Diversity of Housing Policy CH4: Specific Housing Needs
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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 CH4: Specific Housing Needs of the Publication Policies with Proposed Modifications.

1.2 POLICY CH4: SPECIFIC HOUSING NEEDS

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

| Chapter 35: Housing Diversity |
| Policy CH2: Housing Diversity |

1.2.2 The issues which the Council considers the Local Plan Partial Review needs to address are set out in the following sections:

- **Issue 1**: Older People's and Extra Care Housing
- **Issue 2**: Self build and Custom Build
- **Issue 3**: Build to Rent
- **Issue 4**: Student Accommodation
- **Issue 5**: Other Groups in the Community
2. ISSUE 1: OLDER PEOPLE’S AND EXTRA CARE HOUSING

2.1 INTRODUCTION

2.1.1 The existing Local Plan Policy CH2: Housing Diversity seeks to ensure that new housing development is provided so as to further refine the grain and mix of housing across the borough. The Council needs to consider if the policy needs to be updated to cater for changes in national policy and local needs since the policy was adopted.

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED)

2.2.1 The use classes order defines each use. In the case of older people’s housing the use classes order is considered relevant as depending on how a development is classed – C2 or C3 – the obligation to provide affordable housing varies. The use classes order defines C2/C3 as follows:

**Class C2. Residential institutions**
Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
Use as a hospital or nursing home.
Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**
Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

**Class C3. Dwellinghouses**
Use as a dwellinghouse (whether or not as a sole or main residence) by—
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**Interpretation of Class C3**
For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.
Annex 2: Glossary of the NPPF defines older people as “People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.”

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);”

In order to have a clear understanding of the housing needs in their area, paragraph 159 states that local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
  - meets household and population projections, taking account of migration and demographic change;
  - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
  - caters for housing demand and the scale of housing supply necessary to meet this demand;

- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

The National Planning Practice Guidance (NPPG) on Housing and Economic Development Needs Assessments provides further guidance. Whilst it acknowledges that there may not be one single definitive approach of establishing future need for housing, plan makers should avoid expending significant resources

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1 The planning policy for traveller sites sets out how travellers’ accommodation needs should also be assessed.
on primary research. They should instead look to rely predominantly on secondary data (e.g. Census, national surveys) to inform their assessment which are identified within the guidance.

2.2.6 Paragraph 17 sets out issues that may vary across areas which may necessitate making local adjustments to the household projections produced by the Department for Communities and Local Government (DCLG). These issues include “demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people”.

2.2.7 Paragraph 22 sets out the need for the overall housing figure to be broken down by tenure, household type (single, couples and families) and household size. On the issue of housing for older people it states that “The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used. Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied. The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities should therefore identify particular types of general housing as part of their assessment.”

REGIONAL

THE LONDON PLAN

2.2.8 The London Plan identifies growing and changing requirements for housing older people in London anticipating a 64% increase in the number of over 65s between 2011 and 2036.

2.2.9 Policy 3.8e Housing Choice of the London Plan states “account is taken of the changing age structure of London’s population and, in particular, the varied needs of older Londoners, including for supported and affordable provision.” The supporting text to the policy explains at paragraph 3.50 that “The Mayor has identified the growing and changing requirements for housing older people in London as one of the most important emerging planning issues for London. It is anticipated that between 2011 and 2036 ‘over 65s’ could increase by 64% and ‘over 90s’ could grow in number by 89,000.” Paragraph 3.50C and Annex A5 of the London Plan also reference indicative borough benchmarks indicating an annual requirement for 60 private and 40 affordable units of specialist older person’s
provision in Kensington and Chelsea. Whilst these figures are not targets, they do demonstrate a need for specialist housing provision Paragraph 3.50C also stresses the importance of viability assessments taking into account the distinct economics of specialist housing and care home provision.

