

Application 2021/0025/P - Affordable Housing v Viability - 100 Avenue Road, NW3 3HF

1. I object to this application to rewrite clause 3.2 of s106 Legal Agreement. As such it is an entirely new planning application and therefore should be dealt with as one.
2. The mainstay of the 4,000 objections to the original 100 Avenue Road Planning Application 2014/1617/P in 2014 was to the total lack of social housing and the derisory 'so called' affordable housing offering.
3. Part of my submission to the planning committee seven years ago was to point out that there was no provision whatsoever for social housing (40-50% of market value) for the scheme; and that only 28 'affordable rented' and 8 'intermediate' (80% of market value) had been provided for by the developers.
4. I also pointed out that these 36 'Affordable' units equated to only 19.5% - **not** 25% of the total 184 units, as the developers had claimed.
5. This 25% calculation was arrived at by the applicant conflating unit numbers with gross external area (GEA) - which would by definition include plant rooms and communal space - as per their Planning Statement [5.8]: "36 affordable flats is approximately 25% by gross external area". But 25% would equate to 46 of the total units.
6. The 18 Discounted Market Rent (DMR) units later added at Appeal increased the total to 54 units, i.e. to **29% affordable housing**. Now, **only the 10% DMR** will remain if this new application is granted. This is obviously unacceptable.
7. On **Appeal**, the Secretary of State and the Inspector gave considerable weight to the Affordable Housing Contribution, which, on balance, contributed significantly to the approval of the scheme:
 - [43] **Overall, the Secretary of State agreed that the viability study and method of ensuring that adequate affordable housing is provided is fairly and reasonably related in scale and kind to the proposed development and necessary having regard to the policy framework and the housing needs of the Borough (IR373).**
 - [IR373] I consider that the requirements for affordable housing and other associated controlling clauses are reasonable, necessary and related to the development and when viability is taken into consideration as set out above, I consider that it accords with the aims and objectives of policy. The viability study indicates that the extent of supply is reasonable, but I consider that it is reasonable that should the project **viability be improved** during construction that the affordable housing situation should be reviewed.
 - [390] Overall there is considerable social benefit in the provision of the proposed housing and affordable housing.
8. Note that the Inspector said in IR373 that the affordable housing situation should be reviewed if **viability is improved**, not the other way around, as the applicant's agents Savills are currently proposing.
9. It seems that Savills are claiming in their Planning Statement that the requirement for the applicant to comply with Policy H4 to provide the maximum contribution towards affordable housing is only contingent on whatever they can afford at any given time:

- [36] The amendments now proposed will still be compliant with the requirements of [Policy H4](#) to provide the maximum contribution towards affordable housing with regard to the viability of the proposed development.
 - [37] Moreover, this amendment will not alter the existing purpose of Clause 3.2 within the legal agreement. The obligation will still secure the maximum contribution to affordable housing from the development, as was always intended, **albeit the overall contribution will differ due to the changed circumstances with regard to the scheme's viability** that now exist.
10. This clearly goes against [Policy H4](#) in the [Camden Local Plan](#):
- [3.83] ...to expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The Council will seek to negotiate the maximum reasonable amount of affordable housing on the following basis: [e.] ...**an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings.**
11. Also see the [Appeal Decision](#):
- [14] CS Policy CS6 relates to providing new homes seeking to maximise the supply of additional housing to meet or exceed Camden's targets. This includes **affordable housing where the target is for 50% of homes to be affordable.**
12. There is also the question of the existing "Deferred Affordable Housing Contribution pursuant to Clause 3.15 of the Agreement", currently set at "£11,444,500.00 due to Council" [s106, Pge 56]. Will this still be delivered if the application to remove the affordable housing is accepted? In fact, ought not the applicant be increasing their contribution to the Council pro-rata to make up for the additional 19% shortfall? Seems unlikely.
13. This situation very much reminds of the [Sittingbourne Kent fiasco](#), when [Essential Land](#), then governed by the same founders as Essential Living (and, strangely, still sharing the same [website banner](#)), reneged on their affordable housing agreement, leaving the site fallow for six years until it was eventually sold.
14. There are other options for the developers, such as to radically reduce the size of the project. Cutting corners on cost and already limited quality, such as skimping on the cladding (what might be next?) to make this unwanted behemoth work, is unacceptable.
15. This application is an affront to all of us who live, work and play here, having thus far had no choice but to accept compromise after compromise. Enough now! Camden Council must refuse this application.

Yours sincerely

Janine Sachs



Chair, Save Swiss Cottage