. The AAP envisages that the tariff will secure funding to help deliver the remaining phases of development. A further £20m will be required to complete the masterplan.

Consultation

- 4.30 The AAP and the benefits of redevelopment were strongly supported through the iterative consultation and community engagement which occurred in the course of preparing the AAP. The consultation process is summarised in section 1.3 and appendix 1 of the AAP (CD12).
- 4.31 At the outset of the plan preparation, the Council recognised that the importance of a group of local people and stakeholders to help champion and take ownership of the plan. A neighbourhood team was established, specifically for the purpose of preparing the plan, comprising 40 members representing a wide range of interests, ages and cultures. It included residents, those working with the young, old and vulnerable, transport groups and local businesses and traders. The first action of the neighbourhood team was preparation of a charter of objectives for the redevelopment of the estate. The vision of the charter was expressed as follows:

"We want the Aylesbury area to become a successful neighbourhood incorporating the highest design standards, a good mix of uses and a layout that will meet the needs of current and future generations. We want the Aylesbury area to be known for high quality social rented and private homes that address a variety of local needs, including those of the elderly and vulnerable. We also want to be known for an outstanding environment with excellent parks, streets, play areas and exercise spaces which are accessible for all. We want residents to choose to stay in the area because of the quality of its schools and community facilities. Overall we want to promote a healthy lifestyle culture for all residents and create a place with a strong sense of community."

We want to contribute to the regeneration of our neighbourhood by setting out key principles on the quality of new homes, improved access and transport, great streets, squares and parks, and better social and community facilities.

We also want to contribute by encouraging all those who take decisions that affect our community to aspire to and maintain the highest standards.

In this way we shall build an exemplary neighbourhood in which we and our children will want to live and of which we can be rightly proud" (cited in Appendix 14, Consultation Report May 2009. An extract is included in TC06).

4.32 The objectives of the charter included offering a mix of housing types and tenures, locating higher density housing in areas with good public transport and promoting well designed and safe streets and squares which are overlooked by windows, which avoid blank facades and which incorporate well designed streets in which people can meet and engage with one another. These objectives formed the cornerstone for the AAP vision and objectives.

4.33 The neighbourhood team also participated through a series of 'planning for real events', looking at issues surrounding design, density and value. As well as acting as a sounding board during the preparation of the AAP, the neighbourhood team helped raise awareness of the AAP and staffed the public exhibitions held at each stage in the production of the AAP – from issues and options, preferred options to submission. These exhibitions comprised: -

- The Show Homes Exhibition in June 2007 which was designed to raise awareness of the regeneration and the AAP.
- The Building Futures Exhibition in October 2007, designed to raise awareness of and obtain comments on the issues and options report.
- The Aylesbury Future Roadshow in April 2008 sought people's views on the preferred options
- The revised preferred options exhibition in October/November 2008 sought residents' opinions on the revised preferred options.

- The Aylesbury Vision was held on 6 March and 7 March 2009. A family fun day was organised for Saturday 7 March 2009, involving a range of activities to encourage participation from all local residents, to help inform local people of the publication draft report and get their views.
- In all, 940 people attended the Show Homes exhibition and 900 people attended the more recent exhibitions. Over 650 questionnaires were completed at the latter. The revised preferred options exhibition was attended by 54 people and 46 questionnaires were filled in. Of these: -
 - 89% agreed with the revised tenure mix;
 - 89% agreed with the revised types of homes and thought the provision of more units for family homes would make the scheme attractive;
 - 85% supported the revised sizes of homes;
 - 96% welcomed the decrease in density.
 - 94% supported the revised building heights. 3 people considered the new building heights were still high.

4.34 The final exhibition was attended by 133 people and 100 questionnaires were filled in. At this exhibition 82% supported the vision in the AAP.

4.35 Overall, the consultation undertaken on the AAP demonstrated strong community support for the AAP proposals.

5 PLANNING POLICY CONTEXT AND CASE FOR PLANNING PERMISSION

5.1 Paragraph 12 of Appendix A, the Circular (CD4) states that any programme of land assembly needs to be set within a clear strategic framework and that this is a particularly important part of the justification for compulsory purchase. Paragraph 13 of the same Appendix A indicates that the planning framework providing justification for an order should be as detailed as possible in order to demonstrate that there are no planning impediments to implementation of the Scheme.

5.2 With reference to paragraph 23 of the Circular (planning impediments) and paragraphs 12-13 of Appendix A, the development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:

- a) London Plan (2011) (extracts at CD13);

- b) Southwark's Core Strategy (2011) (CD9);
- c) Adopted Policies Map (2012) (TC 11);
- d) Aylesbury Area Action Plan (2010) (CD12); and
- e) Saved Policies in the Southwark Plan (Unitary Development Plan) (2007) (CD10).

