

housing. High land values can effectively prevent new social and community facilities from being established. Maintaining the present land bank of sites in these uses for future generations is thus essential. Where policy safeguards have been ineffective, social and community facilities have been lost to higher land value uses. (para 30.3.2)

- to allow for changes while maintaining the borough's overall stock of social and community uses. The Council also recognises, taking a pragmatic approach, that it may be necessary to support enabling development on a given site where the proposal will result in an overall improvement to the social and community facilities in the borough. (para 30.3.3)

The current proposal involves the total loss of low land value social and community uses to the highest value use – luxury retirement housing, with no obligation to provide an appropriate level of on-site affordable housing. It is the most extreme conflict that is possible!

It would appear that the Planning Department does not understand or has deliberately misunderstood the purpose of the policy.

The purpose of the policy is to protect low land value social and community uses, by using a sequential approach (see Policy CK1 (c)) which:

- firstly, "seeks the re-use of land and buildings for the same, similar or related use";
- secondly, "seeks another social and community use which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use."; and finally
- permits enabling development in order to significantly improve that (social and community use)

4. This scheme does not meet any of the key tests of Policy CK1:

The key issues here are:

- the choice of luxury extra care housing is not a low value use which can be used to replace the loss of the current low value educational use, which requires protection from high-value uses such as residential. Whatever the Use Class classification it might have, the key issue is that is not a low value use, but the antithesis – an extremely high value use from which the low value use requires protection.
- it is not "the same, similar or related use" – the proposed use may be argued to be in the same use class (C2 – a residential institution), but that does not qualify it to be a low land value social and community use!
- the top-of-the range, luxury retirement housing characteristics – with a wide range of facilities, including a restaurant, swimming pool, sauna/steam room, gym/fitness centre, Yoga/Pilates room, hair and beauty salon, cinema – is aimed at a very narrow demographic - "ultra-rich, high net worth" people, which would not qualify it as providing "significant benefits to borough residents" nor could it be demonstrated that "there is greater benefit to the borough resulting from the change of use."
- The lack of a continuous open-air footpath that allows direct access to the gardens from both Kensington Square and South End.
- This scheme could not "provide significant benefits to borough residents" nor could it "demonstrate that there is greater benefit to the borough resulting from this change of use"; and, finally,
- the development is not enabling the retention or improvement of the existing social and community use.

To agree to the classification of the proposed luxury extra-care housing as a social and community use purely because it might be considered to be in the same Use Class (C2) is perverse and undermines the whole basis of Policy CK1.

How did this come about?

The draft SPD for Heythrop College contained no proposals for housing and none was proposed in the consultation responses, other than "a modest amount of enabling residential development may be acceptable",

The draft SPD said:

- 3.16 The main use of the site is as a residential institution (Class C2 in the Use Class Order). This use class comprises residential care homes and sheltered housing where there is an element of care, hospitals, nursing homes, boarding schools, residential colleges and training centres. Extra care housing, offering a sufficient level of care for residents, would also fall under a Class C2 use. Policy