

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

COUNCIL MEETING – 26 JUNE 2019

PETITION FOR DEBATE – SHEPPARD TRUST HOMES ACV

The following petition was presented to the Council meeting in May:

“We, the undersigned, petition the Council of the Royal Borough of Kensington and Chelsea to use its best endeavours to protect our 29 homes located in the Alms Houses also known as the Sheppard Trust which are situated in Lansdowne Walk, London, W11 3LN. Several of these 29 flats have been there since the 1950s. We, the present residents and beneficiaries are vulnerable, elderly women or limited means with roots throughout the Royal Borough.

We must not be moved against our will out of the area.

We implore the Cabinet and Councillors to instruct its Planning Department to designate all Sheppard Trust houses on Lansdowne Walk as ‘Assets of Community Value’ to protect the buildings by designating that they have social community use thereby demonstrating the value Kensington and Chelsea places on housing its elders within the heart of the community and the importance that its long term residents bring to the rich diversity of the borough.”

The report explains:

- What an Asset of Community Value (ACV) is.
- The correct process for applying to designate buildings as ACVs
- The impact of an ACV designation.
- The likely chances of Sheppard Trust homes being designated as an ACV.

FOR DISCUSSION

1. THE PETITION

- 1.1 We have received a petition with over 1500 signatories attached (online and in hardcopy). The petition asks:

“the Cabinet and Councillors to instruct the Planning Department to designate all Sheppard Trust houses on Lansdowne Walk as ‘Assets of Community Value’ to protect the buildings by designating that they have social and community use thereby demonstrating the value Kensington and Chelsea places on housing its elders within the heart of the community and

the importance that its long term residents bring to the rich diversity of the Borough”

2. PETITION GUIDANCE

2.1 The Council’s Petition Guidance states:

“A petition may be referred to a meeting of the full Council for debate where:

- (i) a petition addresses a broad and current issue of interest or relevance to residents across the Borough as a whole; and*
- (ii) the Mayor so agrees; and*
- (iii) the petition achieves at least 1,500 valid supporting signatures.”*

2.2 As the above applies:

“... the lead petitioner will be asked to confirm that s/he would like the petition handled in that way and, if s/he does, will be invited to address, or nominate someone else to address, the meeting in question. Council or Scrutiny consideration of any petition will be based upon a written report from the relevant Council officer, published with the relevant agenda. The response to any petition that is considered in these ways will be given, usually by the relevant Lead Member, after they have had the opportunity fully to consider the points raised at the meeting in question.”

2.3 This report sets out the key issues following confirmation from the Lead Petitioners of their wish for the petition to be debated at Council.

3. THE SHEPPARD TRUST HOMES

3.1 The Sheppard Trust is a charitable housing trust with roots in the Victorian period who provide sheltered housing to single Christian elderly ladies living on limited means. The Trust owns two sites in the Borough on Lansdowne Walk, at Nos. 2-4 (15 one bed flats and a studio) and Nos. 12-14 (12 one bed flats and one studio).

3.2 There are a total of 29 self-contained flats across both sites, which remain occupied by elderly women. Although there is a warden at the sites, the Trust does not provide any element of care to the occupants. In planning terms, the flats at the site are viewed as 29 separate homes in class C3 residential use.

3.3 The Trust state publically on their website that they have agreed in principle to develop new extra care housing outside the Borough. This has led to concerns that the Trust may vacate their current premises in Lansdowne Walk and seek redevelopment of those sites. Concerns about the future intentions of the Trust are very likely to have triggered the petition to list the buildings as ACVs as a means to protect the current occupants and the current charitable use.

4. WHAT IS AN ACV?

4.1 The Localism Act in 2011 created a new power for qualifying local community groups to nominate buildings or other land to be listed as ‘Assets of Community

Value'. ACVs are defined in legislation as buildings or land that "further the social interests and social wellbeing of the local community". To qualify for the designation, it must "be realistic to think" that the community use within the building can continue into the future (Section 88 of the Localism Act).

- 4.2 Buildings and land that cannot be designated as an ACV are set out in Schedule 1 of The ACV Regulations. **Residential uses are specifically excluded from ACV listing** (see Schedule 1 of ACV Regulations).

5. HOW DO YOU APPLY TO DESIGNATE A BUILDING AS AN ACV?

- 5.1 The petition requests the Cabinet and Councillors to instruct the Planning Department to designate the Lansdowne sites as Assets of Community Values. This is not a lawful approach.
- 5.2 The Council cannot legally designate buildings as ACVs on its own initiative. An ACV designation can only be made in response to a formal nomination submitted by a qualifying community group and containing all the information required by legislation. There is a formal process to be followed, which is set out in statute, with obligations on the Council to notify owners and occupiers that a nomination has been made, prior to any decision being made.
- 5.3 If the petitioners wish the Council to consider their nomination, they must first submit the information and evidence that is required by the legislation. The nomination must be made by an eligible community group. The most common type of eligible groups are local charities or neighbourhood forums. An individual cannot submit a nomination on their own. It is possible that a group of 21 local electors can seek a designation.
- 5.4 The nomination form and full guidance notes are available on the [Council's website](#). This explains what information is required to be submitted with the nomination. The nomination is free and a decision takes 8 weeks. The decision is usually taken under delegated powers by the Director of Planning.
- 5.5 A council officer will provide help to community groups to make the nomination (contact: james.preece@rbkc.gov.uk).

6. THE EFFECT OF AN ACV DESIGNATION

- 6.1 Once a building is designated as an ACV certain restrictions are placed on the owner. These restrictions bite at the point at which an owner seeks to sell their building or land. They are designed to give community groups time to raise funds to purchase the property themselves.
- 6.2 Once designated, owners must formally notify the Council that they intend to sell their ACV. The Council in turn notifies local community groups and invites these groups to register their intention to bid to buy the building.
- 6.3 If a community group does express an interest in bidding for the asset, a six-month moratorium on any sale comes into place. This allows time for the community group to raise funds to submit a bid. After the six-month period is

over, the owner of the property is free to sell it to whoever they chose and at whatever price.

6.4 An ACV designation may be given weight when considering planning decisions.

7. COULD AN APPLICATION TO DESIGNATE THE SHEPPARD TRUST SITES SUCCEED?

7.1 No. Even if the petitioners were to submit a valid nomination, the Sheppard Trust sites cannot be designated as ACVs. They are a collection of self-contained flats and studios in residential use. The ACV Regulations are very clear that residential uses (including land connected with that residence) are excluded from ACV listing (See Schedule 1 of the ACV Regulations).

8. RECOMMENDATION

8.1 Council invites Lead Members to note the petitioners' representations and any views expressed by councillors.

Sue Foster OBE MRTPI
Interim Director of Planning and Place

Background papers: None

Contact officer:

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