

Draft Affordable Housing Supplementary Planning Document (SPD), Consultation Responses, 11 February - 24 March 2020

The tables below set out the responses received on the Draft Affordable Housing SPD Consultation which was undertaken for six-weeks between 11 February to 24 March 2020. The last column titled “Council’s Response” also sets out areas where the text will be changed in the final Affordable Housing SPD. The changed/intended to change text is shown in **blue, underlined and emboldened** text.

Question 1: The Council recognises that whilst admirable in its intention, the term “*affordable*” has lost its meaning and is often misunderstood by the general public. Given the Council’s firm commitment to signal a change in direction, it is important that whenever the new term is used, it is clear to everyone that these homes will be genuinely affordable.

Do you support of any of the following terms to be used to mean “affordable housing”?

Name	Comment	Response Option Selected	Council’s Response
Chelsea Society (Paul Lever)		RBKC Fair Homes	Based on the results of the polls undertaken using the digital platform built-id, there were 95 votes for the term RBKC Community Housing and 88 for RBKC Fair Homes. Counting the three votes for RBKC Fair Homes in this response, the total is 95 for RBKC Community Homes and 91 for RBKC Fair Homes. <u>As a result the document title and references within the final document will refer to RBKC Community Homes as the new term for affordable housing.</u>
RBKC Earl's Court Ward (Malcolm SPALDING)	Subsidised Housing		As above.
RBKC Councillor (Hamish Adourian)	Fair Homes is the best one out of these three to refer to affordable housing in general, as the other	RBKC Fair Homes	As above.
RBKC Councillor (Hamish Adourian)		RBKC Fair Homes	As above.
Clarion Housing Group (Elanor Warwick)	Social Homes		As above.
Kensington Society (Michael Bach)	None of the above. The Intend to Publish London Plan has a set of definitions – which reflect the range most appropriate for London, with sufficient that cover genuinely affordable housing. It would be better to have a common set of definitions for London, rather than a borough-specific set of definitions.		As above.

Question 2: In the Introduction we set out the six main objectives which the Council hopes that the SPD will achieve.

Do you think these are the correct objectives, or is there anything else which the SPD should consider?

Name	Comment	Council’s Response
Octavia Housing (Andrew Brown)	We think these 6 objectives are correct.	Noted
GLA (Celeste Giusti)	The draft Supplementary Planning Document The Mayor welcomes the preparation of the Royal Borough of Kensington and Chelsea’s draft Affordable Housing SPD and its supporting evidence. Overall, the Mayor is very supportive of the approach taken in the draft document, in its aim to address the need or affordable housing across the borough and the reinforcement of the Mayor’s threshold approach as set out in his Intend to Publish London Plan Policies H4, H5 and H6.	The Council notes the Mayor’s support.

Name	Comment	Council's Response
RBKC Earl's Court Ward (Malcolm SPALDING)	1) AFFORDABLE OWNERSHIP MODELS 2) INTERMEDIATE PRODUCTS FOR KEY WORKERS 3) INTERMEDIATE EXTRACARE and SHELTERED HOUSING FOR DOWNSIZERS 4) SUPPORT FOR FIRST-TIME BUYERS 5) SETTING THE QUATUM OR PERCENTAGE OF SOCIAL RENTED UNITS AS A BOROUGH-WIDE TARGET (say 25%) 6) RETAINING THE CLP POLICY OF 50% SOCIAL RENT and 50% INTERMEDIATE 7) REFORMING THE SOCIAL HOUSING WAITING-LIST CRITERIA	Alternative terms are noted. However, most people who responded have voted for one of the suggested terms as set out in response to Q1 above.
Quod (Chris Wheaton)	<p>Representations in Relation to North Pole Depot, Forming Part of the Kensal Canalside Opportunity Area</p> <p>These representations are submitted by Quod on behalf of the Department for Transport (DfT) which owns the North Pole Depot site within the Kensal Canalside Opportunity Area (KCOA). Whilst DfT supports many of the aims of the Affordable Housing Draft Supplementary Planning Document (the SPD), there are concerns in relation to certain points and also regarding the lack of specific consideration of Opportunity Areas such as KCOA.</p> <p>DfT is currently working closely with RBKC officers and the GLA to refine plans for the North Pole Depot site, including the planning and funding of required infrastructure. The North Pole Site is a significant opportunity within the borough, with capacity for c.850-1,250 and therefore the ability to supply a large proportion of the borough's planned housing and affordable housing. It is critical that the SPD supports the ability of the site to fund the required infrastructure and create a sustainable new community.</p> <p>The following sections outline DfT's comments on the SPD which made with specific reference to the North Pole Depot Site.</p>	<p>Noted. Quod will be aware of the in-depth studies including a Development Infrastructure Funding Study (DIFS) being undertaken for the Kensal Canalside Opportunity Area. The provisions in this SPD are of a strategic borough-wide nature. The Kensal Canalside Opportunity Area SPD will be setting out detailed policies for the opportunity area and is being developed in close consultation with all the land owners.</p> <p>The SPD does not preclude site specific viability consideration, see para 5.12 and current Figure 4 on page 31 (Figure 4 will be renamed as figure 5 due to a typing error).</p>
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Group)	<p>The Draft Affordable Housing SPD sets out a number of main objectives, with the aim of providing more genuinely affordable housing across the Borough. To achieve these main objectives, the Draft SPD seeks to following key changes for all housing developments across the Borough:</p> <ul style="list-style-type: none"> - Amend the adopted affordable housing tenure split from 50% social rented / 50% intermediate as set out in the adopted Local Plan (2019) to 70% social rented / 30% intermediate. - Cap intermediate rent levels across the Borough to the Mayor for London Living Rent level for the lowest ward in the Borough (currently Notting Dale ward) regardless of the location of the site within the Borough. - Require the 70% social rented provision to be 'at social rent in most circumstances or affordable rent at London Affordable Rent in some (defined) circumstances'. <p>These three changes have the potential to significantly impact the viability and deliverability of the redevelopment of the Kensal Canalside Opportunity Area to provide much needed homes within the Borough.</p> <p>While our clients support the delivery of new homes across the Borough, including affordable homes, they are keen to ensure that the proposed changes comply with the adopted development plan and do not compromise the deliverability of the Opportunity Area in its important role in helping the Borough to achieve its housing targets.</p> <p>The NPPF and NPPG are clear on the need for policies and proposals to take account of viability, with Paragraph 002 of the NPPG on Viability (as outlined in paragraph 2.4 of the Draft SPD) stating that "Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage."</p> <p>This is consistent with the NPPF which is clear throughout on the need for planning policies and decisions to be deliverable and take account of viability.</p> <p>By applying the objectives of this Draft SPD to the proposed redevelopment of the Kensal Canalside Opportunity Area, the viability of the Opportunity Area in delivering a significant number of</p>	<p>Noted. Ballymore will be aware of the in-depth studies including a Development Infrastructure Funding Study (DIFS) being undertaken for the Kensal Canalside Opportunity Area. The provisions in this SPD are of a strategic borough-wide nature. The Kensal Canalside Opportunity Area SPD will be setting out detailed policies for the opportunity area and is being developed in close consultation with all the land owners.</p> <p>The SPD does not preclude site specific viability consideration, see para 5.12 and current Figure 4 on page 31 (Figure 4 will be renamed as figure 5 due to a typing error).</p>

Name	Comment	Council's Response
	homes which the Borough needs is put under significant pressure when combined with the necessary infrastructure required to deliver the site.	
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • Yes the objectives in the SPD are correct. • We would support requiring provision of 35% affordable homes on site on private residential and 50 % affordable homes on public land. • We welcome the provision of a definition of a genuinely affordable product for the borough (that will be legally binding) but warn against a broadening of the term as we fear it may create further ambiguity that could be misinterpreted. • We welcome clarity on Policy CH1e resisting loss of affordable homes and floor space. We believe floor space gives a truer reflection of what needs to be retained, especially given replacement homes may well be larger than existing (with improved space standards) or of a different mix to reflect housing need at that time. • Whilst community infrastructure is critical to any development and Clarion would be highly supportive of RBKC intentions, in our experience to requires this infrastructure to take the form of a community meeting space is too proscriptive, and we have examples where this was not the best solution needed for a particular community. We would suggest a requirement that community infrastructure is provided in a form that is to be determined with input from residents. 	<p>Support noted.</p> <p>The document does not broaden the definition but defines clear products within the umbrella term <i>affordable</i> housing.</p> <p>It is the intention that any community infrastructure is provided based on a community space audit. Pre-engagement for planning applications is embedded with the Council's Statement of Community Involvement (SCI) as referred to in section 7 of the Draft SPD.</p> <p>Text will be added in section 6 to clarify that residents' input would be expected in this aspect.</p>
Kensington Society (Michael Bach)	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. Yes – although this should use the same terms as the London Plan, with minor amendments to the definitions/descriptions if necessary. The products need to be understandable to applicants and to residents 4. Yes 5. Yes – and ensure that other forms of affordable market housing, such as HMOs, hotels, homes for the elderly and student housing are included. 6. Yes – this is particularly important for social housing, including those owned by RSLs – this will need to be explicitly conditioned or secured by a S106 agreement. 	<p>Noted.</p> <p>3 – The objective is seeking to find a new term to replace the word affordable. The products as set out later in the document do reflect those in the London Plan. This is explained in para 3.2</p> <p>5 – The SPD is about affordable housing that would meet the wider definition in the NPPF and giving it a local expression.</p> <p>6 – Noted – Appendix 1 does specify that where community space is secured it will be included in the legal agreement.</p>

Question 3: Do you have any comments about Section 2 of the SPD, Policy context?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	We think the Policy Context is a correct representation	Noted
RBKC Earl's Court Ward (Malcolm SPALDING)	<p>2. POLICY CONTEXT</p> <p>2.3(b) "creation of mixed and balanced communities". This term should be defined to include the currently excluded mean – the low cost ownership options for first-timers, down-sizers, key workers and veterans.</p> <p>2.9 Policy H6 should stand</p> <p>(1)30% low cost rented homes either London Affordable Rent or Social Rent</p> <p>(2) 30% Intermediate LLR and London Shared Ownership</p> <p>(3) 40% Intermediate Products (such as shared ownership) but EXCLUDING low cost rented.</p> <p>(3) Would be generally acceptable to residents.</p> <p>2.12 Policy CH2 should stand</p> <p>2.16 Policy CH4 should stand and specify a percentage for extra care and sheltered housing given that 40% of the borough's housing units are single households of over pension age. It is recommended that of the 50% social/affordable rent requirement that 50% of this is for elderly extra care and sheltered housing.</p> <p>35% affordable of which</p> <ul style="list-style-type: none"> • 25% social/affordable rent • 25% extracare or sheltered for elderly • 50% Intermediate joint ownership (part rent/part buy) <p>This percentage split reflects the real housing needs of RBKC as widely recognised by the majority of ordinary residents and by demographic evidence.</p>	Comments on policy context are noted. However, the changes suggested would need to be supported by robust evidence. The partial update of the SHMA undertaken as part of producing the Draft SPD does not indicate the suggested changes.
RBKC Councillor (Hamish Adourian)	<p>Para 2.9 Assume this is the split of the 35%/50%?</p> <p>Para 2.11 What if the existing units are in very poor condition and the planning application proposes replacing them with newer ones though fewer in number</p> <p>2.14 What does "intergrated" actually mean in terms of the buildings themselves? Does it mean the 'affordable' units must be combined with the market housing within the same building?</p>	<p>Para 2.9 Ref in Draft London Plan Policy H6 is indeed to the split of the 35% or 50% affordable housing secured.</p> <p>Para 2.11 The policy requires that the existing units even when poor in condition are replaced both in number and floorspace. Planning law allows consideration of 'other material considerations' on a case by case basis but the policy is the strategic requirement.</p> <p>Para 2.14 The term integrated is for both where affordable housing is provided in the same building as market and where it can be in a separate block. In both cases the intention is that it should not be distinguishable in appearance or quality from the market housing.</p>
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...)	No comment	Noted.
Clarion Housing Group (Elanor Warwick)	none	Noted