5.3 I am of the view that there is a clear strategic framework justifying acquisition of the Order Land. In addition to the above policies, the AAP in particular provides a detailed framework for acquisition of the Order Land, consistent with the Circular advice in paragraphs 12 and 13.

National Planning Policy Framework

5.4 The National Planning Policy Network (NPPF) (CD14) was published on 27 March 2012. Paragraph 13, states that the NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. There is a presumption in favour of sustainable development. In terms of plan making NPPF requires that local authorities should positively seek opportunities to meet the development needs of their area and that decision makers should approve development proposals that accord with the development plan without delay.

5.5 Paragraph 17, sets out the Government's core planning principles as follows:

- up-to-date plans based on joint working and cooperation;
- proactively driving and supporting sustainable economic development to deliver homes and business space;
- securing high quality design and good standards of amenity;
- taking account of the roles and characters of different areas to promote the vitality of urban areas; and
- encouraging effective use of previously developed land.

5.6 With regard to housing, paragraph 47, NPPF states that local authorities should use their evidence base to ensure that needs are met in full and identify sites which are critical to the delivery of the housing strategy over the plan period. To deliver a wide choice of homes, local authorities should plan for a mix of housing based on current and future demographic trends, market

trends and the needs of different groups in the community, identify the size, type, tenure and range of housing that is required in particular locations and identify affordable housing needs (paragraph 50).

- 5.7 Paragraphs 158-159, reiterate the need to ensure that plans are based on up-to-date evidence and address the need for all types of housing, including affordable housing and the needs of different groups in the community. Housing policies should be informed by a Strategic Housing market Assessment and a Strategic Housing Land Availability Assessment.
- 5.8 With regard to the timescales for implementing the NPPF, paragraph 214 states that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

London Plan 2011

- 5.9 The London Plan (CD13) 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.
- 5.10 Of particular relevance to the Aylesbury Estate, London Plan Policy 2.14 (Areas for Regeneration) 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.
- 5.11 Policy 3.8 (Housing Choice) 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.
- 5.12 Policy 3.9 (Mixed and balanced communities) provides support for building mixed and balanced communities which include a range of dwelling types and

tenures. Policy 3.14 (Existing housing) 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.

Local development framework

5.13 The following documents, along with the London Plan, comprise the development plan for the Site / Order Land:

- Core Strategy 2011 (CD9)
- Adopted Policies Map 2012 (TC 11)
- Aylesbury Area Action Plan 2010 (CD12)
- Southwark Plan 2007 (CD10)

5.14 The Core Strategy provides the overarching planning framework for the borough. It was adopted in April 2011, following an examination held in summer 2010. It contains a vision and strategy for each area of the borough. The vision for the Aylesbury states that the Council will use the AAP to work with stakeholders to achieve a phased redevelopment of the Aylesbury Estate to deliver 4,200 new homes over the 15 year life-time of the Core Strategy.

5.15 The target for new homes on the Aylesbury estate is reiterated in Core Strategic 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.

5.16 Core Strategy Policy 6 (Homes for people on different incomes) 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. Core Strategy Policy 7 (Family homes) requires a mix of homes, including provision of 30% of homes with three bedrooms or more.

5.17 In accordance with NPPF (CD14) paragraph 50, Strategic Objective 2C of the Core Strategy aims to deliver more housing and a range of different types of

homes to meet the needs of the community. Core Strategy policies 5 (Providing new homes), 6 (Homes for people on different incomes) and 7 (Family homes) seek to meet needs identified in the Strategic Housing Land Availability Assessment 2010, the Strategic Housing Market Assessment 2010 and the Housing Requirements Study 2009.

- 5.18 In accordance with paragraph 214 of the NPPF, the Core Strategy should be attributed full weight by decision makers until 27 March 2013 even if there was limited conflict between the two. The Council's view is that the Core Strategy is consistent with the NPPF and full weight would be given to its policies beyond March 2013.

Adopted Policies Map 2012

- 5.19 Regulation 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 indicate that local plans should contain an adopted policies map (previously called a proposals map). The Aylesbury Estate is designated as a Core Area on the Adopted Policies Map 2012 (TC11). As is noted above, this designation allows provision of higher density, subject to high quality design. The Site (including the Order Land) falls within an allocated proposals site (AAP1) on the Adopted Policies Map. The allocation for the site is set out in the AAP.

