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1. INTRODUCTION

1.1 LOCAL PLAN PARTIAL REVIEW

1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.

1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this, the topic of housing needs reviewing.

1.1.3 This Policy Formulation Report has been written to explain the reasoning behind Policy CH5: Estate Renewal of the Draft Policies consultation document to a level of detail which cannot be included in that document itself.

1.2 POLICY CH5: ESTATE RENEWAL

1.2.1 This topic of the Local Plan Partial Review relates primarily to the following chapters and policies of the existing Local Plan:

- **CO6 Strategic Objective for Diversity of Housing**
- **Chapter 35: Housing Diversity**
- **Policy CH5: Estate Renewal**
2. ISSUE: ESTATE RENEWAL

2.1 INTRODUCTION

2.1.1 The existing Local Plan promotes a diversity of housing that at a local level will cater for a variety of housing needs, built for adaptability and to a high quality. Existing Local Plan Policy CH4: Estate Renewal sets out the planning policy for the redevelopment of social rented housing estates to further this objective.

2.1.2 The existing Local Plan Policy CH4 was adopted in 2010 and needs to be updated to reflect national policy, corporate aspirations and up to date evidence.

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

ESTATE REGENERATION STATEMENT (FEBRUARY 2016)

2.2.1 The Government published an estate regeneration statement in February 2016. Although this was more of a call for expressions of interest, it nevertheless suggests how estate regeneration fits within a national policy context and puts forward some guiding principles. It was announced that, “The Prime Minister has called for an ambitious new estates regeneration programme—ambitious at every level. We will engage with up to 100 estates from around the country, to stimulate proposals for the transformation of those estates, a significant increase in housing, and, most importantly, improvements in estate residents’ quality of life.”

2.2.2 Some of the guiding principles for regeneration from the document are set out below:

- Schemes must deliver regeneration through the redevelopment of existing social housing estates.

- Ultimately, schemes will need to be viable, so financial considerations need to be paramount in early planning, including which partners or joint ventures could potentially be included to support or fund proposals. To maintain the trust of existing residents and to ensure transparency, submitters of proposals for regeneration should expect to make public the results of the viability assessments underpinning their proposals at all stages of the development process.

- What preparatory work has been undertaken, such as land assembly, identification of land ownership, initial construction work, or identification of infrastructure links or opportunities?

- Design – what levels of design are the proposals targeting? Do they rely on large-scale masterplans or smaller-scale initiatives? Indicate how far proposals have reached in terms of options appraisals and consolidating
specific designs. Are these designs innovative and do they directly respond to the needs of the local community?

- Community engagement – an indication of the level of community support, and what sort of consultation has been undertaken, and with whom.

- How arrangements for existing residents are expected to operate – such as for leaseholders, tenants, owner-occupiers and non-resident property owners. Indicate what alternative housing arrangements may be needed. This is a particularly important aspect of the programme.

- What tenure mix is proposed, including affordable housing provision?

- Ultimately schemes should deliver a net increase in new housing supply and be value for money.

- Are wider societal benefits demonstrated by the proposal, such as positive effects on local employment, health, poverty and education and training?

- Is there a delivery plan in place, with a workable and reasonable timetable?

- What non-housing projects are involved as part of the concept to make the estate more attractive a place to live? For example, associated infrastructure schemes.

**COMPULSORY PURCHASE PROCESS AND THE CRICHEL DOWN RULES: GUIDANCE**

2.2.3 The legislative framework for compulsory purchase is set out in the Acquisition of Land Act 1981, section 226 of the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 (as amended) and Part 7 of the Housing and Planning Act 2016.

2.2.4 Compulsory purchase powers enable public bodies to acquire land compulsorily. These powers are mostly exercised by local authorities to promote schemes for various purposes. Compulsory purchase of land requires the approval of a confirming minister. Whilst at this stage it is not known if compulsory purchase of any land may be required it is considered useful to set out a summary of the pertinent guidance.

2.2.5 This guidance was published in October 2015 and updated the previous guidance to reflect legislative changes and case law since 2004.