<p>Kensington Society (Michael Bach)</p>	<p>This is a useful summary of the policy context – NPPF, NPPG, proposed new London Plan and the Local Plan (2019). This should be a useful checklist in the final SPD.</p> <p>Where are space standards addressed? There should be some link to space standards.</p> <p>Para 2.2 This is potentially confusing: “Applicants should present <i>affordable</i> housing figures as a percentage of total residential provision by habitable rooms, by units, and by floorspace.”</p> <p>In terms of assessing compliance with Local Plan Policy CH2: Affordable Housing</p> <ul style="list-style-type: none"> a. 35% of <u>all residential floorspace</u> b. appears to be about <u>units</u> e. is about floorspace <p>Every application needs to provide data on unit numbers, as this is needed for completion data.</p> <p>Floorspace data should be the key indicator rather than units to ensure that there is a mix of sizes – there may be a need for a size mix policy for affordable housing to ensure that there is a range of sizes.</p> <p>Which is the guide habitable rooms or floorspace? What needs to be attacked is the unit numbers.</p>	<p>Comment noted.</p> <p>The Council uses the Government’s Nationally Described Space Standards. These are part of the London Plan and are used for all developments since 2015.</p> <p>Para 2.2 – The various measures are required by London Development Database (LDD) monitoring.</p> <p>It is agreed that the Council’s housing delivery is monitored based on new homes rather than floorspace or habitable rooms. However, the Council requires floorspace and units while due to London Plan requirement we now also require habitable rooms.</p>
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Question 4: The NPPF includes a definition of the different types of *affordable* housing. These include social rent, affordable rent and intermediate housing. Whilst each form will cost less than market housing, the actual cost to those living there can vary considerably. Social rent is normally the most affordable form of housing, with intermediate housing more likely to serve those on middle incomes. However, the Draft SPD makes it clear that the rent levels of intermediate housing should be genuinely affordable. Intermediate rent will be secured at the lowest ward level London Living Rent (LLR), which currently is Notting Dale ward.

The SPD requires 70% of any *affordable* housing provided to be social or affordable rent (in some cases), with no more than 30% to be intermediate rent. The latest evidence of need (SHMA update 2019) supports this shift and this is a mix which will be viable (Affordable Housing Viability Study Update, August 2019) and can be delivered and which will help build a mixed and balanced community.

Do you agree with this proposed tenure mix?

Name	Comment	Council's Response
Chelsea Society (Paul Lever)	<p>The "London Affordable Rent" as defined in the Mayor of London's document "Homes for Londoners, Affordable Housing Programme 2016-21" seems an appropriate definition to use for affordable housing (or whatever term is used for it in the future).</p> <p>As regards intermediate housing, for which, though it is a lesser priority, we agree there is a clear need, we endorse the Council's suggestion that it should be based on the lowest ward level London Living Rent in the borough. In all four of the wards in Chelsea average household incomes are distorted by the disproportionate number of super-rich households. Any calculation of intermediate rent based on average incomes in individual wards would effectively mean that middle-income earners would be priced out of the market.</p>	Support for the approach both for using London Living Rent and the LR for lowest ward level is noted.
Octavia Housing (Andrew Brown)	We agree with this proposed tenure mix.	Noted.
Earl's Court Partnership Ltd (ECPL)	<p>ECPL's concerns principally relate to the conflict between the draft SPD and the recently adopted September 2019 RBKC Local Plan ('the 2019 Local Plan'). The draft SPD seeks to increase the proportion of social rented affordable housing from new planning applications to 70% of new affordable homes that are proposed. This is a fundamental difference from – and is in direct conflict with - the 50% proportion of new affordable homes that is sought under 2019 Local Plan Policy CH2. The draft SPD also appears not to have regard for the distinct economics associated with Build to Rent ('BtR') development in proposing a tenure mix for such development, and which is not in line with the December 2019 Intend to Publish draft London Plan (the 'draft London Plan').</p> <p>ECPL is also concerned about the validity of the Council's evidence base in seeking to bring about such a change in policy. Further details on these concerns are summarised below.</p> <p>Conflict between the adopted Local Plan and the draft SPD Page 6 of the 2019 Local Plan states that the Council "will seek to increase social rented housing as a proportion of affordable housing provision in the borough" and that this would be done through the Local Plan Review that was triggered by the adoption of the 2019 Local Plan. Paragraph 4.1 of the draft SPD also suggests that these circumstances warrant a "move away from this particular part [meaning 2019 Local Plan Policy CH2(c)] of the Local Plan". This makes it clear that it is the intention of the draft SPD to change recently adopted planning policy.</p> <p>However, in the absence of any published Local Plan Review, either in draft or adopted form, ECPL is of the view that the draft SPD cannot precede an updated planning policy document (in this case the Local Plan Review), particularly where that SPD is in direct conflict with the adopted policy. Neither can the SPD be used as the vehicle to change the Council's affordable housing policy from that which was adopted as recently as September 2019.</p> <p>Regulation 8(3) of the Town and Country Planning (Local Planning) (England) Regulations provides that: "any policies contained in a supplementary planning document must not conflict with the adopted development plan". The Local Plan is a Development Plan Document ('DPD') and as such the affordable housing policies in the RBKC SPD must be consistent with those in the adopted Local Plan.(1)</p>	<p>The Council does not see this as a conflict. The London Plan is also part of the Council's development plan and the proposal in the Draft SPD is compliant with the London Plan. The SPD is also supported by the Mayor.</p> <p>The Council is aware that the SPD is capable of being a material planning consideration in planning decisions. It is the Local Plan and the London Plan which form the development plan. The SPD complies with the Draft New London Plan (NLP).</p> <p>The SPD does not conflict with the Local Plan's overall vision and objectives. It also does not conflict with the Draft New London Plan (NLP) which will equally form the development plan for the borough.</p>

Name	Comment	Council's Response
	<p>(1) see further McCarthy & Stone Retirement Lifestyles Limited and others v The Mayor of London on behalf of the Greater London Authority, High Court (Ouseley J) 23 May 2018; J A Pye (Oxford) Ltd and Others, Regina (On The Application Of) v Oxford City Council (Pill, Mummery LJJ, Nelson J) 30 Jul 2002</p> <p>The NPPF is also clear that any changes to strategic Local Plan policies, such as those that relate to housing, should take place through a policy review. Any proposed change to the adopted affordable housing policy must, therefore, be progressed through policy changes within a Local Plan Review (as was required by the adopted Local Plan) and not through a draft SPD that is required in any event to be consistent with, and supplemental to, adopted Local Plan policies.</p> <p>Evidence base (and its analysis) that inform the draft SPD The 2019 Local Plan was supported by an up-to-date evidence base that underwent an extensive statutory consultation, public examination process and Inspector scrutiny as to soundness of the proposed policies. The draft SPD is not subject to such scrutiny and could proceed to adoption by the Council as early as the summer of 2020 based on the programme that is set out on page 10.</p> <p>Additionally, ECPL notes that the evidence base used to support the draft SPD2 pre-dates the adopted 2019 Local Plan and adopts a different methodological approach to the previous 2015 SHMA.</p> <p>For instance, instead of testing a range of affordability of intermediate property, as was done for the 2015 SHMA, the 2019 SHMA Partial Update applies a single affordability scenario, which is identified as being the 'Average London Living Rent Level'. In trying to replicate this calculation, it is not possible to reconcile London Living Rent ('LLR') levels to the average assumed to inform the draft SPD. Within RBKC, LLR levels for a 1 bed unit in 2020 range across wards from £959 pcm and up to £1,439 pcm. The Average LLR level assumed is higher than any rent actually being charged in RBKC.</p> <p>The actual Average LLR level, based on 2020 rents, is significantly below those assumed to inform the draft SPD as set out in the table at Appendix 1. The consequence, as set out in the table, is that it implies that any household earning under £63,500 is unable to afford a 1 bed intermediate home, with incomes required being materially higher than this for larger homes. This is not an accurate reflection of intermediate affordability and therefore housing needs. This appears to be compounded by a downward adjustment to the household income data relied upon, which could be up to a c. 25% deduction. This further undermines the reliability of the evidence base that informs the draft SPD.</p> <p>Recognition of the distinct economics associated with BtR development</p> <p>The draft London Plan recognises the contribution that BtR development can make to the delivery of housing (which is also recognised in 2019 Local Plan paragraph 23.3.72) and the distinct economics associated with BtR development. This recognition is reflected in draft London Plan Policy H11, which prescribes an alternative approach to the delivery of affordable housing for BtR development where relevant criteria are met. It allows BtR schemes to provide intermediate tenure types, to comprise 30% at LLR levels with the remainder to be provided as Discount Market Rent ('DMR') at a range of levels of affordability having regard to local need and project viability.</p> <p>One of the objectives stated in the draft SPD is to bring it more in line with the draft London Plan, but the draft SPD does not accord with the draft London Plan in this regard. It instead prescribes a similar approach to tenure split for BtR as for traditional Build to Sell ('BtS') development in seeking 70% of all new affordable homes delivered by BtR development to be at social rent or affordable rent levels. This is contrary to paragraph 4.11.10 of the draft London Plan, which notes that "it is not appropriate to seek DMR at or close to social rent levels".</p>	<p>The Council is embarking on a New Local Plan Review (NLPR) and will be reviewing its affordable housing policies. The SPD is reflecting the acute social housing need in the borough following the Grenfell Tower tragedy.</p> <p>The Council's housing waiting list consists of over 3300 on the housing register. Of these circa 2,300 are in temporary/homeless households. The partial update of the SMHA used higher LLR rent levels to test need. If lower LLR levels are used, an adjustment can be made to the number of years it takes to clear the existing backlog of housing need (from existing 20 to 5 years for example) which would still demonstrate a much greater need for social housing in the borough.</p> <p>Earl's Court is one of the two opportunity area sites in the borough. The SPD provides strategic guidance but it is acknowledged that unique sites such as Earl's Court may have abnormal development costs which will need to be considered. The SPD does not preclude a site based viability approach although it tries to minimise it.</p> <p><u>Text will be added to the final SPD to add a cross reference to Section 5 of the Planning Contributions SPD 2019 to acknowledge the complexity of the opportunity area sites and that a localised approach to infrastructure including affordable housing is required in these areas.</u></p>

