

**Royal Borough of Kensington and Chelsea  
Directorate of Planning Services - Policy Observations**

<b>App No.:</b> PP/18/05313	<b>Address:</b> Heythrop College, 23-24 Kensington Square, London, W8 5HH	<b>Date Received:</b>	<b>Date of Obs:</b> 28/09/18
<b>DM Officer: JOWH</b>	<b>Policy Officer: JAPR</b>	<b>Obj: No</b>	

**Description of Development**

Demolition and alteration of existing buildings and structures for the redevelopment of the site to provide an extra care facility, nurses training facility, GP surgery, community hall, and two reinstated residential townhouses, across 7 buildings ranging from 4 to 9 storeys, with 2 storey basement, structures for decking over of adjacent London Underground Line, and associated vehicle parking, access, servicing, and landscaping.

(Major Application)

**Planning Policies**

**Consolidated Local Plan (CLP) 2015**

**CK1** Social and Community Uses,

**CH1** Housing targets

**CH2** Housing Diversity

**Local Plan Partial Review (LPPR) 2018**

**CH1, CH2, CH4**

**London Plan (DLP)**

**3.8:** Housing Choice, **Policy 3.16** Protection and Enhancement of Social Infrastructure, **3.18** Education Facilities, Annex 5

**Draft London Plan**

H1, H3, H5, H6, H7, H12, H15, S1, S3, S5

**Mayor of London - Housing SPG, March 2016**

**Heythrop College SPD**

**Issues**

Land Uses

Affordable Housing

Optimal use of Land

Emerging policy

## **Consolidated Local Plan**

### **Principle of Extra Care (Class C2)**

#### *Establishing the proposed use*

The case officer will determine whether the proposed extra care development qualifies as a C2 use, as opposed to a residential (C3). To this end, the Applicant has supplied an Extra Care Accommodation Operation Policy Document (ECAOP). Of particular relevance to any determination of the C2/C3 use is the physical layout of the building, level of care provided and the detail of the operation of the proposed development.

If the officer were to determine the use to be C2, this should be secured through a Section 106 legal agreement and a condition should be attached securing the operation in accordance with the Extra Care Accommodation Operation Policy Document provided by the applicant.

#### *Need for specialist housing for older people*

There is an identified need for specialist older people's housing in the borough. The Council's Strategic Housing Market Assessment (SHMA), December 2015 (Section 9) identified an increasing proportion of elderly population in the borough. The proportion of the population of those aged over 65 will increase from 14% in 2017 to 20% in 2037. The SHMA estimates a need for additional specialist housing for older people, in the range of 87 to 100 additional units per annum in Kensington and Chelsea. This figure is also reflected at a regional level in the London Plan. Annex 5 of the 2015 London Plan details an indicative annualised target for specialised older people in Kensington and Chelsea of 100 units per annum between 2015-2025. This is broken down by tenure into 60 units private sale, 20 intermediate sale and 20 affordable rent. The most recent draft London Plan (2017) provides annual benchmark (units per annum) for specialist older persons housing at 85 for Kensington and Chelsea (albeit this is defined as C3 accommodation).

#### *Regional and Local Policies*

The applicant has explained the site is no longer required for the Jesuit College but has not provided evidence that an alternative educational use was explored in line with the sequential test in Policy CK1 and London Plan Policy 3.18, which specifically resists the loss of education facilities unless it can be demonstrated that 'there is no ongoing or future demand'. The proposal is therefore contrary to CK1(c). This policy conflict must be weighed in the balance against the benefits arising from a significant increase in social and community floorspace (18,998 sq m).

London Plan Policy 3.16 states that the suitability of redundant social infrastructure for other forms of social infrastructure for which there is a defined need in the locality should be assessed. At a local level, policies are supportive of additional extra care housing for older people. The Council's Policy CH2(c) (Chapter 35, CLP) encourages the provision of extra care housing, particularly in the south of the borough. This support is carried through in the emerging Local Plan Policy update – see Policy CH4a (LPPR, p.196). The Heythrop College SPD also encourages extra care housing in C2 use, noting, "*this benign use could complement other uses on the site*" (para 3.16 – see also para 3.37).

Notwithstanding the above analysis, the Heythrop SPD establishes the existing residential college use at the site as Class C2 (see para 3.16). As the proposed use falls under the C2

use, the proposal would not involve a change of use.

### ***Housing Targets***

At a national level the new NPPF, July 2018 reiterates the importance of boosting the supply of homes in the right places. The NPPF has also introduced a Housing Delivery Test the first of which will be published in November 2018 and thereafter each year. Self-contained extra care housing will help meet the borough's housing targets set out in Policy CH1 of the CLP.

