



Outlook

RE: Mount Clare appeal - draft s106- LPA comments

From Mandip Sahota <ms@ntaplanning.co.uk>

Date Wed 14/01/2026 15:55

To Siri Thafvelin <siri.thafvelin@richmondandwandsworth.gov.uk>

Cc John Legg <john.legg@planninginspectorate.gov.uk>; Helen Skinner <helen.skinner@planninginspectorate.gov.uk>; Janet Ferguson <janet.ferguson@richmondandwandsworth.gov.uk>

1 attachment (2 MB)

Mount Clare Campus note response apps.pdf;

Dear Siri,

Thank you for the update below and that the LPA's position remains the same, that an affordable housing contribution is required. I also note the CIL compliance notice that was issued yesterday referring to the NPPF definition of affordable housing, and thus the Council's view that affordable housing is triggered.

The Appellant's view remains that a contribution is not required, and this is reflected in the submitted s106 draft.

To assist your further review, I attach additional correspondence from Redloft who have previously commented on this matter. They note the Council's reference to the definitions of affordable housing, as stated in the National Planning Policy Framework, Annex 2, and they reconfirm that the accommodation to be provided at the scheme is designated as 'Temporary Accommodation'. They extract the definition of affordable housing below, where relevant to the nature of the accommodation proposed:

"Housing for sale or rent, for those whose needs are not met by the market...and which complies with one or more of the following definitions:

b) Other affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider...; and (c) it includes provisions to remain at an affordable price for future eligible households."

Redloft reiterate that 'Temporary Accommodation' is housing for those who are homeless or at risk of being homeless. Such a group's housing needs are clearly not being met by the market.

Furthermore, 'Temporary Accommodation' rents are set at Local Housing Allowance (LHA) levels. LHA rates, for shared accommodation in the scheme's local market context, are well below 20% of the market rent, as identified in the attached. The landlord of the accommodation would be a local authority or a registered provider, as anticipated under any lease offer. The scheme, as restricted to 'Temporary Accommodation', would furthermore provide provision to remain at an affordable price for future eligible households.

As the scheme is identified as 100% Temporary Accommodation, and as noted above, falling within the definition of affordable housing, the Council's affordable housing policies would not apply. The GLA have already previously confirmed the London Plan polices would not apply.

In conclusion, it is reiterated that this is a Sui Generis application for TA, therefore applying affordable housing policies intended for HMO or LSPBSL is wrong. Whilst we do not seek to examine the Council's calculation for an affordable contribution (as it was only provided at exchange of proofs) it is worth noting at this stage that it is clearly based on the wrong use class and comparables (co-living, or otherwise regarded as LSPBSL, and not TA). It is clear that the occupant of TA would not be paying market rent and in reality, this scheme already proposes a form of affordable housing. The Appellant maintains that the LPA's position is unreasonable and they reserve their rights to apply for costs in relation to this issue.

We await your comments on the draft s106.

Kind regards,

MANDIP SINGH SAHOTA MRTPI
MANAGING PARTNER



T. 020 7636 3961

DD. 020 3872 4968

M. 07738 718068

ms@ntaplanning.co.uk

www.ntaplanning.co.uk

NTA PLANNING LLP is a limited liability partnership registered in England and Wales.

Registered number OC438813.

Registered office: 46 James Street, London W1U 1EZ

From: Siri Thafvelin <Siri.Thafvelin@RichmondandWandsworth.gov.uk>

Sent: 13 January 2026 18:09

To: Mandip Sahota <ms@ntaplanning.co.uk>; Legg, John

<john.legg@planninginspectorate.gov.uk>

Cc: Skinner, Helen <helen.skinner@planninginspectorate.gov.uk>; Janet Ferguson
<Janet.Ferguson@richmondandwandsworth.gov.uk>

Subject: Mount Clare appeal - draft s106- LPA comments

Official

Dear Mandip,

Mount Clare appeal - draft s106- LPA comments

We received a draft S106 Agreement from your lawyers on 23 December and our lawyers responded to that draft.

We have been informed that our lawyers have today received an amended draft at 4.10pm. Whilst I understand from our lawyers that the body of the document itself is mainly agreed (although we haven't had chance to look at the definitions except for the fact that we have already informed you that the definition of "Development" should

refer to the description of the development on the appeal) Schedule 2 which contains the affordable housing contribution planning obligations are completely different to what was contained in the previous draft and therefore we will need to take instructions on this proposal which we will do and respond as soon as possible.

We are conscious that the Inspector has asked for a draft S106 to be submitted today and therefore we consider it important that the Inspector is made aware that we have only received this draft with the substantive obligation in Schedule 2 today at 4.10pm and therefore have not had chance to take instructions or provide any comments.

The LPA's position remains the same in that an affordable housing contribution is required and we will consider this in the context of what has been proposed by you today.

In the meantime, we will, in accordance with the Inspector's timetable, submit the Reg 122 compliance statement today.

Kind regards,

Siri Thafvelin
Principal Planning Officer | Strategic Development Team
Serving Richmond and Wandsworth Councils
Tel. No: (020) 8871 6899
planning@wandsworth.gov.uk
www.wandsworth.gov.uk

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