Name	Comment	Council's Response
	<p>ECPL is also concerned that the draft SPD seeks to require the delivery of all intermediate housing across the Borough at the level of the lowest Borough LLR level (Notting Dale Ward), which again conflicts with the approach taken in the draft London Plan. The draft London Plan identifies intermediate rents by reference to ward incomes for the ward in which the homes are proposed, allowing the rents for this tenure type to reflect the circumstances of the local area.</p> <p>ECPL is, therefore, concerned that such a reduction in affordability levels will threaten the viability and deliverability of proposed development. ECPL is keen to work with the Officers to ensure that any proposals for affordable housing delivery are supported by a robust evidence base and are in accordance with relevant legislation and planning policy at national, regional and local level.</p> <p>We look forward to hearing from Officers to confirm that these representations have been received and we would be happy to provide availability for representatives of ECPL, DP9 and Quod to speak with Officers (via conference call or another appropriate media if necessary). If you have any questions in relation to these representations, or if any further information is required, please do not hesitate to contact Craig Tabb of DP9 or Claire Dickenson of Quod (via DP9).</p>	<p>Policy H11 (c) of the NLP states that <i>To follow the Fast Track Route, Build to Rent schemes must deliver at least 35 per cent affordable housing, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution. The Mayor expects at least 30 per cent of DMR homes to be provided at an equivalent rent to London Living Rent with the remaining 70 per cent at a range of genuinely affordable rents. 67 Schemes must also meet all other requirements of Part C of Policy H5 Threshold approach to applications.</i></p> <p>The Council as a housing authority can set rent levels and the SPD refers to the rent levels being set at the lowest ward level LLRs by housing. The GLA support this approach in the response to the SPD.</p> <p>The borough's high median income levels mean using ward LLRs will only provide for the top range of the income thresholds. As explained in the SPD, the intention is that affordable housing should be available for a range of income levels. See Mayor's response to this point <i>"While the approach to setting discount market rent levels diverges from the approach set out in the Mayor's Affordable Housing and Viability Supplementary Planning Guidance, in that it uses the rent levels at the lowest ward level, in this instance the approach is supported given the higher than average income levels in the borough and the need to deliver genuinely affordable housing."</i></p> <p>For a strategic site such as Earl's Court site specific viability will be taken into account. While the SPD is stating the Council's strategic intention and need. Text will be added in section 5 to refer to this.</p> <p>The Council is embarking on a New Local Plan review (NLPR) and new evidence on housing need will be commissioned for this.</p>
RBKC Earl's Court Ward (Malcolm SPALDING)	<p>2.12 Policy CH2 should stand</p> <p>2.16 Policy CH4 should stand and specify a percentage for extra care and sheltered housing given that 40% of the borough's housing units are single households of over pension age. It is recommended that of the 50% social/affordable rent requirement that 50% of this is for elderly extra care and sheltered housing.</p> <p>35% affordable of which</p> <ul style="list-style-type: none"> • 25% social/affordable rent • 25% extracare or sheltered for elderly 	<p>As set out in the SPD there is an overwhelming need for more social rent homes in the borough.</p> <p>2.16 The SPD does not propose any changes to Policy CH4. A detailed needs assessment for extra care/older people's housing will need to be undertaken before changing the policy in the way suggested. The New Local Plan Review (NLPR) will be considering these policies afresh.</p>

Name	Comment	Council's Response
	<p>• 50% Intermediate joint ownership (part rent/part buy)</p> <p>This percentage split reflects the real housing needs of RBKC as widely recognised by the majority of ordinary residents and by demographic evidence.</p>	<p>Policies cannot be based on anecdotal evidence.</p>
<p>RBKC Councillor (Hamish Adourian)</p>	<p>Para 3.4 70/30 mix When was this decision taken? Is it in the new Local Plan? What will be the effect of reducing the construction of new affordable rent units? What about those who cannot afford market rent and are not eligible for social rent</p> <p>Para 3.9 Requirement of 70% affordable units to be social rent Is this actually deliverable? Are there unintended consequences, e.g. the quality will be lower than usual? Development will be pushed back?</p>	<p>This is the proposal in this Draft SPD. Those who cannot afford market rent and are not eligible for social rent may be eligible for intermediate rent.</p> <p>Para 3.9 – an update of Strategic Viability Assessment has been undertaken which shows that it is viable to ask for 70 per cent social/affordable rent. This should not come at the cost of quality.</p>
<p>Quod (Chris Wheaton)</p>	<p>The “key guidance” within section 3 of the SPD notes that only social / affordable rent and Living Rent at the lowest ward levels are considered genuinely affordable within the borough. Whilst London Living Rent and London Affordable Rent will form significant proportions of the affordable homes within the KCOA, they should not be regarded as the only genuinely affordable products. Both the adopted RBKC Local Plan and the Draft London Plan (DLP) “Intend to Publish” version support the delivery of shared ownership and of discounted market rent products. The NPPF also expects 10% of homes to be for affordable home ownership and the governments’ new First Homes product is likely to be an important component of this.</p> <p>Given the above points the SPD “key guidance” should be amended to make clear that discount market rent and affordable home ownership products will be considered to be genuinely affordable when delivered in line with the relevant DLP requirements. This will ensure that major sites such as the KCOA are able to respond to a wide range of local need, supporting a mixed and balanced community.</p> <p>Affordable housing tenure mix The SPD proposes amending the affordable housing tenure mix from 50:50 social & affordable rent: intermediate to 70:30. This change is evidenced via the supporting Cobweb Consulting report which notes at paragraph 23 that 38% of need is at social rent levels and a further 39% is between social rent and Living Rent levels. The conclusion that 39% of households cannot afford homes above Living Rent levels is based on Table 5 within the Cobweb Consulting report which indicates Living Rent levels of £1,483 for a 1 bed, £1,786 for a 2 bed and £2,266 for a 3 bed. However, these Living Rent levels differ substantially from those stated by the GLA and appear to be incorrect. For example, the average 1 bed Living Rent in the borough is currently £1,191, 2 bed £1,323 and 3 bed £1,456. The Cobweb report therefore appears to overstate Living Rents by 25-55% (or substantially more than this if the comparator used is the Notting Dale Ward Living Rents as proposed within the SPD). The impact of this is that Living Rent appears much less affordable than the reality.</p> <p>Given the above, the conclusion that 39% of households cannot afford homes above Living Rent levels appears to be incorrect. The SPD should therefore be amended to recognise both a range of potential intermediate tenures and a revised tenure mix, correcting for the above error.</p>	<p>The Draft SPD includes products such as shared ownership (see para 3.25). The intention of all products remaining genuinely affordable is that they can be accessed by a wide range of income levels below the maximum thresholds. The 10% affordable home ownership products can form part of the 30% intermediate as long as they are genuinely affordable. Affordable home ownership products are generally not genuinely affordable in large parts of the borough due to extremely high land values. However, this does not preclude them on individual sites or some areas of the borough where land values may not be as high. The Council is aware of the Government’s First Homes consultation. There will be a local policy response to this once the Government proposals become crystallised.</p> <p>It is considered that this change is not necessary in the headline key guidance as it will not be the case in the large majority of the borough due to high land values. However, it doesn’t preclude them on some sites.</p> <p>The Council’s housing waiting list comprises over 3,300 on the housing register. Of these circa 2,300 are in temporary/homeless households. The partial update of the SMHA used higher LLR rent levels to test need. If lower LLR levels are used, an adjustment can be made to the number of years it takes to clear the existing backlog of housing need (from existing 20 to 5 years for example) which would still demonstrate a much greater need for social housing in the borough.</p>

Name	Comment	Council's Response
<p>Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...</p>	<p>Previously, RBKC have recognised the need for a bespoke approach covering the Opportunity Area. The Council's adopted CIL Charging Schedule has a zero charge for the Opportunity Area, recognising that it is more appropriate to deal with infrastructure delivery costs by Section 106 Agreement rather than the Community Infrastructure Levy (CIL). The CIL Examination Report (2014) recognises the complexities and viability challenges of the Opportunity Area which include significant infrastructure and contamination remediation.</p> <p>On top of this, RBKC's Planning Contributions SPD (2019) recognises the difficulty in delivering the Opportunity Area: "By their nature, they are complex to bring forward and require significant investment in infrastructure. The Mayor, through his Affordable Housing and Viability SPG, encourages boroughs to take a more localised approach to planning contributions including affordable housing in these areas."</p> <p>It has therefore already been recognised in adopted policy and guidance that Opportunity Areas, including this specific Opportunity Area, often have abnormal infrastructure costs associated with housing delivery which should be taken into account when setting other obligations, including affordable housing.</p> <p>While Ballymore and SSL support the intentions of the Draft SPD in securing genuinely affordable homes across the Borough, they suggest that the Kensal Canalside Opportunity Area is considered separately from other developments within the Borough due to the recognised abnormal infrastructure costs associated with its delivery. Bespoke consideration of the Opportunity Area could include the relaxation of the 70 / 30 tenure split identified within the Draft SPD to allow for a viability tested route which considers the exceptional costs and circumstances of this site. This approach would be in line with Local Plan Policy CH2 which allows for less than 35% affordable housing to be provided on sites subject to the maximum reasonable amount of affordable housing is being provided and evidence of exceptional circumstances, which means the 35% target cannot be achieved.</p> <p>Further, the proposed change in tenure split departs significantly from the recently adopted Local Plan (September 2019), contrary to the NPPF. Supplementary Planning Documents should be used to provide further guidance for development on specific sites, or on particular issues, rather than amend adopted policies which have only recently been through Examination in Public. The SPD has not been subject to external examination.</p> <p>While Ballymore and SSL support the aim of achieving at least 35% affordable housing across all residential-led development sites, a flexible approach which allows for the consideration of viability, particularly exceptional costs, is missing from the Draft Affordable Housing SPD. The Draft SPD at present fails to take account of abnormal costs which can be associated with large development sites, such as the Kensal Canalside Opportunity Area, where there are significant infrastructure requirements and costs alongside normal development costs.</p>	<p>All SPDs work in tandem as they form the suite of planning guidance informing development. They do not need to duplicate the guidance but a cross reference to Section 5 of the Planning Contributions SPD 2019 will be made to acknowledge the complexity of the opportunity area sites.</p> <p>The site specific considerations for Kensal Canalside are better addressed in its own SPD which is being formulated with the land owners. Text will be inserted to add a cross reference to Section 5 of the Planning Contributions SPD 2019 to acknowledge the complexity of the opportunity area sites and that a localised approach to infrastructure including affordable housing is required in these areas.</p> <p>The SPD does not preclude site specific viability consideration, see para 5.12 and current Figure 4 on page 31 (Figure 4 will be renamed as figure 5 due to a typing error).</p>
<p>Clarion Housing Group (Elanor Warwick)</p>	<ul style="list-style-type: none"> • We agree there is a need for a variety of housing products to suit different needs for both sale and rent. The two rental options proposed will allow RKBC & other RPs to improve the viability of some schemes and so improve the supply of truly affordable homes in the Borough. • Flexibility in the long term over the tenure split is necessary to adjust to demand. We recognise that housing affordability is hugely significant and presents a challenge to many groups across all tenures. With the limited availability of housing in London, having multiple products targeted at low and intermediate households can lead to competition between similar housing products, and flexibility is required for developers to select between various products depending on the local market to support the viability of a scheme and the local mix required. • Clarion have more homes for social rent than any other body in the 	<p>The Council notes the supportive comments and understands the costs helpfully outlined by Clarion to fund a single social rent home. The SPD sets out that London Affordable Rent enables grant funding from the Mayor and therefore where this is being used to increase affordable housing provision it will be considered on a site by site basis.</p>