2.2.10 Paragraph 3.51 of the London Plan further clarifies that “In view of the scale of the projected growth in London’s older population and the housing affordability issues it raises, this Plan supports boroughs in seeking application of the principles of its affordable housing policies (policies 3.10, 3.11, 3.12 and 3.13) to the range of developments – including those falling within Use Class C2 – which cater specifically for older people. These principles include taking account of site circumstances, development viability, needs assessments and availability of development capacity and relevant public subsidy; the need to encourage rather than restrain residential development and to promote mixed and balanced communities and circumstances where ‘off-site’ contributions, ‘contingent obligations’ or other phasing measures may be appropriate. The way in which these principles can be applied most effectively will vary with local circumstances and will require close integration between planning and other borough strategies to meet social needs. Such an integrated approach will also be required to address the needs of other groups which may require accommodation-based, supported care services such as hostels, refuges and foyers, as well as housing needs connected with particular types of occupation e.g. health workers, police, hotel staff.”

2.2.11 Annex 5 of the London Plan provides indicative benchmarks on the amount of specialist accommodation needed each year for older people over the next 10 years. The benchmark for the Borough (Table 1) is set at 100 units of specialist older people provision per annum, with the majority (60%) provided for private sale. The need forecasts for specialist older people’s housing is set out in the Council’s SHMA, and is slightly lower than the London Plan benchmarks at 87 units per annum over the next ten years.

<table>
<thead>
<tr>
<th>Indicative Borough benchmark 2015-2025 from London Plan</th>
<th>Private Sale</th>
<th>Intermediate Sale</th>
<th>Affordable Rent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>20</td>
<td>20</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Indicative Borough benchmark 2015-2025 from London Plan

2.2.12 The London Plan Glossary goes into further detail describing extra care accommodation as: ‘Self-contained residential accommodation and associated facilities designed and managed to meet the needs and aspirations of people who by reason of age or vulnerability have an excising or foreseeable physical, sensory, cognitive or mental health impairment. Each household has self-contained accommodation and 24 hour access to emergency support. In addition extra care accommodation includes a range of other facilities such as a resident’s lounge, a guest room, laundry room, day centre activities, a restaurant or some kind of meal provision, fitness facilities and classes and a base for health care workers. The
exact mix of facilities will vary on a site by site basis. Some domiciliary care is provided as part of the accommodation package, according to the level of need of each resident. Extra care housing aims to create a balanced community, bringing together a balanced proportion of people with different levels of care needs.’

HOUING SPG

2.2.13 Section 3.7 of the Mayor’s Housing SPG includes detailed guidance on older Londoner’s housing. It recognises that a variety of housing options are required to ensure older people’s needs and aspirations are addressed, some of which will include support to enable older people to live independent lives.

2.2.14 In particular, it offers guidance on the issue of whether a scheme would fall within use class C2 or C3 as this would determine whether or not affordable housing would be triggered. Specialist housing typology on page 112 states that “Extra care accommodation (also called close care, assisted living, very sheltered or continuing care housing) (use class generally C3 - see use class section below); Self - contained residential accommodation and associated facilities designed and managed to meet the needs and aspirations of people who by reason of age or vulnerability have an existing or foreseeable physical, sensory or mental health impairment. Each household has self-contained accommodation and 24 hour access to emergency support. In addition extra care accommodation includes a range of other facilitates such as a residents lounge, a guest room, laundry room, day centre activities, a restaurant or some kind of meal provision, fitness facilities and classes and a base for health care workers. The exact mix of facilities will vary on a site by site basis. Some domiciliary care is provided as part of the accommodation package, according to the level of need of each resident. Extra care housing aims to create a balanced community, bringing together a balanced proportion of people with different levels of care needs.”

2.2.15 The specific section in the Housing SPG on use classes states at paragraph 3.7.17 that “There has been some debate over how to categorise specialist older persons accommodation in terms of the Use Class Order. While some specialised housing is clearly institutional in character and has a well defined element of “care” (typically registered with the Care Quality Commission, previously the Commission for Social Care Inspection) and can be readily categorised as falling within Use Class C2, other forms appear to be on the cusp between this and conventional C3 housing, particularly as some developments incorporate elements of both.”