2.2.6 Page 6 of the guidance clarifies that, “Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest. Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore,
depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- plan a compulsory purchase timetable as a contingency measure; and
- initiate formal procedures

This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

When making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The officers’ report seeking authorisation for the compulsory purchase order should address human rights issues. Further guidance on human rights issues can be found on the Equality and Human Rights Commission’s website.”

2.2.7 Page 8 of the guidance sets out how the public sector equality duty should be taken into account in exercising compulsory purchase powers. The document sets out a six stage process of making a compulsory purchase order. Stage 1 of this process is about choosing the right compulsory purchase powers. Page 10 sets out a list of most commonly used powers including local authorities for planning purposes.

2.2.8 Page 38 (Q 65) details that the power of local authorities under section 226 of the Town and Country Planning Act 1990 for planning purposes is “intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.”

NPPF

2.2.9 Sustainable development is the golden thread running through the NPPF. In terms of the social dimension of sustainable development (health and economy being the other two), the NPPF states at paragraph 7, “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;”

2.2.10 Paragraph 50 of the NPPF requires Councils to plan for a mix of housing based on current and future demographic and market trends, as well as the needs of specific groups within the community. The size, type, tenure and range of housing required should also be identified. Where a need for affordable housing has been
identified, policies should be set for meeting this need.

2.2.11 In order to have a clear understanding of the housing needs in their area, paragraph 159 states that Councils should prepare a Strategic Housing Market Assessment (SHMA) to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period.

2.2.12 Section 7 of the NPPF recognises the importance of good design and states at paragraph 56 that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 60 states that “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

2.2.13 Paragraph 61 further states that “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): HOUSING AND ECONOMIC DEVELOPMENT NEEDS ASSESSMENTS

2.2.14 The NPPG sets out detailed guidance in relation to undertaking Housing and Economic Development Needs Assessments as part of the evidence for the Local Plan Partial Review. The primary objective of the assessment is to “identify the future quantity of housing needed, including a breakdown by type, tenure and size;”

REGIONAL

THE LONDON PLAN

2.2.15 The whole of Policy 3.9: Mixed and balanced communities of the London Plan and its supporting text is relevant. These are reproduced below:

“Policy 3.9: Mixed and balanced communities

A. Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.

B. A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.”

Paragraph 3.58 “The Mayor is concerned that there should be no segregation of London’s population by housing tenure. London’s legacy of mono-tenure estates has in some cases contributed to concentrations of deprivation and worklessness. Coupled with some housing trends and management practices, these have been exacerbated by the tendency for new social housing to be built in the areas where it is already concentrated. Conversely, market homes have tended to be developed in areas with very little social housing. The affordable rent product should be applied so as to help achieve the objectives of this Policy. Local Authorities’ allocation policies, tenancy strategies and homelessness strategies will also be important tools in delivering this aim.”

Paragraph 3.59: “The London Housing Strategy outlines how management and investment in mono-tenure estates can contribute to the creation of more mixed and balanced communities. The planning system should support this process. Infill schemes in predominantly social housing estates should primarily be targeted for intermediate and market housing. New social housing development should be encouraged in areas where it is currently under represented. These are essentially local matters for boroughs to address in light of their local circumstances because the key concern is the concentrations of deprivation in individual, or groups, of mono-tenure estates rather than the overall level of social renting in a borough.”

Paragraph 3.60: “Policy 3.5 requires the design of new development to help create a more socially inclusive London. The Housing SPG provides guidance on implementing this policy including support for boroughs to resist forms of development which might compromise it, such as gated communities.”

Policy 3.14 of the London Plan is also relevant as it resists the loss of housing, including affordable housing unless it is replaced at existing or higher densities with at least equivalent floorspace. The reasoned justification at paragraph 3.82 further states that, “Estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area (see Policy 3.9), and the amount of affordable housing intended to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing.”