Saved Policies of the Southwark Plan 2007

- 5.20 The Southwark Plan (CD10) was formally adopted by the Council in July 2007. The majority of policies were saved in 2010 as per the Saving Direction of the Secretary of State dated 23 July 2010. Some policies have since been superseded by the Core Strategy and Aylesbury AAP. In particular policies 4.1 (Density of residential development), 4.3 (Mix of dwellings) and 4.4 (Affordable Housing) have been replaced by Core Strategy policies.
- 5.21 With regard to density, dwelling mix and affordable housing, development will need to meet the policies set out in the Core Strategy and AAP, rather than the Southwark Plan.

Aylesbury Area Action Plan (AAP) 2010

- 5.22 Following an examination, the Council adopted the AAP (CD12) in January 2010 as amended on account of the recommendations of the Inspector.
- 5.23 The AAP provides a strong vision, clear objectives and detailed policies to guide the redevelopment of the estate. This vision is to provide around 4,200 new homes, with a mix of tenures and dwelling sizes. Policy MP1 (The Masterplan) (p. 22, AAP) requires development proposals to be in general compliance with the masterplan. Policy MP2 (Proposals Sites) (p. 26, AAP) states that where proposals sites have been designated, planning permission will be granted for proposals in accordance with the Adopted Policies Map and Appendix 5 of the AAP. The Site (including the Order Land) falls within allocated proposals site AAAP1. AAAP1 comprises sites anticipated in the first phase of the regeneration. The targets set out in Appendix 5 (p. 106, AAP) indicate that the adopted land allocation for sites in AAAP1 includes around 1,417 new homes (all figures are approximate) with a mix of tenures and dwelling sizes.
- 5.24 The adopted land allocation (AAAP1) also clearly identifies 1-27 and 28-59 Wolverton (the Order Land) as having an indicative capacity of 165 homes. The tenure mix and size of homes are prescribed in policies BH3 (Tenure Mix) (p. 35, AAP) and BH4 (Size of homes) (p. 36, AAP).
- 5.25 Policy D2 (Infrastructure Funding) (p. 75, AAP) states that the Council will seek contributions in the form of a tariff scheme, to ensure the delivery of key infrastructure and the mitigation of adverse planning impacts ("the Aylesbury Infrastructure Tariff"). Paragraph 7.3.2 advises that the tariff will be set out in an SPD and will be updated in line with inflation and the changing needs of the regeneration of the area.
- 5.26 The Council is currently preparing its Community Infrastructure Levy. It consulted on the preliminary draft levy between July and October 2012 and anticipates consulting on a draft levy in spring 2013, before proceeding to an examination-in-public. The Council expects to bring the levy into effect at the end of 2013. The strategic elements of the infrastructure required to deliver the masterplan are identified in the Council borough-wide Infrastructure Plan

which forms part of the evidence base for the CIL. Once the CIL has been brought into effect, the strategic elements of the Aylesbury tariff will be subsumed within the CIL. After the CIL has been brought into effect, the Council will continue to negotiate site specific mitigation through s106 planning obligations, under the terms set out in Regulations 122 and 123 of the Community Infrastructure Regulations 2010.

5.27 The AAP is intended to provide greater certainty for developers and the community as to the form of development which would be acceptable. It has been subject to extensive and iterative public consultation, and an independent examination by an Inspector of the Secretary of State. Having been found sound, and adopted by the Council (with minor modifications), it provides a strong vision, clear and up to date guidance. The AAP is in itself in conformity with the strategic policies of the London Plan. In accordance with paragraph 214 of the NPPF, as in the case of the Core Strategy the AAP is consistent with the NPPF and should be attributed full weight by decision makers.

5.28 In his letter to the Council of 8 April 2009, the Mayor also confirmed that in his opinion the AAP was in general conformity with the London Plan and that there were no outstanding issues (TC07).

Policy Conclusions

5.29 Together, the London Plan, the Core Strategy, relevant saved Southwark Plan policies, the Adopted Policies Map and the AAP comprise Southwark's Development Plan. Both in their policies and in their preparation, the AAP and Core Strategy are consistent with the NPPF and should be given weight accordingly.

6 THE PLANNING CASE FOR THE SCHEME

6.1 Consistently with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore considered that any development which on balance conforms with the requirements of the planning framework / documents set out above (or

can provide clearly argued justifications for any deviations) would have a high degree of certainty of achieving planning permission, and a low risk of a potential challenge to any positive decision.

