

Dawson (development), Barry

From: Nick Bailey [baileyn@westminster.ac.uk]
Sent: 19 August 2013 16:09
To: Traves, Jason; Planning
Cc: Nuti, Milena (Councillor); Harrison, Adam (Councillor)
Subject: Application: 2013/5050/P: 44 Cleveland Street, W1.
Follow Up Flag: Follow up
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Dear Sir or Madam,

I have been asked to submit our comments on the S106BA application to change the terms of the S106 agreement in order to delete reference to the provision of affordable housing on the Middlesex Outpatients/Annexe site in Cleveland Street.

The Fitzrovia Trust is a company limited by guarantee and registered charity which covers the area known as Fitzrovia in the London Borough of Camden and the City of Westminster. Our objectives are to preserve and enhance Fitzrovia by increasing the amount of affordable housing and through the provision of shops and other facilities of value to local people. The Trust board is made up of residents, representatives of businesses and councillors from both sides of the borough boundary.

Objection

We strongly object to the removal of the requirement to provide 30 affordable housing units on the Cleveland Street site. In our view the 2004 Agreement does serve a useful planning purpose, i.e. the provision of much needed affordable housing and that a viable housing development could be created on this site. Our reasons are set out below:

1. There is no evidence submitted that a housing development on this site is per se not viable. The letter from Bank Paribas makes no such case and provides no figures. In fact, the housing market is currently demonstrating evidence of a strong upturn in market conditions and recent CLG figures indicate:
 - *seasonally adjusted house building starts in England are estimated at 29,510 in the June quarter 2013, **6% higher than the previous quarter***
 - *completions (seasonally adjusted) are estimated at 27,270 in the June quarter 2013, **9% higher than the previous quarter***
 - *private enterprise housing starts (seasonally adjusted) were **7% higher** in the June quarter 2013 than the previous quarter, while starts by housing associations were 3% lower*
 - *seasonally adjusted **private enterprise completions increased by 11%** and housing association completions increased by 3% from the previous quarter*
 - *seasonally adjusted starts are **now 73% above** the trough in the March quarter 2009 but 40% below the March quarter 2007 peak; completions are 44% below their March quarter 2007 peak*
 - *annual housing starts totaled 110,530 in the 12 months to June 2013, up **by 7% compared with the year before**; annual housing completions in England totaled 106,820 in the 12 months to June 2013, 9% lower compared to the previous 12 months.*

See: <https://www.gov.uk/government/publications/house-building-in-england-april-to-june-2013>

These are national figures and, as is well known, the central London housing market is particularly buoyant. There is no evidence provided of how the site has been marketed and on what terms. The listed work house building and affordable housing requirement may reduce the value of the site but in today's market conditions, we are sure it still has a positive value. Thus the guidance in para 205 of the NPPF is not contradicted by rejecting this application.

2. We note clause 4.2.1 (a) of the S106 Agreement which enables the Cleveland Street site (as designated for affordable housing by the UCHL Trust) to be transferred to the Council for £1 on 1st June 2010 if all the affordable housing had not been completed. We would like to know why this clause was not implemented and suggest the Council exercises its rights forthwith.

3. There is no evidence to indicate how the site has been marketed or whether it has been offered to a housing association at a price which would enable affordable housing to be constructed;

4. The 30 affordable housing units arises from a series of complex negotiations during the course of the redevelopment of the UCH hospital and property portfolio over at least 9 years. Delays have occurred and there have been frequent changes in planning proposals (e.g. for the Odeon site). The S106 was freely signed by both parties and at the time appeared to be a genuine commitment on the part of the Trust to meet local housing needs, particularly as many of the Hospital's current and former employees have been displaced through redevelopment and the search for greater financial returns (see for example, Cleveland Residences and properties in Huntley Street). This undertaking is now being renegeed on.

In conclusion, it is our view that no convincing reasons are submitted to release the applicants from the S106 requirement to provide affordable housing and that the Council should take legal advice as to whether it can implement clause 4.2.1 (a). Section 4 continues to serve a useful planning purpose in that it is supported by relevant policies in Camden's LDF and in the emergent Fitzrovia Area Action Plan.

Yours faithfully,

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