**LONDON HOUSING STRATEGY**

2.2.16 The overriding aims of the strategy are to increase the supply of housing of all tenures and to ensure that these homes better support London’s continued economic success. The strategy is not just about supply; policies range from improving the existing stock to tackling rough sleeping – but supply is at the heart of it, underpinning each of its five key priorities:
• increasing housing supply to levels not seen since the 1930s;

• better supporting working Londoners and helping more of them into home ownership;

• improving the private rented sector and promoting new purpose-built and well managed private rented housing;

• pushing for a new, long-term financial settlement for London Government to drive housing delivery; and

• bringing forward land for development and accelerating the pace of housing delivery through Housing Zones and the London Housing Bank.

2.2.17 The Housing Strategy acknowledges that increasing housing supply is central to London’s housing needs. It states that with increased supply come opportunities to address affordability, help for people to meet their aspirations, improved quality, renewal of postwar estates, and the ability to tackle entrenched issues like homelessness and overcrowding.

2.2.18 Section 4.8 deals with estate regeneration and comments on their development potential and related benefits. The regeneration of over 100 estates is underway with a pipeline of over 35,000 new and reprovided homes over the next ten to fifteen years. It acknowledges that estate regeneration projects are susceptible to delays with the cause of delay often being the cost of infrastructure works, leaseholder purchase costs and land assembly. To mitigate these problems, the Mayor and partners have been working with Government on a proposal for a major new estate regeneration fund of up to £150m for London. This would work with a Government-backed loan to support cash flows and project costs. It states that “From a sample of the eight largest projects currently struggling with viability and upfront costs it is estimated that approximately 22,000 new homes could be built over the next 15 years through this type of intervention. Of these homes, approximately 15,500 would be net additional private sale homes, the profits of which are required to cross-subsidise the early stages of development. The unbuilt private sale pipeline of the top eight London estate regeneration projects could be worth over £5bn over the next 15-20 years. In addition, construction at this scale will generate over 43,000 jobs on building sites and in the supply chain. If established as a revolving fund further loans could be made as others were repaid, enabling a sustainable and long term approach to estate regeneration in London.”

HOUSING SPG

2.2.19 The Mayor’s Housing SPG is capable of being a material consideration in determining planning applications. Part 5 of the SPG deals with stock and investment and includes a specific section on estate renewal. It provides further guidance on Policy 3.14 of the London Plan referred to above. It emphasises that redevelopment of affordable housing should only be permitted where it is replaced by better quality accommodation providing at least equivalent floorspace of affordable housing. It states that the London Plan provides flexibility to take into
account local circumstances when considering individual proposals for estate renewal in terms of:

- the regeneration benefits to the local community
- the proportion of affordable housing in the surrounding area and the need to provide mixed and balanced communities (Policy 3.9)
- the amount of affordable housing intended to be provided elsewhere in the borough.

2.2.20 It further elaborates on calculations about the loss of affordable or overall housing provision and that these can be made on the basis of habitable rooms rather than dwellings, where the redevelopment of an estate is providing a housing mix more appropriate to the needs of both existing and prospective future residents – for example where there is increased provision of dwellings for larger households.

2.2.21 Paragraph 5.1.15 further comments on right to buy properties and states that “In calculating whether there is any net loss of affordable housing through estate renewal, former social rented properties sold under the right to buy /right to acquire should be categorised as market sector provision. The objective of no net loss of provision should generally be achieved without taking into account areas outside the estate boundary. This can include making more effective use of underused open space or non-residential sites within the overall estate boundary. Replacement of social/affordable rented units by intermediate provision is acceptable where it can be robustly demonstrated that this would achieve a more appropriate range of housing provision in a neighbourhood or borough and contribute to achieving a more mixed and balanced community. Replacement of social rent by affordable rent provision may be necessary in order to maximise affordable housing provision.”

2.2.22 The SPD provides a useful clarification which is applicable to the land assembly for estate renewal where the Council can purchase the right to buy units on the open market. Where such units are used for temporary accommodation in preparation for estate regeneration they would be considered market housing in line with the paragraph above. Using voids for temporary accommodation is a good use of existing stock while awaiting regeneration to take place.

2.2.23 Paragraph 5.1.16 of the Housing SPG states that, “To achieve no net loss, development at significantly increased density may be necessary to generate sufficient value from market development to support replacement of affordable housing provision, or to achieve a more mixed and balanced community. In such a case, the net gain in total provision need not achieve the usual proportion of affordable housing provision expected from a new build development.”