- 6.2 The planning application has been assessed against relevant policies of the development plan in the Officer's Report to Planning Committee dated 6 November 2012 ("the Planning Report", CD18).
- 6.3 As is noted in paragraph 3.17, on 19 February 2013 the Council granted planning permission for the Scheme, subject to conditions. A Section 106 planning Agreement (CD20) was concluded, the key benefits or mitigation secured by which are detailed below.
- 6.4 The reasons for granting planning permission were fully considered in the Planning Report (CD18) and endorsed by members of the Council's Planning Committee. The key considerations and policies for granting permission are summarised below.
- 6.5 The Site falls within allocated proposals site Aylesbury AAP P1 allocated for housing use by the AAP. The adopted land allocation for sites in Aylesbury AAP P1 includes around 1,417 new homes (all figures are approximate) with a mix of tenures and dwelling sizes. The Site (1-27 and 28-59 Wolverton) is identified as 'Site 7' and has an indicative capacity of 165 homes. It has the following additional designations or planning implications: -
- Urban Density Zone
 - Aylesbury Action Area Core
 - Air Quality Management Area
 - Flood Risk Zone under the Southwark Core Strategy 2011
 - Public Transport Accessibility Level (PTAL) of 3, which indicates moderate access to public transport.
- 6.6 The Scheme will provide 147 residential units. The Site is currently in residential use. The provision of new homes would accord with the requirements of the adopted site allocation AAP1.

- 6.7 The implementation of the Scheme will result in the loss of the existing 59 units on the Site. Saved Policy 4.6 (Loss of residential accommodation) of the Southwark Plan (CD10) states that proposals should not result in a net loss of residential floorspace. Policy 3.14 (Existing Housing) of the London Plan 2011 (CD13) resists the loss of affordable housing. In cases of estate renewal where redevelopment of affordable housing is proposed (as in the instant case), a scheme should not be permitted unless it is replaced by enhanced accommodation which provides at least an equivalent floorspace of affordable housing.
- 6.8 There are currently 59 units on the Site. The Scheme proposes to provide 76 affordable homes of which 75% (by habitable room) would be social rented accommodation. Overall there would be no net loss of residential floorspace, or affordable housing floorspace across the Site. The Scheme will deliver good quality, generous sized homes that will meet or exceed the space standards set out in the AAP and will incorporate the latest standards of sustainable design in accordance with Core Strategy policy 13 (CD9).
- 6.9 Strategic Policy 6 of the Core Strategy 2011, requires a minimum of 35% affordable housing on schemes of 10 units or more. AAP policy BH3 (Tenure Mix) (p. 35, AAP) indicates that 59% of new homes should be affordable across the first phase of the development (site proposals AAAP1). It is recognised in Southwark's draft Affordable Housing SPD 2011, that affordable housing provision should be calculated on a habitable room basis. The proposal would provide 58% affordable housing based on habitable rooms. This exceeds the requirements of Strategic Policy 6 in the Core Strategy, however is marginally below the AAP requirement.
- 6.10 The split between the social rented and intermediate accommodation is 75:25 based on habitable rooms. This is generally in accordance with the Southwark Plan (which expects a 70:30 split) and accords with AAP Policy BH3 which requires a 75:25 split. Within the social rented sector, all units would be provided at target rent levels, and this would be secured within the s106 Agreement.
- 6.11 The Scheme will provide good quality affordable housing provision which significantly exceeds the minimum requirements of the Southwark Plan and

Core Strategy. Whilst there is a minor divergence from the AAP requirement, this shortfall equates to approximately one unit and is not considered significant. It would certainly not justify refusal of the application (as evident in the affirmative resolution to grant planning permission). Moreover, given that the affordable housing requirement in policy BH3 applies to phase 1 as a whole, there will be further opportunity to make up the marginal shortfall in subsequent developments in phase 1. The Scheme will achieve the AAP 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.

6.12 Core Strategy Strategic Policy 7 requires at least 60% of units to have 2 or more bedrooms and 20% of units to be 3, 4 or 5 bedrooms in the Urban Zone. AAP policy BH4 (Size of homes) (p. 36, AAP) has a requirement for 70% of homes to have 2 or more bedrooms, 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 Scheme would provide 80% of units with 2 or more bedrooms, 9% of units with 3 bedrooms, 19% with 4 bedrooms and 4% with 5 bedrooms. The greater number of family homes provided by the proposal is considered beneficial given housing need for larger homes in the borough.

6.13 Appendix 5 of the AAP estimates 49% flats, 19% maisonettes and 32% houses could be provided on this site. The Scheme provides 58% flats, 26% maisonettes and 16% houses, exceeding the percentage for flats and maisonettes and falling below the percentage for houses as set out in AAP policy BH5 (Types of homes) (p. 37, AAP). However, all ground floor maisonettes have individual front doors onto the street, private front and rear gardens and the internal space standards are comparable to a house and therefore would have the characteristics of an individual house, albeit with neighbouring accommodation above. The quality of the houses and maisonettes is considered to be good, and the provision is acceptable (the typical layouts shown in pp 57-61 of the Design and Access Statement show the locations of the different housing typologies, CD17).