### ***Town Houses***

The change of use of the three large proposed townhouses at 23 and 24 Kensington Square fail to make optimal use of the building for housing and represent a missed opportunity to boost the supply of housing. This is a specific aim within paragraph 59 of the National Planning Policy Framework. Paragraph 123 of the NPPF in particular supports optimal use of the potential of each site. Such an approach would specifically conflict with development plan policies 3.4: Optimising housing potential of the London Plan and Policies CH1 and CH2 of the CLP which taken together, aim to ensure the housing needs of the Borough are met. However, this must be weighed against the heritage benefit in bringing these houses back into their original use along with the other benefits of the scheme.

### ***Affordable Housing Contribution***

The proposed level of housing is sufficient to trigger the requirement to provide affordable housing. The applicants have provided a viability assessment of the site, which concludes that on-site affordable housing is economically unviable at levels of 35% (of the proposed C3 floorspace). Nevertheless, the applicant is proposing to provide 5 affordable units – all in intermediate use – representing 35% of the proposed C3 floorspace.

Whilst the headline figure of 35% meets the emerging LPPR policy (CH2) and the broad approach of the Mayor's draft London Plan (H6) (Mayor's 35% approach is measured by habitable rooms in draft LP), a tenure of 100% intermediate is contrary to the Council existing Policy CH1 (85% social rent and 15% intermediate) and the emerging LPPR's Policy CH2 requirement for 50% social /affordable rent and 50% intermediate. However, given the low numbers of affordable homes that are feasible based on viability, a split in tenure as per planning policies may not be practical in this situation. Nevertheless, to enable provision of genuinely affordable housing, the intermediate homes should be intermediate rent based on the Kensington and Chelsea's adopted intermediate rent setting policy.

The draft London Plan (DLP) Policy H15: Specialist older persons housing (C) considers extra care accommodation as being in Use Class C3. Draft Policy H15 (B): makes clear that specialist older persons housing in C3 use should deliver affordable housing in accordance with policy H5: Delivering affordable housing. These policies have little weight at this stage as they have yet to be tested at examination and it is for the case officer to determine the proposed use taking into account the specific facts in this case.

Regardless of the use class of the proposed development or the weight one can attach to the DLP housing policies, the applicants have addressed affordable housing provision in evidence via their financial viability assessment. This concludes that the development as a whole cannot viably bear the cost of even the five proposed intermediate affordable homes being offered. Independent assessment will scrutinise this conclusion. Assuming that the conclusions of the financial viability assessment are found to be robust the applicant will

have satisfied the requirements of CH2(p)(i) in demonstrating that the maximum reasonable amount of affordable housing has been provided.

It is understood that a financial contribution of £4m for step free access to High Street Kensington underground station may be secured. This links to the proposed development decking over the railway cutting, although other options to the step free access are also being explored. This will be a significant benefit for future occupants of the scheme, borough residents and visitors but the overall consideration of benefits against policy conflicts will have to be undertaken by the case officer.

### ***Loss of existing / provision of other social and community uses***

The loss of the existing nursery (380sqm) is contrary to Policy CK1. The Heythrop College SPD states that the 24 Kensington Square is a planning unit in its own right in D1 use (see para 1.11). Where a change of use is proposed away from D1, the starting point of the CLP Policy CK1 is the protection of the existing social and community uses on site. The amended scheme also omits the previously proposed GP surgery (942 sqm) and the proposed nurse training facility, which were previously outlined.

In mitigation of the loss of the existing uses, the applicant is proposing a £100,000 contribution towards the relocation of the Dyslexia Centre. It is unclear if a new location has been secured for this use within the borough. The planning statement states assistance is being provided to the nursery to relocate but little further detail has been provided. The primary public benefit mitigating the loss of the nursery is the provision of a new community centre (125sqm) located at ground floor level. The centre will provide seating for up to 80 people along with a meeting room. The relocation of the proposed use to ground floor level is strongly supported and will greatly improve the visibility and accessibility of this public use.

A weighing exercise will need to be undertaken to assess whether the new community centre provides significant benefits to local residents and the change from the nursery to the community centre demonstrates a greater benefit.

### ***Loss of Sports Courts / provision of external play space***

The site currently has sports courts within the grounds that provide a resource for local schools and clubs that lack sufficient outdoor space (SPD para 3.27). London Plan Policy 3.19 states that "proposals that result in a net loss of sports and recreation facilities should be resisted". The Heythrop SPD states that preservation of these facilities will need to be considered in future plans. CLP Policy CR 5(e) require all major developments to provide onsite external play space, including for under-fives based on expected child occupancy. The provision of play space is therefore welcomed. The loss of sports facility is contrary to LP policy 3.19.

### ***Conclusion***

The proposal is contrary to a number of local and London Plan policies, particularly concerning the loss of existing social and community uses at the site (where a proposed change of use is occurring) the loss of the sports pitches and the proposed tenure of the affordable homes. This must be balanced against the provision significantly more social and community floorspace, the provision of a new community centre and the contribution the development makes to the overall housing requirements in the borough along with any other public benefits identified by colleagues in relation to heritage, design and transport issues.

**Signed Off:**