2.2.24 Design quality is referred to in paragraph 5.1.17 with the aim of maximising active frontages in order to increase natural surveillance and activity. Finally paragraph 5.1.18 emphasises the role of effective engagement with the existing community as an integral part of the estate renewal process.
The Council’s Housing Strategy sets out how it wants to improve both the quality of accommodation and lives of people who live here by:

- Resources – Develop effective asset management and longer term business planning, taking advantage of the new regime for Council Housing finance.
- Development and regeneration – Regenerate, renew and develop new affordable housing where opportunities arise.
- Housing options – Provide a service that enables people to make informed decisions about their housing options.
- Vulnerable residents – Support people who are vulnerable with appropriate accommodation and advice services.
- Employment and training – Enable people in social housing to access employment and training opportunities.

The Council will publish a new four year Housing Strategy in 2017.

In relation to regenerating the Borough’s housing the Housing Strategy Summary states that “We are currently developing Wornington Green and Silchester Estates, in the north of the borough, in partnership with housing providers. We are also looking to redevelop the area around Edenham Way and Trellick Tower and looking at how we take this forward. We will also look at regeneration schemes on a smaller scale.” It also states that “regeneration is not just about the physical environment, but also about the development of the community so we will continue to work with other Council departments to achieve this.”

Section 2: Development and regeneration of the Housing Strategy is particularly relevant to the issue of estate renewal. It refers back to the existing Local Plan strategic objective CO6: Diversity of Housing. It also refers to other parts of the existing Local Plan such as regenerating North Kensington. The Housing Strategy acknowledges the issues of affordability in the Borough given the highest property prices anywhere in the country. It states that “We want to continue to ensure access to homes on a social or target rent, to provide a springboard so that tenants have a realistic chance of making the transition from being reliant on benefits to being financially independent and in paid employment. We will continue to support the development of affordable ownership options, such as shared ownership housing. We also want to support low and middle income earners by exploring how affordable housing can be provided for this group through new housing developments.” (page 12)

Pages 17 to 19 of the Housing Strategy specifically deal with regeneration and includes information on the Silchester Garages Site (now complete) and Edenham Way. More up to date information on potential estate regeneration
schemes is available in the Corporate Case for Regeneration which is discussed below.

**EXISTING LOCAL PLAN POLICY**

2.2.30 Within Chapter 35 of the existing Local Plan, Policy CH4: Estate Renewal sets out the relevant policy. This is reproduced below for ease of reference.

**Policy CH4 Estate Renewal**

The Council will require that where the redevelopment of social rented housing estates is proposed, a compelling case is demonstrated that the long term benefits outweigh the considerable uncertainty and disruption such projects will cause.

To deliver this the Council will:

a. require the maximum reasonable amount of affordable housing, with the minimum being no net loss of existing social rented provision;
b. require a guarantee that all existing tenants have an opportunity of a home that meets their needs, with those wishing to stay in the neighbourhood being able to do so;
c. require that the mix of house sizes for the re-provided social rented housing will be determined by the housing needs of the tenants of the estate and by the housing needs of the borough, at the time that an application is submitted;
d. require that where estate renewal is being funded through the provision of private housing or other commercial development, schemes must be supported by a financial appraisal;
e. recognise that cross subsidy between estates may also be required where proposals involve several estates. The principles set out above for one estate would be applied to two or more estates, taken as a whole.

**EXISTING UNITARY DEVELOPMENT PLAN (UDP) POLICY**

2.2.31 Extant policies H8 and H17 of the UDP have some relevance to estate regeneration schemes. These are set out below:

**H8 To require the provision of appropriate social and community facilities within major residential schemes.**

**H17 To resist the loss of existing small, self-contained flats of one or two habitable rooms.**

**SUMMARY**

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 2016</td>
<td>Estate Regeneration Statement</td>
<td>DCLG</td>
</tr>
<tr>
<td>Oct 2015</td>
<td>Compulsory Purchase Process and the Crichel Down Rules: Guidance</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
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## 2.3 EVIDENCE BASE

### COMMUNITY STRATEGY 2008-2018

2.3.1 The vision and strategic objectives of the existing Local Plan are very much based on the Kensington and Chelsea Partnership’s ‘Community Strategy 2008-2018’ document. In particular, the evidence base for Chapter 2 ‘Issues and Patterns: Our Spatial Portrait’ of the existing Local Plan “draws heavily on The Picture of Our Community (2005 and 2008), a companion guide to the Community Strategy” (paragraph 2.14).