Name	Comment	Council's Response
	<p>UK. Yet building at social rent levels requires significant subsidy. The current grant system holds us back. For example, it costs £400,000 to build a two-bed flat in London, over 30 years that will result in social rent of £100,000 leaving £300,000 required in subsidy whereas grant from the Greater London Authority is a maximum of £80,000. Even if we are granted the maximum, Clarion has to find £220,000 to provide a single social home.</p> <ul style="list-style-type: none"> • With this in mind, we recognise the importance of sub-market Affordable Rents as a way of providing RPs with funds to cross subsidise new developments across the country. In London the Mayor's London Affordable Rent option ensures rent levels are pegged to incomes to ensure affordability Borough by Borough. Adjusting this to the lowest ward will, for some families and individuals, be the fairest solution, providing rents that remain significantly below market rents but which are a little above social rent. • We are also committed to a programme of Shared Ownership to provide an affordable route into home ownership even in some of London's more expensive locations. 	
Kensington Society (Michael Bach)	Yes – this is an improvement on the current 50:50 tenure split in the current Local Plan policy CH2b.	Noted.

Question 5: Do you have any other comments on section 3 of the SPD, Definitions and affordable homes products?

Name	Comment	Council's Response
Chelsea Society (Paul Lever)	<p>The Society's views on housing policy overall were set out in our response to the Council document on Housing Strategy adopted in December 2019. Property values in Chelsea are among the most expensive in the UK, with a high level of overseas and absentee ownership. We are lucky that there is in Chelsea a relatively large proportion of social housing. But it is the shortage of affordable housing in the private rented sector which poses the most severe problem. This has a particular impact on key workers, including RBKC officers, few of whom are able to live in the area in which they work.</p> <p>We agree that the term "affordable housing" should be replaced. It is too associated with definitions of affordability based on percentages of market rents. As the document correctly points out, market rents in Chelsea are so high that this is not a viable starting point. As to the term which should be used instead, we have a slight preference for "Fair Homes", as the other two suggestions (Community Housing or Public Homes) imply that the properties concerned are actually owned by the Council itself or by Registered Providers. We assume that the term "social housing" will be retained for the latter.</p>	Thank you for the helpful comments including for the replacement term for the word "affordable housing". Your suggestion has been included in the response to Q1 above.
Octavia Housing (Andrew Brown)	We support GLA London Affordable Rent as the default rental product for those whom the borough needs to not to be placed in an impossible position if they have to rely upon benefit for their income. It is a pan London Rent. Service Charge is not included and it is set very adjacent to social target rent cap levels but remains an Affordable Rent product as necessitated by Central Government in order for it to secure support and grant funding.	Noted.
Earl's Court Partnership Ltd (ECPL)	<p>ECPL is committed to working with the Council to bring forward affordable housing as part of a new masterplan that includes the RBKC part of the ECWKOA. It supports the aspiration of the draft SPD to boost the delivery of new homes that provide residents in the borough with the opportunity to live in a "decent, safe and affordable home", having regard to the "overwhelming need for all types of homes in the borough".</p> <p>However, ECPL has several concerns in relation to the objectives and contents of the draft SPD and would welcome the opportunity to discuss the points raised in these representations with Officers (via conference call or another alternative means if necessary) before the draft SPD is progressed further.</p>	Noted.
GLA (Celeste Giusti)	While the approach to setting discount market rent levels diverges from the approach set out in the Mayor's Affordable Housing and Viability Supplementary Planning Guidance, in that it uses the rent levels at the lowest ward level, in this instance the approach is supported given the higher than average income levels in the borough and the need to deliver genuinely affordable housing.	Support noted.
RBKC Earl's Court Ward (Malcolm SPALDING)	<p>3 DEFINITIONS and AFFORDABLE HOMES PRODUCTS</p> <p>Key guidance and 3.1 are seriously deficient in ignoring that historically low interest rates make home ownership, with or without state subsidy, genuinely affordable, and potentially even lower cost than renting.</p> <p>3.2 sets out rents that can be afforded</p> <ul style="list-style-type: none"> • 80% market is unaffordable (NPPF) • London Affordable Rent • London Living Rent (up to £60k income) • London Shared Ownership (up to £90k income) • 40% of net income (NLP) • LLR Notting Dale £1,066 per month (income £30/40,000 pa) • Social Rent ££560 to £660 per month • LAR £600 to £700 per month • LLR £880 to £1200 per month <p>3.25 Shared Ownership is woefully under researched. Current mortgage rates with 10% deposit are £1,400 per month for a studio/one-bed starter flay at £400,000 purchase price. What Government and LA subsidy schemes exist to support first-time buyers?</p> <p>3.27 is also clearly under researched and dismissive that 80% of market rent will not be affordable. For a (joint) income of £60,000</p>	<p>The average cost of a flat in the Borough in 2019 was £1.4 million. This rose to £3.5 million for a terraced house. (Zoopla 2020).</p> <p>Even with historically low interest rates these properties will not be affordable to average earners.</p> <p>We have estimated the maximum price of a home that a household with an income of £60,000 could afford is £430,000. This assumes an interest rate of 4%, a 25 year repayment mortgage, a service charge of £10psm and a 10% deposit. Whilst lower interest rate will increase the amount that can be borrowed it will not bridge the affordability gap.</p> <p>3.25 - £400,000 is not a price point for even a small flat in most locations in this borough.</p> <p>3.27</p>

Name	Comment	Council's Response
	<p>market rent at 40% net income, giving a rent of £20,000 pa or £1,600 per month is affordable by definition. This is the market affordability for the majority of renters in the RBKC (44% private market rental stock in Earl's Court Ward for example). The vast majority of market rents are well below this maximum.</p>	<p>3.25 - £400,000 is not a price point for even a small flat in most locations in this borough.</p> <p>The SPD explains in some detail by a rent of 80% market level will not be affordable to those on more modest incomes. The Council notes that some of our residents will be able to afford paying £20,000 pa in rents. However, these are not the residents on our housing register, those in the greatest need of truly affordable housing.</p>
<p>RBKC Councillor (Hamish Adourian)</p>	<p>Para 3.22 What is the Fast Track Process?</p> <p>Para 3.23 This is highly pertinent to the Earl's Court development as it is likely to be a build-to-rent site.</p>	<p>Fast track process is explained visually in Figure 4 (page 31). It is the Mayor's policy whereby financial viability assessment is not required for a policy compliant scheme. Reference will be added to para 3.22 to figure 4 (to be renames figure 5) on page 31 to clarify this.</p> <p>Para 3.23 - Noted</p>
<p>Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...</p>	<p>Registered providers: The Draft SPD requires RBKC's approval of which Registered Provider (RP) will deliver the social rented homes across development sites. While our clients support the Council's desire in ensuring the social rented homes are run to a high standard by an appropriate provider, this is an unreasonable requirement. RPs are often unlikely to commit to a scheme until planning permission has been granted, which means it would be difficult to secure a specific RP at the time of signing the Section 106 Agreement. RPs need to be registered and regulated to ensure they are providing an appropriate service and high quality housing so it should be sufficient to secure through the Section 106 Agreement that the social rented homes will be taken on either by RBKC or a Registered Provider.</p>	<p>The wording in the Draft SPD in paragraph 3.28 is to "strongly encourage" developers to have an RP on board early in the process. It is not a requirement. The s106 Heads of Terms in Appendix 1 are to be used as a guideline only and the specific terms will be determined on a case by case basis. This is explained at the start of Appendix 1.</p>
<p>Clarion Housing Group (Elanor Warwick)</p>	<ul style="list-style-type: none"> • Clarion have well-established arrangements with RBKC based on the Local Authority nominating directly to the great majority of our homes as they become available. A continuation of that approach, with flexibility on a case by case basis especially in relation to additional homes for rent, might make more sense and support Clarion and RBKC in our joint attempts to improve supply in the Borough. • We are pleased RBKC is keen to assess the suitability of estate regeneration plans on provision of equivalent floor space for affordable housing alongside numbers and mix of homes. A similar balanced approach is needed in evaluating like-for-like replacement on a social rent basis. 	<p>Noted. The Council would welcome working with the stakeholder to see the delivery of more truly affordable homes.</p>
<p>Kensington Society (Michael Bach)</p>	<p>Strongly support the use of London Affordable Rent in place of the NPPF "affordable rent".</p> <p>Since the Secretary of State has not directed the Mayor to change this aspect of the NLP, the revised Local Plan will need to conform <u>generally</u> with the London, which by 2023 might be refined further to reflect the higher affordability ratio in this borough.</p> <p>Affordable rent: this seems to be limited to schemes that are referable to the Mayor – this is a very high threshold. (paragraph 3.10)</p> <p>Paragraph 3.15: This is one of only two references to "mixed and balanced communities" in this section – other references 1.3, 2.3, 3.24, 4.10, 5.5, 5.45. The revised Local Plan will need to re-emphasise this, especially in a revised CO6 Strategic Objective for Diversity of Housing and reiterated in a new Policy CH2</p>	<p>Support noted.</p> <p>The preference is for social rent but affordable rent can also be acceptable in the circumstances described in the document.</p> <p>3.15 – Noted. This will be relooked at as part of the New Local Plan Review (NLPR)</p>

Name	Comment	Council's Response
	<p data-bbox="422 219 1283 290">3.17 Could there be a map for the LLR levels for all wards in the borough?</p> <p data-bbox="422 492 1283 626">3.18 Support the use of the LLR for Notting Dale. What will that mean for example for Heythrop College site if it were to come forward with a revised scheme which included affordable housing linked to the extra-care housing?</p> <p data-bbox="422 1130 1283 1202">3.20/Figure 3: This set of definitions will introduce transparency as to how the policy should operate.</p>	<p data-bbox="1339 219 1871 388">3.17 – A map can be included in an appendix but it may cause confusion as the Council intends to use the LLR for only one ward – whichever happens to have the lowest levels.</p> <p data-bbox="1339 427 1892 804">3.18 – The Draft SPD is explicit in noting that Affordable Housing requirements will apply to extra care housing and retirement housing. (para 5.36) The affordable offer in extra care scheme can be general affordable or affordable extra care to be decided on a case by case basis. The policy requirements as set out in Policy CH2 will apply along with the guidance on definitions and tenures provided in this SPD.</p> <p data-bbox="1339 842 1881 1080">This approach confirms that taken within the emerging New London Plan, with Policy H15 (B) (1) stating that specialist older person housing (Use Class C3) should deliver affordable housing in accordance with Policy H5 and H6 of the NLP.</p> <p data-bbox="1339 1118 1520 1148">3.20 – Noted.</p>

Question 6: Do you have any comments on section 4 of the SPD, Tenure mix and *affordable* housing?