6.14 Policy 4.3 of the Southwark Plan 2007 requires 10% of residential units to be provided as wheelchair accessible fitted out for occupation. The scheme would provide 15 wheelchair accessible units consisting of 4x2 bed flats in the private tenure and 11x3 bed ground floor maisonettes (with internal platform

lift) with private gardens in the social rented tenure. A total of 15 wheelchair accessible car parking spaces would be provided and are located in close proximity to the wheelchair units. The provision is acceptable in accordance with policy, and would provide good quality wheelchair housing.

- 6.15 The overall internal space standards for all dwellings are consistent with the minimum floor areas set out within the Southwark Residential Design Standards SPD 2011 (CD16) and in most cases, exceed the minimum standards. The internal space would also meet the AAP requirements in Table A6.1 (p. 152, AAP). Overall, 90% of units would have a dual aspect, internal storage space and private amenity space in the form of either a good size balcony or private garden (typical layouts are shown on pp 57-61 of the Design and Access Statement, CD17). Two communal amenity spaces would be provided for residents. Whilst some private gardens are modest in scale, all units have access through their garden into the communal amenity space (the approach to landscaping and provision of amenity areas is shown on p. 70 of the Design and Access Statement, CD17).
- 6.16 The Site is situated within the 'Urban Zone' which requires a density of between 200 and 700 habitable rooms per hectare. AAP policy BH2 (Density and distribution of homes) (p. 31, AAP) outlines a density range of 601-700 habitable rooms per hectare for site 7. Based on the Site area of 0.88 hectares, the development of 541 habitable rooms equates to a density of 615 habitable rooms per hectare. The density sits within the required density range, which is considered acceptable in policy terms.
- 6.17 The planning application scheme layout, scale, massing and design approach responds to the context surrounding the site and accords with the aims of the AAP. The Scheme proposes two perimeter blocks, separated by a mews street, as envisaged in the masterplan (a ground floor plan is shown on p. 51 of the Design and Access Statement, CD17). The layout is in accordance with AAP policy MP1 (The masterplan) (p. 22, AAP) and policy PL3 (Building block types and layout) (p. 46, AAP).
- 6.18 The proposal provides for buildings of between 3 and 8 storeys. These heights are considered appropriate in the context and accord with the guidance within AAP policy PL4 (Building heights) (p. 48, AAP) (proposed

elevations are shown on pp. 64-66 of the Design and Access Statement, CD16). 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.

6.19 There is an existing multi use game area (MUGA) which will be lost as a result of the development. AAP policy PL6 (Children's play space) (p. 51, AAP) provides a strategy for the provision of playspace across the action area and provides indicative locations for doorstep playable space, local playable space, neighbourhood playable space and youth space. There is no requirement within the AAP to re-provide the existing MUGA at site 7, but there will be opportunities to reprovide this space in future phases of development. The Site is close to several open space facilities and provides playspace on site for residents of the development. L&Q have agreed to provide a £127,299 financial contribution towards sports facilities within the vicinity of the Site which would help deliver sports facilities in future phases.

6.20 The planning application scheme proposes provision of 0.4 spaces per unit, which accords with the standard in policy TP3 (Parking standards: residential) (p. 63, AAP). A total of 44 parking spaces would be provided in the basement, 6 of which are wheelchair accessible spaces. The layout and entry point to the car park is considered appropriate (the approach to car parking is shown on p. 81 of the Design and Access Statement, CD17).

6.21 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 will meet Code for Sustainable Homes level 4 and exceed the Core Strategy Policy 13 target to reduce carbon emissions by at least 44% over the 2006 Building Regulations. An energy assessment was submitted with the Scheme demonstrating that a range of renewable technologies had been assessed, to address AAP policy BH6 (Energy) (p. 39, AAP). The Scheme proposes solar photovoltaic panels on the roof of the buildings which would provide savings of 13.4%. Solar photovoltaic panels were considered the most suitable means of seeking to meet the renewable technologies target in policy BH6.