2.2.16 Paragraph 3.7.18 states that “Consultants suggest that the most robust way of distinguishing between the two is the ‘front door’ test – if the unit of accommodation has its own front door then it is usually C3, if not it is C2. However, development management experience suggest in many cases this may require some refinement to take appropriate account of the components of care and support and level of communal facilities such as those associated with some Extra Care schemes where units may have their own front door but functionally are effectively C2. Providing the proposal is justified by identified need and addresses wider policy considerations, the planning system should not be used to restrict development of either – this is an evolving market and provision should not be constrained by what, in need terms, might appear to be an arbitrary and perhaps dated planning distinction.”
2.2.17 Therefore, it seems to be for the decision maker to consider each case and make the judgement based on these characteristics whether or not a scheme is C2 or C3.

2.2.18 Paragraph 3.7.19 states that “However, neither should development proposals be categorised incorrectly (perhaps to avoid S 106 contributions which are normally expected of C3 development). This is an area in which boroughs should carefully consider local needs and viability concerns in taking decisions about the use of planning obligations.”

OLDER LONDONERS AND THE LONDON PLAN, LOOKING TO 2050

2.2.19 A report commissioned by the GLA “Older Londoners and the London Plan. Looking to 2050” (2016) contains a detailed analysis of local plan policies specifically related to older persons across all London and includes a series of case studies showing how, through relatively small changes to the planning system, life could be better for older Londoners than it is today. The report specifically looked at older Londoners and Local Plans. It focused on 5 key themes of particular relevance to planning. These themes are Housing, Outdoor Spaces and Buildings, Transportation and Community, Communication and Information, and Community and Health/Social Services. In relation to housing, it recommended the following actions for London boroughs –

- Adopt the London Plan benchmark requirements for specialist accommodation for older people;
- Provide clear definition of the different types of specialist accommodation for older people within local plans;
- The importance of accessibility for older people, in terms of both location and the physical layout of properties, should be included in policies;

AGEING LONDON, MAYOR’S DESIGN ADVISORY GROUP (MDAG)

2.2.20 The Ageing London report by MDAG focuses on the forecasted demographic shift in London towards a growing older population. It proposes steps a Mayor could take to harness the potential in that scenario – for both the city and its citizens – since a London that works for older people is one that works for everybody. Section 2 of the report deals with housing in particular and sets out a series of recommendations for the Mayor of London. All the recommendations are written with the aim to drive innovation in housing choice for older Londoners. One of the recommendations is “Ensuring all London borough Local Plans have strategies or direct policies which reflect older Londoners’ housing needs and desires. They must detail the impact of ageing in their communities in terms of assessment of the need for neighbourhood care and support services, extra care and specialist care homes and retirement homes. They should also include provision of desirable homes for active older people or downsizers. Plans should be required to accommodate new provision in local centres as part of increasing density around good transport infrastructure and local services.”
The Accessible London SPG provides advice to Boroughs, developers, designers and planning applicants on implementing inclusive design principles effectively and on creating an accessible environment in London, with particular emphasis on the access requirements of disabled and older people. It does not introduce new policy or add any additional burdens on developers. It does not form part of the development plan, but should be taken into account as capable of being a further material consideration when considering planning applications so has weight as a formal supplement to the London Plan.

It should be noted that the SPG predates the conclusions of the Government’s Housing Standards Review and the subsequent change to London Plan Policy 3.8 Housing Choice adopting the ‘optional’ Part M Building Regulations 2015 for accessible and adaptable dwellings. Therefore parts of the SPG referring to the previous Building Regulations for 2010 have been superseded.