Name	Comment	Council's Response
<p>Chelsea Society (Paul Lever)</p>	<p>Tenure Mix We agree that the ratio of social/affordable to intermediate rent should be 70:30 rather than the present 50:50. We assume that the proposed new definitions of affordable and intermediate will apply. It is not clear whether the analyses of the Viability Study referred to in paras 4.11 to 4.14 are based on the existing or new definitions.</p> <p>The 35% Criterion A key element in the Council's proposed policy on affordable housing is the requirement that in all developments over 650 sq m 35% of the floor space shall be reserved for affordable housing on site, other than in exceptional circumstances. This is a policy which in Chelsea is proving virtually impossible to deliver, other than in very rare cases such as the Lots Road Power Site which is massive in size. In almost every other case the developers have argued that such a level of provision is not viable and have persuaded the Council to accept either a much lower proportion of affordable housing or none at all. Evidence from the publication of records of pre-application discussions with Council officers show that little effort is made to emphasise the importance of the requirement. It seems to be presented by officers to developers as just one option among several. Thus in practice every case is treated as if it is an exception; and payment in lieu has become the norm. We are unclear as to why this is so and we urge the Council to be more transparent about its reasons for not imposing the 35% rule more robustly. This applies particularly in cases where an existing building is to be demolished and an entirely new one erected in its place. It is hard to see why in such instances the provision of affordable housing on site should be considered not viable. We question whether the construction costs alone should have this effect; and we assume therefore that it is the cost of acquiring the site itself which is the determining factor. The Council seems to acknowledge that this is the problem, vide the sentence in para 5.13 of the document which states that "The Council fully expects developers to take account planning policies when acquiring land and the policy requirements for affordable housing must be taken into account." But simply expecting developers to take account of something is not enough. The Council needs to make clear to developers that the cost of acquiring a site will not be a factor in any assessment by the Council of the viability of implementing the 35% requirement.</p> <p>Off Site Provision There may be cases where on-site provision is, for practical reasons, not possible. But the norm in such instances should be for the developers themselves to identify and acquire alternative forms or provision. We would expect that as a rule provision should be reasonably near to the site being developed. We acknowledge that there may be occasions when a developer can offer an attractive alternative site which is not in the immediate vicinity. But we would not want to see a situation where all new affordable housing is in the northern part of the borough and none in Chelsea itself. We want Chelsea to remain, as far as is possible, a mixed community, and not simply a location for luxury housing.</p> <p>Key Workers We regret the absence in the paper of any specific proposals for ensuring that key workers, particularly those who are employed in the public sector in RBKC, are given priority in access to affordable housing.</p> <p>Transparency Finally we also urge the Council to be more transparent about the use of revenues from payments in lieu. There should be a discrete section on the Council's website which lists individually the developments in respect of which such payments have been made</p>	<p>Tenure Mix Noted. The reference in 4.11 to 4.14 is a recent update undertaken in 2019. The date is included in the section heading.</p> <p>The 35% criteria The new policy has only been in place since September 2019 through the adoption of the Local Plan. The Council is indicating a step change in its approach through this Draft SPD as well and will be applying the policy of on-site provision rigorously.</p> <p>Para 5.13 – the Government has now changed national policy in this regard. Therefore, developers will be required to include the existing use value of land (which includes consideration of planning policy requirements) in financial viability appraisals. This is also a relatively new change in policy and will take sometime to be reflected in real schemes.</p> <p>Off Site Provision Agreed that in the exceptional circumstance of off-site provision, the sites should be in the same general location. Our policies therefore require the two sites to be tied together through a legal agreement.</p> <p>Key Workers Planning Acts do not give us the remit on housing allocations. This is for the Council as a Housing Authority.</p> <p>The Council recognises that many key workers will struggle to buy or rent a home in the Borough. Some may be eligible through the Council's Intermediate housing product. In addition the Council's recently published housing strategy commits the Council to "develop a key worker housing policy to</p>

Name	Comment	Council's Response
	<p>and the size of the payment in each case; the amount of affordable housing floor space which this represents; and the locations at which the Council has acquired an equivalent, or greater, amount of floor space for affordable housing elsewhere in the borough. Only in this way will there be an adequate assurance that in lieu payments are genuinely used to support the acquisition of new affordable housing and are not being used to subsidise other areas of Council expenditure.</p>	<p>help public sector workers find housing they can afford in the borough.”</p> <p>Transparency The Council is, and will continue to be, transparent in reporting the nature of “in lieu” affordable housing contributions. All significant contributions, including those for affordable housing, are reported within the Council’s Monitoring Reports. These are published online on an annual basis.</p> <p>The Council is currently rolling out its New Homes Programme, an initiative to bring forward 600 new homes on Council land. The s106 funds currently being collected can be used by the Council to assist in the provision of affordable homes as part of this programme.</p>
<p>Octavia Housing (Andrew Brown)</p>	<p>We support the tenure mix and affordable housing proposal set out in Section 4.</p>	<p>Noted.</p>
<p>RBKC Earl's Court Ward (Malcolm SPALDING)</p>	<p>4 TENURE MIX This assumes 70/30 split with no allowance for Intermediate part ownership. 4.1 states "there is an exceptional case due to affordability and latest evidence to move away from the Local Plan and be more in line with NLP" There is no evidence or case made for this radical change of policy.</p> <p>4.7 quotes the SHMA households in need as 1,408 who cannot afford market housing. Where are these households living at present ?</p> <p>4.9 only quotes affordable housing need and supply, not all housing need (ie ownership need is excluded). Where is the analysis of affordable ownership models ?</p> <p>4.10 NLP definition of mixed and balanced excludes owner/occupier percentages.</p>	<p>The evidence is in the SHMA Update.</p> <p>Para 4.7 – the details of how this figure is arrived at is set out in the SHMA update. It includes homeless households - a backlog of 2,235 homeless households in some form of temporary accommodation in 2019. Concealed households - these are people living within other households wish to form an independent household but who cannot afford to do so. Overcrowded households and others on the housing register. This gives a backlog need of about 5,000 households. This is then adjusted to be cleared over 20 years and a supply of homes is assumed as well.</p> <p>4.9 Affordable home ownership models such as shared ownership have existed for a number of years with little success in this borough. These are referred to and not excluded from the SPD. The objective is that any affordable housing tenure should be genuinely affordable to those on low income levels.</p> <p>4.10 – The NLP supports the creation of mixed and balanced communities. It allows a maximum of 70% of new homes to be social/affordable rent, with the remaining 30% to be intermediate in nature. The SPD proposes this 70/30 split, as this will best meet the needs of our residents on modest incomes.</p>
<p>Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...</p>	<p>Please see response to question 4 above</p>	<p>Noted.</p>

Name	Comment	Council's Response
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • There needs to be flexibility around tenure expectations. There will be occasions where London Affordable Rent might be more appropriate and in doing so improve viability and supply of rented homes. • Clarion supports the proposal to require significant housing developments to be accompanied by a community space audit. Considerations of demonstrable need for community spaces would include; <ul style="list-style-type: none"> o Proximity and types of spaces within walking distance and on bus routes. o Constraints and sustainability of existing spaces – e.g. occupation rates, available opening hours, affordability, state of repair, capacity of managing organisation (including revenue streams and volunteers). • We feel that sustainable and long term management plans for community spaces are essential, and therefore that when assessing demonstrable need, providers need to review not only the aspirations of the community 'living' in the area (as stated in the SPD) but those of wider community stakeholders. • There is an opportunity for the Council to influence what is provided if it can share intelligence on where they know demand exceeds space for public services. • However provision of any community spaces must be weighed against the need for additional affordable housing and even where there are no space constraints from housing need, there needs to be a balance between provision of community facilities versus open space, play-space, work space and shops • The local authority may also want to consider a review of what attitudes and perceptions of citizens to 'community space', and consider that commercial spaces also important promoting inter-generational interaction, community involvement (or active citizenship), and combating social isolation. 	<p>Noted. The document does acknowledge the circumstances where London Affordable Rent would be appropriate.</p> <p>The Council notes the suggestion for what could be included in the community space audit. The nature of this audit will very much depend on the nature and scale of the proposal.</p> <p>The Council would expect an audit to include a consideration of existing supply, its location, its condition and its long term viability.</p> <p>Whilst section 6 refers to the need for a community space audit it does not offer any further guidance in this regard. The Council recognises that it would be helpful to include more guidance.</p> <p><u>Amend paragraph 6.5 to insert the blue, bold and underlined text below:</u></p> <p>In light of the above, significant housing development proposing 100 or more new homes should carry out a community space audit and provide evidence of the needs of the community in that area. <u>An audit should include an assessment of existing provision. This must be both quantitative and qualitative. It should include an assessment of the quality and the nature of existing facilities as well as their distribution.</u> If a shortfall is identified and there is a demonstrable need, it should be included as part of the development proposals. Early consultation with the community living in the area will form an essential element of collating this evidence. Proposals which include community space based on the above evidence should also include sustainable and long term management plans for these uses. Facilities should be designed so that they are accessible to all sections of the community (including older and disabled people).</p> <p>The Council recognises the need to ensure that any community space is sustainable with a long term future. Paragraph 6.5 is explicit in noting the need for “sustainable and long term management plans for these uses.”</p> <p>The Draft SPD recognises the need to ensure that the provision of community space does not come at the cost of compromising the provision of affordable housing. This is part of the “key guidance” for section 6 of the document.</p> <p>The Council recognises that the views of wider community will be essential if we are to see the creation of successful places. One element of this will include the nature of the community spaces needed.</p>