### AMBITIOUS FOR TOMORROW

2.3.2 The Council published a document called ‘Ambitious for Tomorrow 2014-2018’ in December 2014 to set out the Council’s vision to:

- Maintain our excellent services
- Protect our most vulnerable residents
- Rethink housing
- Create new opportunities
- Make our borough yet more beautiful

2.3.3 The document notes, with regard to health and housing:

Kensington and Chelsea has a strong claim to be the best borough in the capital: best in terms of longevity, diversity, desirability and with the best built environment. But not all parts of it are the same. In North Kensington, many of our residents are missing out on years of good health. And much of our housing stock there requires refurbishment or replacement and is, in terms of architecture and urban design, markedly less attractive than the rest of the borough.

2.3.4 In terms of social and environmental, the document elaborates:

The relentless march of property prices is creating something of a ‘dumbbell community’, with lots of people at either end of the income spectrum but not so many in the middle. For those on ordinary or middle incomes who would like to live here to be closer to work or family, the stark truth is that they have little chance.

... In terms of social housing, we have far too many studios and one-bed flats but nowhere near enough family homes. That means we can have families stuck on the waiting list for years and is something that can only change through estate
renewal.

Moreover, the borough’s housing stock only caters for those with either very high or very low incomes – there are even fewer opportunities for those on ordinary incomes to live in the borough. That, too, is something that can only be changed by making better use of Council land.

We want a borough in which people from every background can live. Estate renewal provides us with an opportunity to rebalance our community, and introduce more affordable homes and more intermediate homes for people on middle incomes.

2.3.5 In particular on housing estates:

Some of our estates date from the 60s and 70s and exhibit all the faults of that far from golden era of public architecture. A few of them are coming to the end of their lives. Redevelopment could give our tenants better-quality homes, while all residents could benefit from the restoration of traditional street patterns, new shops and other infrastructure, as well as from a dramatically more attractive public realm.

It should be possible to transform the conditions in which many of our existing tenants live. The difference between a social home built as part of a 1960s estate and one built today in a street-front property integrated into the wider neighbourhood really is that dramatic.

And crucially, we will only redevelop an estate if it is possible to rehouse all existing tenants in better homes in the same area. Conserving and enhancing the local community is our primary objective in any regeneration project.

2.3.6 On Barlby Primary School and the Treverton Estate:

The Royal Borough’s Cabinet has agreed to explore options for redeveloping the tired and outdated Barlby Primary School and regenerating the area around the Treverton Estate at the same time.

The proposals could see a brand new school expanded to two forms of entry to help meet demand for primary school places, together with a new school for children with special educational needs.

The school is next to the Treverton Estate, parts of which are in need of investment, and the Council believes there may be an opportunity to improve existing homes, provide new affordable homes and improve the area significantly.

2.3.7 On Pembroke Road:

The Council is putting forward ambitious plans to redevelop two 1960s Council buildings in Kensington in order to provide nearly 300 new homes.

The 3.3 acre site on Pembroke Road currently houses a depot for refuse vehicles,
as well as Council offices and a car park which are becoming surplus to the Council’s requirements. There are also 116 homes above the depot and car park.

Redeveloping Pembroke Road would allow the Council to provide more housing and improve the streetscape while bringing in more income to support front line services.

As part of the process of creating a vibrant new community, the Council will make sure it protects the interest of the tenants and leaseholders who currently live above the depot and car park.

2.3.8 On Edenham Way:

Architects have been appointed by the Royal Borough to design a major new housing scheme for North Kensington.

The award winning firm will tackle the challenge of designing approximately 100 new homes at Edenham Way, a cleared site at the foot of Trellick Tower that has been used for car parking over the past eight years.