6.22 The Scheme meets the Council's development objectives for the regeneration of the Site and the action area core, in particular the provision of high quality mixed tenure housing. The S106 Agreement (CD20) will further secure the following:

- 57.9% Affordable Housing (75% social target rent and 25% intermediate) based on habitable rooms
- £2,005,374 (calculated at £13,642 per unit) Aylesbury Infrastructure Tariff to mitigate the impacts of the Scheme
- £485,569 towards Employment during construction, Sports development, strategic transport, and health
- The provision of two car club bays on Sedan Way, which is acceptable. Three years free car club membership to all residents of the development.
- A Travel Plan and £3,000 monitoring fee.
- £112,000 contribution to TfL for bus capacity enhancements
- £10,000 contribution to TfL for a new bus shelter on East Street
- £30,000 contribution to TfL for bus countdown displays at 3 bus stops serving the site
- £34,564 contribution to the Council for new tree planting within the vicinity of the site
- Improvements to and adoption of highways (Sedan Way and the Southern Access)

6.23 Policy D2 (Infrastructure Funding) (AAP p. 75) of the AAP (CD12) states that the Council will seek contributions through the Aylesbury Infrastructure Tariff to ensure the delivery of key infrastructure and the mitigation of adverse planning impacts. Paragraph 7.3.5 notes that the tariff will secure the delivery of public open space, improvements to Burgess Park, highways improvements to Albany Road, Thurlow Street and Portland Street, public transport improvements community facilities and energy infrastructure. Table A7.3 in AAP Appendix 7 (p. 170) sets out the cost of each item of infrastructure required:

Surrey Square	690,000
King William IV Green Finger	270,000
Chumleigh Green Finger	800,000
Bagshot Green Finger	400,000
Westmoreland	735,000
Albany Road Stop	5,030,000
Thurlow Street	5,000,000
Amersham	655,000
Pre AAP Utilities & CHP	4,226,000
Phase 1 Utilities & CHP	4,172,000
Phase 2 Utilities & CHP	2,004,000
Phase 3 Utilities & CHP	1,925,000
Phase 4 Utilities & CHP	647,000
Michael Faraday	575,000
Portland Street	2,000,000
Burgess Park phase 1	6,060,000
Burgess Park phase 2	6,060,000
Play space	4,725,000
Pre school phase 1	600,000
Pre school phase 2	600,000
Pre school phase 4	450,000
East Street	250,000
Contingency	6,000,000
Total Infrastructure Costs	
Out-turn Infrastructure Costs (includes inflation)	
Out-turn Residential Infrastructure Contribution	
Out-turn Surplus / Shortfall	
Infrastructure tariff per unit	

Table A7.3: Costs that have been allowed for with the Infrastructure tariff

6.24 However, as is stated in paragraph 5.25 above, because the tariff was to be provided in an SPD, the tariff itself is not specified in the AAP.

6.25 The AAP was accompanied by Infrastructure and s106 background paper (TC08) which explained the Council's approach to securing infrastructure and the tariff in greater detail. Table 1 in the background paper shows that the infrastructure sought (and listed in Table A7.3) has a total cost of £53m at today's prices and an outturn cost of £81m. Based on this total, Table 1 notes that the tariff per unit is £13,420 (the relevant extract is included in TC08).

6.26 L&Q will have covenanted as part of the S106 Agreement to make a contribution of £13,642 per home which is in accordance with the envisaged tariff and as such has satisfied policy D2 in making an appropriate contribution towards the site-wide infrastructure set out in Table A7.3.

6.27 The Aylesbury Infrastructure Tariff does not include all items for mitigation but the specific infrastructure requirements detailed as a direct result of the Masterplan within the AAP. Other heads of general mitigation are secured pursuant to Saved Policy 2.5 of the Southwark Plan which advises that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. The specific obligations are set out in and applied in accordance with the Council's methodology in its Section 106 Planning Obligations Supplementary Planning Document (TC12). These contributions are being secured by the Council to ensure that all planning impacts of the Scheme are appropriately mitigated. In particular, in addition to the Aylesbury Infrastructure Tariff the S106 Agreement secures contributions towards:

- a) Employment during construction;
- b) Sports development;
- c) Strategic transport;
- d) Tree planting in the vicinity of the site;
- e) A travel plan and car club bays;
- f) Improvements to bus services; and
- g) Health care facilities.

6.28 The S106 agreement also secures a contribution towards Mayoral CIL for strategic transport improvements in London, primarily Crossrail in the sum of £324,590 = 9,274m² x £35.

6.29 The Scheme is deemed by officers to be in accordance with the development plan and indeed was endorsed by its Planning Committee which recently resolved to grant planning permission for the Scheme. In accordance with paragraph 13, given the above planning policy considerations, there are no planning or other impediments to the grant of planning permission for the Scheme.