In 2013 the Council published the document ‘Modernising Older People’s Housing and Accommodation with Care Services Strategy’ which outlined the vision to improve the quality, quantity and choice of housing and accommodation with care services for older people. The evidence underpinning the strategy identifies that there is currently a lack of choice in terms of extra care and sheltered housing which is likely to lead to ongoing demand for expensive care home services. The Council’s housing and adult social care services therefore support an increase in the capacity of specialist provision by encouraging the development of new extra care housing. Extra care housing can meet the needs of a range of older people who are able to be diverted away from residential and nursing care, and retains a degree of independent living. Alongside the delivery of new extra care housing provision, the Borough also needs good quality, accessible housing for older people in which care can be delivered if required, but not by on-site services. This so-called ‘sheltered’ or ‘retirement’ housing supports independent living but also meets aspirations to live in safe and secure communities.

As part of its commitment to improve the quality of older people’s housing in the borough – outlined in the Modernising Older People’s Housing and Accommodation with Care Strategy (2013) – the Council has been reviewing its own housing stock and seeking opportunities to develop new extra care and retirement housing.

To assist this process the Housing department asked PRP architects to prepare the Older People’s Housing Design Guidance. This guidance, which was adopted
as Housing policy on 19 November 2015, outlines the Council's expectations for older people's housing. It provides detailed descriptions of design standards and other factors to consider when designing an older people’s housing scheme to ensure it supports the needs and aspirations of older people.

2.2.26 The Council and its partners will use the guidance when developing any extra care and retirement housing in the borough. The guidance will also help private developers working in the borough to understand the Council’s expectations and help to ensure that all new homes for older people, either for rent or sale, are high quality and desirable places to live in.

2.2.27 The Council’s Older People’s Housing Design Guidance section 5 comments on Use Classes and states that “For planning purposes the Royal Borough of Kensington and Chelsea regards extra care housing as Use Class C2 (Residential Institutions) and retirement housing as Use Class C3 (Dwelling Houses). Since extra care housing falls within Use Class C2 (Residential Institutions), such developments are exempt from providing affordable housing. Changing the use class from C3 to C2 was perceived as essential to promote the growth and expansion of extra care housing. It is a decision that has also been taken by a number of other local authorities.”

EXISTING LOCAL PLAN POLICY

2.2.28 The Strategic Objective for Diversity of Housing is relevant to Specific Housing Needs and is set out below.

**CO6 Strategic Objective for Diversity of Housing**

Our strategic objective to have a diversity of housing is that at a local level, it will cater for a variety of housing needs, and is built for adaptability and to a high quality.

2.2.29 Policy CH2 Housing Diversity in Chapter 35 of the existing Local Plan provides the relevant policy for extra care housing as set out below.

**Policy CH2 Housing Diversity**

The Council will ensure new housing development is provided so as to further refine the grain of the mix of housing across the borough.

To deliver this the Council will, in relation to:

**Housing Mix and Type**

a. require new residential developments to include a mix of types, tenures and sizes of homes to reflect the varying needs of the borough, taking into account the characteristics of the site, and current evidence in relation to housing need;

b. encourage extra care housing, particularly in the south of the borough;
OTHER LOCAL POLICY

ACCESS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

2.2.30 The Access Design Guide SPD seeks to achieve an inclusive and accessible environment within the Borough. In all new developments where planning permission is required the Council will require buildings to be designed so that they can be used safely and easily by all people without unnecessary effort, separation or special treatment.

2.2.31 It should be noted that the SPD predates the Government’s Housing Standards Review, and the subsequent change to London Plan Policy 3.8 Housing Choice adopting the ‘optional’ Part M Building Regulations 2015 for accessible and adaptable dwellings. Therefore, substantial parts of the SPD referring to lifetime homes standards and previous Approved Document M of the Building Regulations from 2004 have been superseded.

SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987 (as amended)</td>
<td>The Town and Country Planning (Use Classes) Order 1987 (As Amended)</td>
<td>HM Government</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
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<tr>
<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>Housing Supplementary Planning Guidance (SPG)</td>
<td>Mayor of London</td>
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<tr>
<td>2016</td>
<td>Older Londoners and the London Plan. Looking to 2050</td>
<td>Mayor of London</td>
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<tr>
<td>2013</td>
<td>Modernising Older People’s Housing and Accommodation with Care Services Strategy</td>
<td>RBKC</td>
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<tr>
<td>Nov 2015</td>
<td>Older People’s Housing Design Guide</td>
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<tr>
<td>Dec 2010</td>
<td>Access Design Guide Supplementary Planning Document (SPD)</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

3 Written Ministerial Statement March 2015
2.3  EVIDENCE BASE

AMBITIOUS FOR TOMORROW 2014-2018


2.3.2 The document notes, with regard to older people’s housing:

Expectations around how we look after older people are rising. Rather than a one-size-fits-all service in a traditional old people’s home, local authorities are these days trying to deliver ‘supported living’, tailored to individual needs and enabling people to stay in their own homes for as long as possible.

There is also a growing need for ‘extra care housing’ in which older people rent, lease or buy their own homes in developments where care is available in the quantity and type required, and which can increase and change as older people become older and frailer.

STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

2.3.3 The SHMA sets out that in Kensington and Chelsea adults aged over 65 is the fastest growing household group with the share of those aged 65 and over increasing from 14% in 2012 to 23% in 2037, a rise from 10,900 to 20,000 in absolute terms. Whilst an ageing population is a national issue, it is notable that the projected proportion in Kensington and Chelsea is notably higher than the London projected average of 14%. This growth has implications in terms of a reduction in the economically active population, as well as increasing health, care and housing support needs. In terms of households, the SHMA shows a projected increase of 55% from 16,750 over 65 households in 2014 to 25,938 in 2035. However, the most important trend in terms of needs is the anticipated accelerated increase in over 85 households who are most likely to need specialist accommodation. It is recognised that the majority of older people will prefer to remain in their own home and support for this is provided in relation to new housing through requirements to meet the revised Part M Building Regulations for accessible and adaptable dwellings. However, evidence in the London and Borough SHMA also suggest that a proportion of older Londoners are interested in a move to specialist housing where this is made available.

2.3.4 In terms of tenure of older households nearly 60% of over 65 households own their homes outright, with a further 7% holding mortgages. Fewer single over 65s (42%) are owner-occupiers, with a similar proportion social renting, and lower levels of private renting.

2.3.5 Figure 1 indicates that over 65s living in the owner-occupied sector have considerable scope for downsizing, as three-quarters under occupy their homes, half of these by two bedrooms or more. There is minimal indication of overcrowding. The scope is reduced in the social rented and private rented sectors, but nonetheless in the social rented sector, where the local authority will have some degree of control and influence, a third of older households do under occupy, 10% by two beds or more. As with the owner-occupied sector, the rented sectors show
minimal indication of overcrowding.

![Figure 1: Occupation levels by tenure]

2.3.6 When looking at supply of (and demand for) specialist accommodation for older people, the SHMA restricts itself to the forms of accommodation that would be normally termed ‘housing’, including sheltered, enhanced sheltered, and extra care. It therefore excludes accommodation that primarily caters for those with care, nursing and medical needs – residential and nursing care. It is noted however that the need for residential care may be reduced if there is provision of appropriate ‘extra care’ sheltered housing.

2.3.7 The SHMA notes that there is no official data that summarises either social or private sector supply. The best source of data is the Elderly Accommodation Counsel statistical base. The associated SHOP (Strategic Housing for Older People Analysis Tool)\(^4\) modelling tool also summarises supply. The other source of supply and demand data is the GLA-commissioned study to update earlier estimates of housing demand and supply for older persons, following the availability of Census data\(^5\). This modelling is based on the assumption that 15-20% of over 65 year olds would move if suitable accommodation existed. As can be seen from table 2 below, the figures from the three sources are very similar.