SHMA

2.3.9 Chapter 4 of the SHMA presents an area profile of the Borough. It notes that the most striking characteristic of the Borough’s dwelling type is the low proportion of houses (17%) and the high proportion of flats (79%). It also notes that whilst the Borough is one of London’s and the UK’s wealthiest and most highly developed boroughs, there are small pockets of deprivation, with residents with lower educational qualifications, poorer economic prospects and lower incomes, and living in housing in need of regeneration. Whilst the English Indices of Deprivation classify the Borough as the fifth wealthiest in England, it is also the seventh most deprived in terms of the number of small areas that fall into 10% most deprived in England.

2.3.10 Paragraph 4.33 notes that “There are clear locational concentrations of deprivation that mirror patterns of tenure to a certain extent: the highest concentrations of income and employment deprivation are in the areas where social housing is concentrated (Maps 4.4 and 4.5). The ‘Barriers to housing and services’ domain includes such indicators as affordability, overcrowding and homelessness, and as can be seen from Map 4.6, higher levels of deprivation under this indicator are more widespread across RBKC.”

2.3.11 In terms of tenure of homes, the proportion of social rented stock in the Borough (nearly 25%) is below that of Inner London as a whole (35%), and that of Hammersmith and Fulham (31%), and is also slightly lower than Westminster’s. A comparison of tenure patterns with adjoining boroughs, London and England is shown in Figure 1 below.
2.3.12 Paragraph 4.17 comments on the spatial distribution of tenures and states that, “Within RBKC there are clear local patterns to the distribution of tenures, especially socially renting, which is highly concentrated in the north of the borough, and to certain extent along the Hammersmith and Fulham boundary. Conversely, owner-occupation is more prevalent in the centre and south, while private renting is more dispersed, across most of the borough”. Figure 2 below shows the pattern for social renting.
2.3.13 The dwelling size by tenure prevalent in the Borough is shown in Figure 3 below. As evident almost half the stock (47%) in the social rented section is one bed – implying a restricted range of household sizes that these tenure could potentially house.
2.3.14 The SHMA comments on the stock condition survey and notes in paragraph 4.26 that “A stock condition survey of local authority dwellings undertaken in 2012 identified a requirement of an additional £108 million needed to fund condition-related works to the stock between 2013-2017. The current Housing Strategy also notes a condition survey of sheltered accommodation being carried out, but no data seems to be published from it. The latest Local Authority Housing Statistics (LAHS) dataset (2013-2014) indicates that within the local authority stock managed by the TMO, there were 1159 ‘non-decent’ homes, 1343 homes not in a reasonable state of repair, and 68 homes with Category 1 (severe) hazards under the Housing Health and Safety Rating System. Accurate data on private sector stock condition is not available.”

2.3.15 Annex 3 of the SHMA explores the options for intermediate housing market development. It comments that given the difference in incomes and house prices, there are only limited areas within the Borough where shared ownership homes would be affordable to those within the GLA maximum household limits and these would be smaller homes i.e. one or two bed units.

2.3.16 It explores some options for low cost home ownership (LCHO). Paragraph A3.51 in particular comments on regeneration schemes that “We have not looked at RBKC’s regeneration schemes from the point of view of LCHO, though there may well be opportunities here, using the Royal Borough’s ownership of the land as a factor in discounting cost. We are aware that there are a number of schemes already considering this, not only using the authorities’ own stock, but also in conjunction with housing association partners. While we understand that increasing density through developing taller buildings is not current policy, nonetheless where the local environment is more conducive to tall developments, this should be considered in the interests of reducing the cost-per-unit, and
enabling more realistically priced LCHO homes to be built.”

STRATEGIC-CONSIDERATIONS FOR ESTATE REGENERATION PROPOSALS

2.3.17 The Strategic-considerations for Estate Regeneration proposals outlines the Council’s ambitions for regeneration of selected council housing estates to provide new market and affordable housing, as well as to tackle the underlying causes of deprivation and to deliver the “conservation areas of the future”. It provides the Council’s ambitions in the context of different corporate programmes and recognises that regeneration may take a number of different forms, with estate regeneration not a ‘one size fits all’ concept.