Name	Comment	Council's Response
		<p>Assessment of need will be carried out at a number of scales. The Council's own Infrastructure Need Assessment will inform the production of the emerging New Local Plan. More fine-grained assessments will inform the need for individual proposals.</p>
<p>St William Homes LLP (Dan Wickham)</p>	<p>St William support the intention behind the draft SPD to enhance the affordability of housing in the Borough.</p> <p>Our primary concern is to ensure the viability and deliverability of development in the Kensal Canalside Opportunity Area ('KCOA', 'the site'), where we plan to deliver a significant number of homes including affordable homes on a former gasholder site. This housing will make a substantial contribution to meeting RBKC's housing need.</p> <p>Significant new infrastructure is necessary to bring forward these new homes on the site, which has a significant impact on the overall viability of the KCOA.</p> <p>Alongside new homes and infrastructure, the KCOA will also deliver other uses and open space, to establish a new and vibrant mixed neighbourhood for the Borough, creating new homes and jobs and enhancing local connectivity and the quality of the local environment for existing and new residents.</p> <p>As you are aware, however, viably balancing the policy objectives in KCOA is extremely challenging as a brownfield and former gasworks site. A careful and bespoke approach is needed to ensure these objectives, including affordable housing objectives, can be achieved. This is recognised by the 'Intention to Publish London Plan' ('new London Plan') whereby Footnote 59 recognises that bringing former utility sites forward for new homes often is often associated with significant abnormal development costs.</p> <p>In addition, whilst viability appraisals can establish an acceptable level of profit, they do not reflect the greater levels of risk and certainty associated with bringing these brownfield gasholder sites forward. These uncertainties and risks are particularly associated with the unknowns in the ground and these investment risks compound the usual viability challenges of brownfield regeneration. We are excited about the potential of this site and will continue to engage with you proactively with you on the delivery aspirations for the KCOA to ensure the site's potential is maximised in a balanced deliverable manner.</p> <p>Representation scope and objectives These representations seek to ensure that the above delivery objectives are not unduly restrained and that the flexibility is retained to appropriately balance the national, regional and local policy objectives with the needs and complexities of the site.</p> <p>We do not comment here on the lawfulness of the nature of the changes and whether they are appropriate for an SPD as opposed to a Development Plan Document, which is open to question.</p> <p>Key issues The draft SPD introduces the following key changes for all housing developments across RBKC that meet the threshold for the provision of affordable homes:</p> <ol style="list-style-type: none"> 1) Alters the affordable tenure split from 50% rented / 50% intermediate specified by the recently adopted 2019 Local Plan, to 70% rented /30% intermediate. 2) Caps intermediate rents Borough-wide at the London Living Rent level for the lowest ward in the Borough regardless of the site location, going beyond adopted regional and local policy and guidance. 3) Requires the 70% rented provision to be 'at social rent in most circumstances or affordable rent at London Affordable Rent in some [defined] circumstances', which is more prescriptive than the new London Plan's category of 'low cost rented homes, either as London Affordable Rent or Social Rent' (Policy H6). 	<p>This SPD will work alongside the Kensal Canalside SPD. As St William are aware the Kensal Canalside SPD will be based on site specific considerations.</p> <p>The SPD does not preclude site specific viability consideration, see para 5.12 and current Figure 4 on page 31 (Figure 4 will be renamed as figure 5 due to a typing error).</p> <p>The SPD is stating the Council's strategic intention and need. Text will be inserted to add a cross reference to Section 5 of the Planning Contributions SPD 2019 to acknowledge the complexity of the opportunity area sites and that a localised approach to infrastructure including affordable housing is required in these areas.</p> <p>Footnote 59 of the NLP refers to a reduction in threshold approach for utility sites from 50% to 35%. This is only when it is robustly demonstrated that extraordinary decontamination, enabling or remediation costs must be incurred to bring a surplus utilities site forward for development, then a 35 percent affordable housing threshold could be applied. Reference to footnote 59 and NLP para 4.5.7 will be added to section 5 of the SPD.</p>

Name	Comment	Council's Response
	<p>These changes have significant viability implications that warrant careful consideration in the context of the substantial investment required to bring forward the KCOA to provide the homes RBKC needs.</p> <p>Our primary concern is to ensure that these changes, alone and together, do not compromise the ability to appropriately balance the policy objectives for the site so that it can come forward for redevelopment viably.</p> <p>This is consistent with the NPPF which throughout is clear on the need for policies to be deliverable and take account of viability, and which gives substantial weight to the redevelopment and remediation of contaminated brownfield sites (Paragraph 118). Whilst the SPD is not policy, this is highly relevant as it follows that any guidance prepared to supplement policy should not compromise the deliverability and viability of the development plan or its policies.</p> <p>Importantly, whilst the draft SPD states that the changes have been viability tested; this is not the case for the KCOA. The 2019 'Affordable housing viability study update' published in support of the draft SPD does not extend to the Borough's non-CIL zones.</p> <p>The implications for KCOA, CIL Zone H, therefore have not been assessed and the changes introduced by the draft SPD have not been proven viable or deliverable in the KCOA. They therefore cannot be enforceable on this site.</p> <p>The specific challenges for the KCOA The challenge of viably bringing forward the KCOA for redevelopment are reflected at various levels of policy which clearly signal the need for a bespoke approach to the application of policy requirements, to ensure such requirements, cumulatively and individually, do not inhibit its redevelopment and hinder the delivery of homes. These challenges namely arise from the scale of infrastructure required to support the amount of development required on this site and the complexities and abnormalities associated with redevelopment of a brownfield, former gasworks site, where costs are significant.</p> <p>Locally, the CIL Examination Report (2014) clearly recognised the site's complexities and viability challenges (including significant infrastructure and remediation challenges). It concluded that there was insufficient evidence to allow the site to be treated in the same way as the rest of the sites in the north of the Borough (CIL Zone F) resulting in the requirement to modify the CIL Charging Schedule to introduce a nil CIL rating for the site (paragraph 72). More recently the RBKC Planning Contributions SPD (2019) has been adopted stating that 'By their nature, they are complex to bring forward and require significant investment in infrastructure'. It goes on to recognise that the GLA Affordable Housing and Viability SPG encourages a more localised approach to planning contributions, including affordable housing, in opportunity areas (paragraph 5.1). It sets out that the starting point for infrastructure provision in opportunity areas and site allocations should be the site specific SPD and the Local Plan. It follows that in the case of this draft Affordable Housing SPD, the same localised approach should be taken for the KCOA.</p> <p>More widely, this challenge is recognised by the new London Plan and its evidence base (namely the Strategic Housing Land Availability Assessment 2017). These identify surplus utilities sites, including gasholder sites, as a strategic source of housing and, in recognition of the challenges in bringing them forward, the new London Plan treats them differently from other industrial sites by exempting them from the higher 50% affordable housing threshold for industrial sites.</p> <p>As noted above Footnote 59 of the new London Plan specifically recognises that bringing former utility sites forward for new homes often is often associated with significant abnormal development costs that will limit the amount of affordable housing which such sites can deliver. As a result it provides a clear mechanism for these costs to be taken into account when considering the appropriate</p>	

Name	Comment	Council's Response
	<p>level of affordable to be provided on these sites.</p> <p>More specifically, and very recently, the challenge with bringing forward affordable housing in the KCOA is recognised by the Local Plan Partial Review Examiner's Report (July 2019) which specifically references the lower land values in this area of the Borough when justifying the application of the lowered 35% affordable housing threshold on this site (paragraph 90).</p> <p>In background to this, the PBA 2016 Development Infrastructure Funding Study (DIFS) identified that even when considering a 20% affordable housing scenario, delivery of 3,500 homes at the site alongside necessary supporting infrastructure would still be challenging.</p> <p>St William have and will continue to proactively engage with you on the extensive work to update the DIFS to overcome the challenges with bringing forward the KCOA. The conclusion of this work will be key in determining the appropriate level of contributions to be made by KCOA development.</p> <p>Collectively the above clearly indicates that the site faces significant challenges should continue to be treated individually rather than grouped with other sites in relation to development contributions, including affordable housing provision. Recommendation</p> <p>The draft Affordable Housing SPD should be amended to state that the SPD does not apply in Opportunity Areas where site-specific SPDs are to be developed, which as expressed is fully justifiable.</p> <p>St William trust that their comments will be duly considered as the draft Affordable Housing SPD is progressed. Should you wish to discuss these comments or require any further information please do not hesitate to contact me.</p>	
<p>Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Group)</p>	<p>Registered Providers</p> <p>The Draft SPD requires RBKC's approval of which Registered Provider (RP) will deliver the social rented homes across development sites. While our clients support the Council's desire in ensuring the social rented homes are run to a high standard by an appropriate provider, this is an unreasonable requirement. RPs are often unlikely to commit to a scheme until planning permission has been granted, which means it would be difficult to secure a specific RP at the time of signing the Section 106 Agreement. RPs need to be registered and regulated to ensure they are providing an appropriate service and high quality housing so it should be sufficient to secure through the Section 106 Agreement that the social rented homes will be taken on either by RBKC or a Registered Provider.</p>	<p>This is not considered unreasonable as efforts should be made to have an RP on board early in the process.</p>
<p>Kensington Society (Michael Bach)</p>	<p>4.5 Is the updated SHMA (August 2019) available? This should provide information on specialised older people's housing, segmented by the different types such as care homes, extra-care housing, etc and in terms of affordability, distinguishing between affordable models and market housing models where additional affordable housing will be required. This would help clarify how much affordable housing is needed and how much affordable housing should be provided by extra-care models, such as schemes similar to the Dovehouse Street/Heythrop College would need to provide.</p> <p>4.14 The first paragraph of the quotation appears to have some words missing in front of "rent" in line 3.</p> <p>4.15 Agree with the 70:30 tenure mix, as well as the mix proposed in 4.16</p>	<p>4.5. The SHMA 2019 update is a partial update and has not revisited the older people's housing need. The update document is available on the Draft SPD consultation page.</p> <p>4.14. The quotation is accurate and reproduces that within the SHMA.</p> <p>4.15. Support noted.</p>

Question 7: The Council recognises that a bed-sit within a house in multiple occupation is a form of lower cost housing. The Council will normally only allow the loss of a bed-sit where it is to a studio flat, as a studio usually commands a rent which is not significantly higher than a bedsit. The SPD is explicit in noting that these newly created studios must be “low cost housing”, units with a price of 20% below market value.

Do you support this approach?

Name	Comment	Council's Response
SIMON FISHER	Another disastrous RBKC proposal for Earl's Court. It took 20 years to achieve a policy which allowed the upgrading of sub-standard residential accommodation. Now the Council wants to undermine it	The Council takes a different view. We recognise the value of much of the remaining stock of HMO accommodation in meeting the housing needs of those less able to access the conventional housing market. Whilst there will be situations when a bed sit can be lost, the new development must meet its obligations with regard the provision of affordable housing.
RBKC Earl's Court Ward (Malcolm SPALDING)	Bullet 3 is ambiguous "less than 20% market value" Does this mean 20% less than market value ? see 5.32 Will this requirement become a routine planning condition to prevent STHL uses ?	<p>The Council recognises that this bullet is not correct.</p> <p><u>It should be amended as follows HMO conversions to studios will be required to provide studios as low cost housing (less than 20% below market value).</u></p> <p>The SPD is clear, in that any studio provided at the expense of a bedsit must be provided at 80% of market value.</p>
RBKC Councillor (Hamish Adourian)	Para 5.30 Again, does this not risk leaving in place poor quality HMOs? Is it viable to always expect them to be converted into studios?	<p>The Council recognises the value of its remaining stock of bedsits as a form of lower cost accommodation.</p> <p>Policy CH4 has sought to protect bedsits unless the loss is to a studio. However, monitoring has shown the dramatic erosion of this “non self-contained” sector. This has hindered the Council’s ability to meet its housing targets. It has also seen the loss of a valuable source of lower cost accommodation. The retention of existing bedsits would be preferable to their loss to market accommodation.</p> <p>However, given the differential in value between market and bedsit accommodation, the Council is satisfied that the requirement to provide accommodation at 80% of market will not preclude all such development.</p>
Quod (Chris Wheaton)	<p>Viability</p> <p>The KCOA will need to fund substantial infrastructure, most recently assessed by the Council’s consultants, Carter Jonas and PBA as being £200-300m. The 2019 work for the Council by Carter Jonas indicated that the site as a whole would require an affordable housing level of between 20 and 30% to be viable, assuming the 50/50% social & affordable rent: intermediate tenure mix. Whilst DfT has been working hard with its technical team and the GLA to identify ways to viably deliver at least 35% affordable homes, it is clear there is agreement that the infrastructure costs of the North Pole Depot site make this very challenging.</p> <p>The BNPP work underpinning the SPD consultation does not test the KCOA specifically but it does note that the change in residual land value from the adopted to the proposed policy is less than 10% in most scenarios, though more than this in some. What this means in practical terms for the KCOA is that the ability of the proposals to fund the necessary infrastructure is materially reduced in the proposed policy scenario.</p>	<p><u>Text will be inserted to add a cross reference to Section 5 of the Planning Contributions SPD 2019 to acknowledge the complexity of the opportunity area sites and that a localised approach to infrastructure including affordable housing is required in these areas.</u></p>