Contribution of the Order Land to the Aylesbury Regeneration

6.30 I consider that the Scheme complies with the relevant planning framework and in particular the regeneration vision and detailed policies of the AAP. As such the Scheme and acquisition of the Order Land will contribute to the achievement of the economic, social and environmental wellbeing of the area in accordance with paragraph 16 (ii) of Appendix 1 of 06/2004 (CD4).

6.31 The Site (including the Order Land) forms an integral part of the overall regeneration of the Aylesbury Estate for which the AAP (CD12) provides a clear policy framework. The interests comprised in the Order Land are part of the masterplan. Failure to acquire the Order Land would prevent the redevelopment of the Site being part of Phase 1 of regeneration. This would result in a loss of momentum for the regeneration and would compromise delivery of the overall masterplan. Policy PL.2 states that development should follow the block layout shown on the masterplan and should conform with the design guidance in AAP Appendix 6.

6.32 Policy PL.3 (Building Block Types and Layout) (p. 46, AAP) states that development should be designed to the following typologies: - perimeter blocks, mews blocks or a special (landmark) building. Turning to the Design Guidance in Appendix 6, Paragraph A6.6.3 requires that blocks should maintain a continuous building line on streets and a clear definition of public and private space. Paragraphs A6.6.15-A6.6.16 reiterate the need for a common building line and active frontages where development faces public realm in order to increase vitality, safety and create a sense of place. The guidance advises that this can also be achieved through the provision of balconies and windows overlooking the street to reduce acts of vandalism and provide a sense of security and safety. Paragraph A6.6.29 advises that corner buildings are important and act as local landmarks and encourages designers to develop innovative solutions for the treatment of corners. Such treatment can make a place more legible and easier to understand, the importance of which is stated in paragraph 4.2.3

6.33 The existing buildings on the Site / Order Land do not provide a frontage on to Thurlow Street. They fail to deliver a consistent building line on Thurlow

Street, fail to ensure that the public realm is overlooked and fail to clearly distinguish between public and private space.

- 6.34 The masterplan and Policy PL1 (Street Layout) (p. 44, AAP) identify Thurlow Street as the main local street for the new neighbourhood. This is reiterated in Appendix 6, the design guidance at paragraph A.6.5.4. Figure A6.3 indicates Thurlow Street will have a continuous frontage along its length. The Design Principles in A6.5.4 advise that the optimum building to building face width on Thurlow Street is between 31 and 36 metres. As appropriate on a main street, the design principles reinforce the aspiration for a high quality pedestrian environment.
- 6.35 Located on the corner at the gateway to the new masterplan area, and on the main street, the Site / the Order Land occupies a prominent position. A failure to redevelop this important site or to set an appropriate design tone on the main street early on in the regeneration programme would critically compromise the integrity of the masterplan and the AAP vision for Thurlow Street.
- 6.36 Moreover, it would also prejudice the development potential of the adjacent site (Site 6) in a manner consistent with the AAP. The development of Site 6 and the provision of an access road between sites 6 and 7 (the instant Site) relies on the demolition and redevelopment of the block containing flats 28-59 Wolverton as this projects further southwards than the block containing flats 60-84 Wolverton which is located in Site 6. If Site 7 were not redeveloped, the configuration of development on Site 6 would need to be completely altered. The consequentially revised shape of Site 6 would effectively prevent the development of a perimeter block on the site as required by Policy PL3 of the AAP, and would also significantly reduce its residential capacity potentially creating further conflict with policies of the AAP.
- 6.37 In addition to the impacts on the masterplan, a failure to redevelop the Site / Order Land would result in a failure to contribute to the social and economic benefits which the regeneration of the estate would bring, including the delivery of new homes to help meet housing need, the improvement of living conditions on the estate and the creation of mixed and balanced communities.

6.38 Policy D1 (Phasing) (p. 74, AAP) states that sites will be released in accordance with a phasing programme. The anticipated phasing programme is set out in Figure 6 (page 27, AAP), it also notes that the phasing plan will be kept under review and may be revised in response to monitoring.

6.39 Figure 6 shows that the Site / Order Land (Site 7) is within the anticipated first phase of development. This is reiterated in Table A7.1, Appendix 7 (Delivery and Implementation) (p. 165, AAP).

6.40 Paragraphs 7.2.6-7.2.7 (p. 75, AAP) state that the Council will demolish the worst blocks first and maximise the pace of change. It is noted that the phasing programme will respond to the characteristics of different parts of the estate, respond effectively to changes over time, manage the delivery of mixed tenure housing and enhance the viability of the project.