2.3.18 It explains the background going back to a Housing Stock Review in 2009. The review identified potential sites for redevelopment where there may be clear benefits and opportunities for residents. It was agreed that a regeneration project team would be set up to take forward opportunities for the sites, realise the development ambitions of the Council, achieve defined benefits, and limit identified risks. This would become the template for reviewing the Council’s other housing assets.

2.3.19 The Council’s ambitions were outlined in the document Ambitious for Tomorrow 2014-18 which is summarised above.

2.3.20 The document outlines the Council’s programme objectives for estate regeneration with reference to a Full Council motion on 24 June 2015 which committed the Council “to a programme of redeveloping selecting low density council estates”. The motion set out the following:

“An estate’s redevelopment will only progress where and when it is possible to meet the following two criteria:

A) All tenants, whose homes must be redeveloped, can be re-provided with better quality new homes, on the same terms and rent levels, on or very near to the redevelopment.

B) The redevelopment is financially viable and can be completed with no recurrent cost to the General Fund or cross-subsidy between the General Fund and the Housing Revenue Account. (the Council may decide to fund both capital and recurrent costs of assets such as a park as part of a scheme but this would be a separate decision from the redevelopment of housing and any other assets essential to such redevelopment.)

Proposed redevelopments that meet those criteria will then be designed around traditional streets and squares to be mixed-tenure and mixed-use, and to optimise on the following Council objectives:

1) To provide additional affordable housing, thereby preserving our mixed communities.

2) To tackle the underlying causes of deprivation by improving health outcomes, employment opportunities, educational attainment and aspiration, and by
reducing crime and the fear of crime.

3) To build the "conservation areas of the future" by reflecting and matching the high quality urban design in the rest of the borough.

2.3.21 It points out that as a motion passed by Full Council, the motion simply sets a broad direction of travel. It is for the Royal Borough’s Cabinet, as decision-making body, to identify the specific criteria that estate regeneration projects will need to meet and the approach they will need to follow.

2.3.22 The document highlights that based on the above the regeneration potential of Warwick Road Estate, Silchester Estate and Treverton Estate is currently being considered for further options testing. It presents a summary of the work undertaken so far in exploring the options on each of these estates.

2.3.23 The document notes that the Royal Borough’s ambitions for estate regeneration are already supported in principle by Policy CH4 of the Royal Borough’s adopted Consolidated Local Plan, and a number of area-specific designations and allocations.

2.3.24 It outlines the progress made to date with reference to specific housing estates as well as the future programme. It emphasises the need to integrate consultation and community engagement in the process of regeneration.

PROJECT-LEVEL CONSIDERATIONS FOR ESTATE REGENERATION PROPOSALS – SILCHESTER EAST AND WEST, WARWICK ROAD ESTATE AND TREVERTON ESTATE

2.3.25 Site specific documents on three housing estates with regeneration potential – Silchester East and West, Warwick Road Estate and Treverton Estate have also been produced to capture the Council’s corporate rationale and decisions taken to date. These documents support the proposed Draft Policies chapters on Site Allocations.

SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Community Strategy 2008-18</td>
<td>K&amp;C Partnership</td>
</tr>
<tr>
<td>Dec 2014</td>
<td>Ambitious for Tomorrow</td>
<td>RBKC</td>
</tr>
<tr>
<td>Dec 2015</td>
<td>Strategic Housing Market Assessment</td>
<td>RBKC</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>Strategic Considerations for Estate Regeneration Proposals</td>
<td>RBKC</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>Considerations for Estate Regeneration Proposals – Silchester East and West, Warwick Road Estate and Treverton Estate</td>
<td>RBKC</td>
</tr>
</tbody>
</table>
2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 The Issues and Options consultation document\(^2\) published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

2.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

2.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

ESTATE RENEWAL

2.4.4 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft policy</td>
<td>The existing policy does align with the current corporate aspirations for estate regeneration. Therefore it has been retained largely with a few minor amendments.</td>
</tr>
</tbody>
</table>