Name	Comment	Council's Response
	<p>Given the above, the SPD should be amended to recognise that Opportunity Areas incur a different scale of infrastructure cost and flexibility on the affordable housing tenure mix should therefore be exercised.</p> <p>Consistency with government direction The Secretary of State (SoS) for Housing, Communities and Local Government, the Rt Hon Robert Jenrick, recently (13th March 2020) reinforced the Government's policy to build more, better and greener homes</p>	
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...	No comment	Noted.
Clarion Housing Group (Elanor Warwick)	none	Noted.
Kensington Society (Michael Bach)	<p>Yes</p> <p>The "Key Guidance" looks like policy</p> <p>5.2 Strongly support current policy of requiring affordable housing from all developments of 650sqm – this conforms generally with national policy as the special circumstances in this borough which justify the difference between this and national policy.</p> <p>5.5ff: Protecting existing affordable housing: Strongly support HMOs being treated as affordable rented housing and, therefore, benefitting from Local Plan Policy CH1f. The re-provision of affordable housing should apply to proposals for conversions to studios – see recent applications in Nevern Square, Warwick Road and Clanricarde Gardens, where this approach would have avoided the significant losses.</p> <p>We strongly support the point 8 in the box on page 6, which says:</p> <ul style="list-style-type: none"> • HMO conversions to studios will be required to provide studios as low cost housing (less than 20% market value). <p>On-site provision: Strongly support this as the default position.</p> <p>Off-site provision: This should be the exception and be justified by a viability assessment</p> <p>Payment in lieu: Should be highly exceptional.</p> <p>5.27: Conversions and extensions of existing buildings which are HMOs and which exceed 650sqm should also be liable for providing additional affordable housing and/or secure no loss of affordable units and, therefore, come within the remit of Local Plan Policy CH1f. (see Para 5.33)</p> <p>The section on Older People's Housing – paras 23.3.60-63 needs to be expanded to cover older people's housing provided by registered providers, such as HMOs providing accommodation for older people (eg 42-44 Nevern Square) or by bodies such as Shepherds Trust (2-4 and 12-14 Lansdowne Walk)</p> <p>5.30 Loss of HMOs to studios: Local Plan Policy CH4c does not provide security for affordable housing, unless they are formally recognised as a type of affordable housing, which many of them are, so as to benefit from Local Plan Policy CH1f. Paragraph 23.3.66 may need revising in the next version of the Local Plan to make clear that HMOs managed by registered providers, including trusts, are covered by CH4b and CH4h, and/or through an amendment to Policy CH4.</p>	<p>The "Key guidance" is a tool intended to highly important part of the SPD. The SPD will be a material consideration but does not form part of the Borough's Development Plan.</p> <p>5.2. Support noted.</p> <p>5.5 and bullet 8. Support noted.</p> <p>On-site provision. Support noted</p> <p>Off-site provision. Part (c) of Policy CH2 notes that affordable housing should be provided on-site "unless exceptional circumstances" exist.</p> <p>Payment in lieu. Policy CH2 of the Local Plan is explicit in noting that off-site provision should only be provided in exception circumstances.</p> <p>5.27. Policy CH2 of the LP sets out the threshold for affordable housing provision. This includes any proposal which includes the creation of 650 sq m of residential floorspace. This includes existing HMOs.</p> <p>Para 5.35 to 5.37 concerns the need for extra care housing to make a contribution to affordable housing. It references the NPL, part of the Borough's development plan.</p> <p>5.30 The Council is currently reviewing its local plan. This will include the policies which relate to the need to meet "Specific Housing Needs".</p>

Question 8: The Local Plan supports the provision of older people's housing. This can include both extra care homes and sheltered housing. Extra care and retirement housing may trigger a requirement for *affordable* housing. The level of contribution will be decided on a case by case basis having regard to the overall viability of the scheme.

Do you support this approach?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	We support this approach.	Noted.
RBKC Earl's Court Ward (Malcolm SPALDING)	<p>5.36 states "extra care should be decided on a case by case basis" but it would be more deliverable in line with need and demographics if the percentages were defined</p> <ul style="list-style-type: none"> • 25% social/affordable rent • 25% extracare or sheltered for elderly • 50% Intermediate joint ownership (part rent/part buy) 	Defining percentages as specified would need to be backed up by robust evidence. The Council will be looking at older people's housing need as part of the New Local Plan Review. This will include revisiting the evidence.
Quod (Chris Wheaton)	<p>Approach to the introduction of new policy</p> <p>The SPD clearly covers important issues and as such it is critical that its introduction is robust and not subject to future challenge and change. We would observe that elements of the SPD such as the affordable housing tenure split are in direct conflict with the adopted RBKC Local Plan. As such these elements represent new policy which the Town and Country Planning Regulations and the National Planning Policy Framework are clear should only be introduced via a local plan review.</p> <p>The introduction of new policy via an SPD means that the full consultation, engagement, examination in public and testing of soundness which underpinned the recently adopted RBKC Local Plan has not been undertaken. As such the full impact and soundness of the new policies is uncertain and they are at risk of future challenge.</p>	Noted. See response above to similar points raised. The Council does not consider there is a conflict with the overarching vision and objectives of the Local Plan. The SPD is in-line with the New London Plan which will be part of the Council's development plan. It is supported by the GLA.
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...)	No comment	Noted.
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • We would support the decision on levels of affordable housing related to older peoples housing being on a case by case basis related to the overall viability of the scheme. The economics around providing and sustaining social housing for older people, especially those who require support in the home, have become increasingly challenging in recent years. There is a risk that more specialist housing such as extra care and retirement for older people comes to be seen as a private sector product, not one for those on low incomes. We would support the SDPs approach as it aligns to Clarion's commitment to providing homes where our residents can age safely in a place that is right for them, which may be in general needs housing. • We would suggest that the SDP require designs for larger projects demonstrate a commitment to intergenerational living, extending beyond the homes themselves to include design of the neighbourhoods to provide wayfinding, signage, lighting and layouts than encourage mobility and social interaction for an ageing population. 	<p>Support noted for level of affordable housing for extra care housing to be decided on a case by case basis.</p> <p>The design of proposals for old people's accommodation is beyond the scope of the AH SPD. The Local Plan 2019 includes appropriate design policies. It also adopts the higher building regulations standards for accessibility for homes.</p>
Kensington Society (Michael Bach)	<p>Extra Care Housing:</p> <p>5.35 CH4b gives developers a let out to allow a loss of older people's housing, which the Borough cannot afford to lose. It would be worth investigating cases where this policy has been applied.</p> <p>5.36 Strongly support this statement which makes clear that extra-care housing projects will be required to provide affordable housing.</p>	<p>5.35. Noted. The Council will monitor the effectiveness of LP Policy CH4 but not within the scope of the affordable housing SPD.</p> <p>5.36. Support noted.</p>

Question 9: The Draft London Plan encourages Councils' to identify opportunities for the meanwhile (or temporary) use of sites for housing. Whilst these will not be permanent homes, they can help address the pressing need for genuinely affordable homes in the borough.

Are you aware of any sites which may be suitable for a meanwhile residential use?

Name	Comment	Council's Response
RBKC Earl's Court Ward (Malcolm SPALDING)	5.41 and 5.42 should be deleted as they would permit the creation of 1,000s of prefab "refugee-camp" temporary housing ghettos for London's homeless as meanwhile uses on vacant sites throughout the Borough	<p>The Council SPD reflects the NLP, which recognises that there will be circumstances where housing may be a suitable meanwhile use. The NLP will form part of the Borough's development plan.</p> <p>Housing provided in this way must meet the necessary standards. The nature of the borough is such that there are not many sites as described capable of housing thousands of homes.</p>
RBKC Councillor (Hamish Adourian)	<p>Para 5.38 Temporary 'manufactured' housing put up on a building site has the capacity to cause a lot of social and crime problems unless managed well. To be discussed further. A better meanwhile use would be a community space/gardens/etc, not dwellings.</p> <p>Para 5.40 What form would these 'houses' take? Could quality be guaranteed? Is there no danger of them rapidly degenerating?</p> <p>Para 5.41 Again, while this sounds good in theory, something like this could cause serious problems if not managed well.</p>	<p>The Council SPD reflects the NLP, which recognises that there will be circumstances where housing may be a suitable meanwhile use. The NLP will form part of the Borough's development plan.</p> <p>The Council does recognise that housing will not always be appropriate as a meanwhile use, of that land awaiting development may be better uses for commercial development.</p> <p>The Council notes that is essential that any temporary homes are of a high quality and well managed. A permission would only be granted were the Council to be satisfied that this were to be the case.</p>
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...	No comment	Noted.
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • The Borough should identify opportunities for the meanwhile use of sites for housing if they can demonstrate that they have carefully considered the negative impact on residents of temporary allocations and have plans to mitigate these. • If the housing is short lived then the residents are unlikely to establish neighbourhood connections, find local work before they are rehoused. • If meanwhile homes are being used as part of a larger phasing decanting process, there should be better ways of managing residents temporary relocation. Clarion's intention is that existing residents in regeneration projects move only once. • Re-locatable volumetric homes may provide a small number of temporary homes across the capital, but the realistic timeframe for their use needs to be considered very carefully. The long life of post war prefab's show that temporary homes have an unfortunate habit of becoming permanent. • If a site is not suitable for residential housing, or there are concerns about the risk to residents of short term nature of the homes then another meanwhile use would be preferable. 	<p>The intention of the SPD is to flag up that there may be circumstances where housing can be a meanwhile use. In this way it reiterates the content of the NLP. There is no compulsion for any given development to provide housing in this way.</p> <p>The points raised by the consultee are all valid, and all issues which would be considered were an application for a residential meanwhile use be submitted.</p>
Kensington Society (Michael Bach)	No comment	Noted

Question 10: The Council will seek an affordable housing contribution when a development provides more than 650 sq m (gross) of residential floorspace. Such an increase will normally result in the creation of a number of new homes. However, this Borough is unusual in that sometimes an extension of a private home reaches this 650 sq m threshold. The SPD notes that a contribution will not normally be sought in these circumstances, when the proposal does not include the wider redevelopment of the building, when the extension is to the principal residence and when the person applying has a material interest in the land.