6.41 The phasing programme is further explained in the Delivery and Implementation background paper (an extract is included in TC09). Paragraph 3.2 explains that the phasing programme will enable: - the rehousing of existing tenants (1400), acquisition of existing leaseholder owned properties (300) by 2018/19, and demolition of five high-rise and surrounding blocks by 2021 (1700 households) and retention of a large mixed area comprising some older red brick properties in the heart of the estate and private units to be absorbed by the market.

6.42 Therefore, there are very clear planning benefits to including the Site / Order Land in the first phase of development and bringing forward the Scheme without delay. The phasing is important to ensure overall objectives of the masterplan both in terms of design, density, delivery of the requisite amount of housing and safeguarding the development potential of adjoining land.

6.43 The Site / Order Land is located on the periphery of the estate. The phasing programme broadly envisages that peripheral development will be redeveloped first, before the central parts of the estate are redeveloped. The benefits of this approach are that:

- New development will knit in more effectively with surrounding areas.

- If the regeneration programme were to be delayed or to cease, the redeveloped sites would fit well with surrounding development; this would not be the case if the redeveloped sites were located in the heart of the estate;
- Residents in the first phase will move into new homes without being surrounded by construction sites on all sides.
- Disruption to existing residents would be greater if sites in the middle of the estate were to be redeveloped first.

6.44 There are only 59 homes on the Site / Order Land and its residential density is relatively low. The proposed planning application provides 147 new homes representing an uplift of 88 homes (150%). As is stated in the proof of evidence of Jane Seymour, the relatively small number of homes on the Site / Order Land minimises the Council's rehousing requirement, while the significant uplift in homes achieved will help provide rehousing capacity which in turn will help facilitate delivery of the next phase of development.

6.45 The Site/Order Land has a public transport accessibility level (PTAL) of 3. The residential density on the Order Land which is envisaged in the AAP is between 600 and 700 hr/ha. The planning application scheme proposes a density of 615 hr/ha. As is noted in paragraph 6.16 above, the proposed density is within the appropriate range.

6.46 Moving south along Thurlow Street, away from the Site / Order Land, PTALs diminish (existing PTALs are shown on p. 172 of the AAP). There are other sites in the estate, such as 2b, 3a, 3b and 4a which, like the Site / Order Land, also envisage densities of between 600-700hr/ha or higher but which only have PTALs of 1 and 2. Redevelopment of these sites may require some improvement in PTALs.

6.47 AAP policy TP2 (Public Transport) (p. 62, AAP) provides that the Council will work with TfL to ensure significant improvements to the frequency, quality and reliability of bus services in the area. Paragraph 5.3.3 states that public transport accessibility levels (PTALs) are higher in the AAP areas closer to Old Kent Road and Walworth Road. It also notes that it will be necessary to raise PTALs further by improving bus routes.

6.48 An important part of the rationale for improving public transport routes is to accommodate higher residential densities. Implementation of the masterplan, together with improvements to bus services would raise PTALs to 3 and 4 across much of the estate area (revised PTALs which reflect the masterplan and improvements to bus services are shown on p. 174 of the AAP). In that context and given that public transport improvements may take some time to realise, it is rational to develop those sites with higher PTALs first, which included the Order Land.

6.49 I believe that, the Scheme proposed by L&Q (the selected development partner), on the Site / the Order Land is materially in accordance with the above policies. This is demonstrated by the fact that planning permission has been granted. Furthermore, the timely delivery of the Scheme as part of the first phase of regeneration (already underway in the form of Site 1A) is critical to the phasing plan and detailed policies of the AAP. The delivery Scheme would provide a critical contribution to the achievement of the economic, social or environmental well-being of the masterplan area as envisaged by the AAP. I believe there is a compelling case in the public interest for the confirmation of the Order.

7 APPENDICES

Appendices : documents referred to in this proof of evidence

TC01 Southwark Housing Requirements Study Aylesbury Estate sub-area report, 2009.

TC02 Photographs of juxtaposition of the Aylesbury estate and surrounding development

TC03 Demolition Evidence Base, March 2009

TC04 Extracts from the London Plan (2011)

TC05 Extracts from the Sustainable Design and Construction strategy background paper (May 2009)

TC06 Extracts from Appendix 14, Consultation Report (Regulation 30 Statement) (May 2009)

TC07 Letter of conformity from the Mayor of London, dated 8 April 2009

TC08 Extracts from the Infrastructure and s106 background paper (March 2009)

TC09 Extracts from the Implementation and Delivery background paper (May 2009)

TC10 2010 RTPI Awards Certificate

TC11 Southwark Adopted Policies Map

TC12 Section 106 Planning Obligations Supplementary Planning Document