\(^2\) [https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome](https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome)
<table>
<thead>
<tr>
<th>Option</th>
<th>Option Description</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The Council should abandon social housing provision.</td>
<td>Not a reasonable alternative</td>
<td>The NPPF requires an assessment of housing need and to plan for the identified objectively assessed need. The Council’s Strategic Housing Market Assessment (SHMA) indicates an overwhelming need for affordable housing. This option would not meet the tests of soundness set out in the NPPF.</td>
</tr>
<tr>
<td>4</td>
<td>Policy should address overcrowding.</td>
<td>Reasonable alternative</td>
<td>Criterion c. of the Draft policy requires that the mix of house size sizes for the re-provided social rented units will be determined by housing needs. This will enable addressing any issues linked to overcrowding.</td>
</tr>
<tr>
<td>5</td>
<td>Policy should specify that rents should remain the same.</td>
<td>Not a reasonable alternative</td>
<td>Rent levels are set nationally and by the housing department. It is not within the legal remit of planning to stipulate the rents in planning policies.</td>
</tr>
<tr>
<td>6</td>
<td>The policy should safeguard right to return for secure tenants or leaseholders.</td>
<td>Reasonable alternative</td>
<td>The draft policy retains the commitment in criterion b. of the existing policy that guarantees that all existing social rented tenants have an opportunity of a home that meets their needs, with those wishing to stay in the neighbourhood being able to do so. The Council will be publishing and consulting on a Borough-wide Tenant Decant Policy, and a Strategy for Leaseholders in Regeneration Areas, which will provide the Council’s policies on right to return, deals for leaseholders, including opportunities for resident leaseholders to return and offers for adult children or other family members.</td>
</tr>
</tbody>
</table>
2.5 DRAFT POLICY

DRAFT POLICY

2.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document)

Policy CH45 Estate Renewal

The Council will require that where the redevelopment of social rented housing estates including affordable housing is proposed, a compelling case is demonstrated that the long term benefits outweigh the considerable uncertainty and disruption such projects will cause.

To deliver this the Council will:

a. require the maximum reasonable amount of affordable housing, with the minimum being no net loss of existing social rented affordable housing provision;

b. require a guarantee that all existing social rented tenants have an opportunity of a home that meets their needs, with those wishing to stay in the neighbourhood being able to do so;

c. require that the mix of house sizes for the re-provided social rented housing will be determined by the housing needs of the tenants of the estate and by the housing needs of the borough, at the time that an application is submitted;

d. require that where estate renewal is being funded through the provision of private housing or other commercial development, schemes must be supported by a financial viability appraisal;

e. recognise that cross subsidy between estates may also be required where proposals involve several estates. The principles set out above for one estate would be applied to two or more estates, taken as a whole.

KEY DIAGRAM AND PROPOSALS MAP

2.5.2 Related to the draft policy, no changes are required to be made to the Key Diagram and the Proposals Map:

2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

2.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to
consult on and prepare… agreements or joint approaches”3.

2.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)… in connection with infrastructure that is strategic”4. Strategic matters are further defined in paragraph 156 of the NPPF5 and paragraph 013 of the NPPG on the duty to cooperate6.

2.6.3 Figure 4 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

<table>
<thead>
<tr>
<th>Strategic issue</th>
<th>Relevant prescribed bodies7</th>
<th>Council actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estate Renewal</td>
<td>Environment Agency</td>
<td>All prescribed bodies were consulted as part of the Issues and Options consultation</td>
</tr>
<tr>
<td></td>
<td>Historic England</td>
<td>The relevant strategies, plans and policies have been taken into account and are summarised above.</td>
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<tr>
<td></td>
<td>Natural England</td>
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<td></td>
<td>Mayor of London/HCA</td>
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<td>West London Clinical</td>
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<td></td>
<td>Commissioning Group</td>
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<td>NHS England</td>
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<td>Highway Authorities</td>
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<td>London Borough of Brent</td>
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<td></td>
<td>Other London Boroughs</td>
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</tbody>
</table>

*Figure 4: Duty to cooperate strategic issues, prescribed bodies and Council actions*

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3 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
4 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
5 http://planningguidance.communities.gov.uk/blog/policy/
6 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
7 Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012