Do you support this approach?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	We support this approach.	Noted.
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Group)	No comment	Noted.
Clarion Housing Group (Elanor Warwick)	none	Noted.
Kensington Society (Michael Bach)	<p>Yes – there are lessons to be learnt about the expansion and conversion of large HMOs where affordable units are being lost.</p> <p>We are strongly concerned about the loss of any remaining key worker housing. The change from affordable key worker housing to market housing should be resisted.</p>	<p>Support noted.</p> <p>The Local Plan resists the loss of all forms of affordable housing to market housing. (Policy CH1(f))</p>

Question 11: Do you have any other comments on section 5 of the SPD, Delivering affordable homes?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	Within RBKC land is a more scarce resource than money. Therefore on site affordable housing should be the highest priority.	The SPD and LP Policy CH2 recognises the provision of on-site affordable housing. When the threshold is reached, off-site housing or a financial contribution should only be provide "in exceptional circumstances."
RBKC Earl's Court Ward (Malcolm SPALDING)	5.1 states "increasing social homes is a priority for local people" but no evidence is offered. It is not common experience that this is actually a priority for local residents, other than those who use social housing, whose views should be excluded due to conflict of interest.	<p>The SPD references the Council Plan, which does state that "<i>increasing housing supply, particularly of social and affordable homes, is a priority for local people and requires a creative response from all tiers of government, including the Council.</i>" This document was endorsed by members at full Council in March 2019.</p> <p>The Council currently has over 3,300 people (of which about 2,300 in temporary/homeless accommodation) waiting for a socially rented home in the borough. The evidence of need for affordable housing is irrefutable</p> <p>The recent NCIL consultation has confirmed that affordable housing is a priority for many of our residents.</p> <p>The Council notes that the provision of social housing is upmost in the mind of those who are in need of it. It would not be appropriate to "exclude the views" of those in need, merely because it may not be a view held by the Cllr, or some of our residents. This would run counter to the very function of the Council. This is to represent the views and the needs of all. Particular care must be made to address the views of those who may ordinarily struggle to be heard.</p>
RBKC Councillor (Hamish Adourian)	<p>Para 5.6 Re-provision of social rent homes What if this is not viable? Will this result in low quality social rent homes staying that way, rather than being replaced by higher quality affordable homes?</p> <p>Para 5.7 Resist loss of any form of AH Again, doesn't this risk resulting in development simply not happening at all?</p> <p>Para 5.43 Socially inclusive development. Open space. play spaces etc In practice, these end up being 'segregated' anyway since the affordable and market housing will be managed by different organisations who obviously want separate spaces. This needs a bit more thought.</p>	<p>5.6 - The Council will always consider the overall viability of a scheme, a central requirement of the NPPF. Where appropriate this will include market housing where this necessary to fund the development. (LP Policy CH5(d).</p> <p>5.7 - LP Policy CH1(f) resists the net loss of any affordable homes.</p> <p>There is a particular need for social rented homes – as this is the only product which will be truly affordable for many of those on lower incomes. As such it is imperative that the Council does not see the loss of any social rented homes.</p> <p>Para 5.43. The Council notes that there may be difficulties in implementing development which is truly socially inclusive. Inclusivity is inherent to "good design" and it is incumbent on both the developer and the Council to achieve this ambition. We must has planning policies in place to achieve this ambition which is what the SPD is articulating.</p>
Ballymore Group Limited and Sainsbury's	No comment	Noted.

Supermarkets Limited		
Clarion Housing Group (Elanor Warwick)	Policy CH1(f) Increasing Housing Supply stipulates that the Council will resist the loss of affordable housing floorspace and units throughout the borough. We agree with the principle of maintaining at least the same number of rental homes for households on low incomes. However greater clarity and regard is needed on practical constraints to implementation, such as resolving design contradictions for optimising density whilst maximising sustainable green infrastructure, or how the Capital wide housing targets might be achieved at a local level.	Support for principle of retention of affordable housing throughout the borough is noted. The Council recognises there may be occasions when retention of affordable housing may be difficult. However, it is beyond the scope of this SPD to offer detailed guidance on how this conflict can be resolved. The planning system is sufficiently flexibility to allow these conflicts to be resolved on a case by case basis.

Question 12: The Council recognises that community spaces stimulate a sense of community particularly if this is provided as a meeting space or flexible workspace. The SPD requires significant housing developments (those proposing 100 or more new homes) to carry out a community space audit, and then to include community space where there is a demonstrable need.

Do you support, or have any comments, on this approach?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	We support this approach.	Noted.
RBKC Councillor (Hamish Adourian)	Para 6.5 Developments of 100 units or more Where does this number come from?	The intention is that the requirement applies to significant housing development, 100 units seem appropriate to signal this.
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...	<p>The Draft SPD requires a Community Space Audit for developments of 100 or more homes. While Ballymore and SSL support the delivery of community facilities and will seek to incorporate community space into the proposed redevelopment of the Kensal Canalside Opportunity Area, the Draft SPD is not clear on the requirements of this audit.</p> <p>Firstly, the Draft SPD does not specify what types of community spaces should be audited and how the assessment should be carried out, such as quantum or quality of community space. The Draft SPD is also not clear in specifying when a deficiency is identified, whether developments coming forward will be required to address the whole deficit or the additional need arising from future occupants of the proposed development. Any requirements should be proportionate to the scale of development and directly related to the proposals, in line with the NPPF.</p>	<p>The Council would expect an audit to include a consideration of existing supply, its location, its condition and its long term viability.</p> <p>Whilst section 6 refers to the need for a community space audit it does not offer any further guidance in this regard. The Council recognises that it would be helpful to include more guidance. However, it would not be appropriate to be prescriptive in this matter, with regard to types of community spaces which should be subject to an audit.</p> <p>However, the Council does agree that it is helpful to reiterate the advice within the NPPF, that any requirements to provide community space should be proportionate and related to the proposal.</p> <p><u>Amend paragraph 6.5 to insert the blue, bold and underlined text below:</u></p> <p>In light of the above, significant housing development proposing 100 or more new homes should carry out a community space audit and provide evidence of the needs of the community in that area. <u>An audit should include an assessment of existing provision. This must be both quantitative and qualitative. It should include an assessment of the quality and the nature of existing facilities as well as their distribution.</u> If a shortfall is identified and there is a demonstrable need, it should be included as part of the development proposals. Early consultation with the community living in the area will form an essential element of collating this evidence. Proposals which include community space based on the above evidence should also include sustainable and long term management plans for these uses. Facilities should be designed so that they are accessible to all sections of the community (including older and disabled people). <u>Provision should be proportionate to the scale of the proposal and must reflect the</u></p>

		<u>nature of the of the development itself.</u>
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • We find community space audits extremely informative and we support the requirement for them on significant housing developments but the threshold of 100 homes is too low to be considered a significant scheme. • See earlier comments to Q6 on deciding what constitutes quantifiable demonstrable need for community space and of what form is most appropriate. 	Noted. For a borough such as ours with not many large sites, a 100 unit housing scheme is considered significant.
Kensington Society (Michael Bach)	<p>Socially-inclusive developments:</p> <p>We consider that 100 or more new homes is too high a benchmark.</p> <p>The issue of mixed, balanced and inclusive communities should be translated should be re-instated in the Local Plan in the current revision. The brief mention in paragraph 23.1.1 and CO6 in the Local Plan means that the rest of the policy set in Chapter 23: Diversity of Housing needs to be reinstated.</p> <p>Local Plan Policy CH2f does not achieve this – it is about the mix of tenures on site basis only.</p> <p>Local Plan Policy CH2 g. also specifies that affordable and market housing should have equivalent amenity including views, siting, daylight, noise and proximity to open space, playspace, community facilities and shops.</p>	<p>The 100 housing unit threshold is considered appropriate as is likely to be of a scale which would reasonably expected to make a specific contribution to the provision of community space.</p> <p>The comments concerning Policy CH2 are noted. They will be considered in relation to the forthcoming review of the Local Plan.</p>

Question 13: The Council's Statement of Community Involvement sets out how we will consult on all aspects of planning. A strong principle that the Council wishes to embrace is one of collaboration.

Do you have any comments on how the Council should engage our residents and our other stakeholders on any proposals which include the provision of *affordable* housing?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	Pre-application public consultation is vital.	Support for rigorous pre-application consultation noted.
RBKC Councillor (Hamish Adourian)	Table 2 Principle 1 I've mentioned this before, but this principle is really stating the obvious and is therefore a little strange. Clearly, the Council will be obeying planning law—why does it need to be stated?	The Council notes that by their very nature legislative requirements will be adhered to. Nevertheless, it does remain a key element of the stated "principles of engagement", as set out within the Council's recently adopted Statement of Community Involvement. As such it is appropriate to reproduce it in the SPD.
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Grou...	No comment	Noted
Clarion Housing Group (Elanor Warwick)	<ul style="list-style-type: none"> • We fully support RBKC's ambitions to engage local residents in decision making on proposals across all forms of housing tenure. We look forward to commenting on the procedure in due course. • We would agree that stakeholders across the wider community are engaged on the nature of changes to their area. Increased housing densities will affect demand for services and the call on local amenities such as GP's, schools or open spaces. Nearby commercial owners need to be reassured that their businesses are not going to be affected negatively. However the greatest impact will be to those living on existing estates and closely adjacent to new developments, and it is only right that their concerns are given significant hearing and consideration over others who may be affected to a lesser extent. • Clarion has extensive experience of design-led engagement and would be happy to support RBKC in this approach in any way we can. 	Support noted.
Kensington Society (Michael Bach)	This section contains general principles – it is not clear why this is in this document.	The general principles of engagement and co-design are considered important enough to warrant repetition in the SPD. They will be directly relevant for larger proposals which include the provision of affordable housing.

Question 14: Do you have comments on the Screening Opinion of the Sustainability Appraisal or the Equality Impact Assessment of the draft SPD?

Name	Comment	Council's Response
Octavia Housing (Andrew Brown)	These seem appropriate	Support noted.
Ballymore Group Limited and Sainsbury's Supermarkets Limited (Ballymore Group)	No comment	Noted
Clarion Housing Group (Elanor Warwick)	Both the proposals for sustainability appraisals and the EIA are comprehensive yet proportionate.	Support noted.
Kensington Society (Michael Bach)	No comment.	Noted
Natural England	<p>The topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	Noted
Environment Agency	<p>Thank you for consulting the Environment Agency on Affordable Housing Draft SPD and Neighbourhood CIL Levy – Community Priorities.</p> <p>We have no comments to make on either document.</p>	Noted

Question 15: Do you have other comments on any other aspects of the draft SPD?

Name	Comment	Council's Response
Highways England	<p><u>Affordable Housing Draft Supplementary Planning Document (SPD)</u></p> <p>Having examined the documents and information available, we are satisfied that this SPD will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). Accordingly, Highways England does not offer any comments on the consultation at this time.</p>	Noted.