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\(^4\) [http://www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT](http://www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT)

2.3.8 Using the SHOP (Strategic Housing for Older People Analysis) toolkit the SHMA sets out an annual demand forecast of 87 additional units per annum between 2015-2025 (Table 9.5 of the SHMA). Table 3 below shows this demand broken down by type.

<table>
<thead>
<tr>
<th>Type of Accommodation</th>
<th>Additional units pa 2015-2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheltered Housing for rent</td>
<td>60</td>
</tr>
<tr>
<td>Sheltered Housing for lease/ownership</td>
<td>4</td>
</tr>
<tr>
<td>Enhanced sheltered</td>
<td>10</td>
</tr>
<tr>
<td>Extra care</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87</strong></td>
</tr>
</tbody>
</table>

**Table 3: SHOP Annual Demand Forecast. Source: Table 9.5, SHMA 2015**

**AFFORDABLE HOUSING VIABILITY STUDY UPDATE (2016)**

2.3.9 The Council commissioned BNP Paribas to undertake an update of the Affordable Housing Target Viability Study, June 2015. The update was commissioned to address a number of issues that emerged since the June 2015 study was published. One of the specific issues included in the updated study was to test the impact of including an element of affordable housing in specialist older persons’ housing developments.

2.3.10 The study tested the viability of older persons’ housing (in the C3 use class) in comparison to general purpose residential development. There are unique features of this type of housing that have a negative impact on viability (such as higher marketing costs and less efficient buildings) but these appear to be largely outweighed by the premium values achieved. The residual land values generated by older persons’ housing developments are marginally lower than general purpose housing, but this could be addressed through a modest reduction in affordable housing. The viability testing indicates that the Council should seek to continue to apply its affordable housing requirement on these schemes, with the same site-specific viability caveats that apply to all other developments.
2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below. 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)
### OLDER PEOPLE’S AND EXTRA CARE HOUSING

#### 2.4.2 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>In light of the need identified for older people’s housing the Council should introduce policy support for the provision of new extra care and sheltered housing where this will meet identified local needs, and resist the loss of existing accommodation subject to criteria such as need and the quality of the provision.</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
</tr>
<tr>
<td>2</td>
<td>The Council should identify specific sites or locations for the provision of specialist older people’s housing.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>3</td>
<td>The Council should rely on regional level policy and guidance to determine the key characteristics of extra care and sheltered housing.</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>4</td>
<td>Reasonable alternative</td>
<td>It is not the role of planning policy to establish the use classes. This is done nationally. Further guidance is already provided at the regional level. It would not be positively prepared, justified, effective or consistent with the national policy if the Council attempted to further define the characteristics through a planning policy on the Local Plan.</td>
</tr>
<tr>
<td>5</td>
<td>Preferred Option for Publication Policies with Proposed Modifications</td>
<td>Such an approach is underlined in the Council’s objective for Diversity of Housing. The Council has not designated any specific area of the borough for extra care or retirement housing rather they would be supported in any part of the Borough.</td>
</tr>
<tr>
<td>6</td>
<td>Reasonable alternative</td>
<td>The need for older people’s housing as identified is small compared to the need for affordable housing. Therefore the greater need is to use s106 monies for affordable housing. Further as identified in the SHMA and various guidance documents, many older people wish to live as independently as possible. Part of this need will be met by the new ‘optional’ standards for accessible housing in Building Regulations which have been adopted in the London Plan and referred to in the new Policy CH3: Housing Size Mix and Standards. The Council’s CIL Regulation 123 List does not include older people’s housing within the list of infrastructure.</td>
</tr>
</tbody>
</table>

Any provision of extra care or retirement housing must be within existing communities and developments, not segregated.

Identify Older People’s Housing as a public need which can be funded partly or wholly under s106 or CIL agreement.
<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td></td>
<td>categories that could be funded by CIL. CIL may not be spent on affordable housing.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Do not use the use Classes Order to define extra care housing – C2 or C3. Not a reasonable alternative</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Local Plan cannot define what use class a particular use falls into, which is a matter for Government legislation. The Council is obliged to follow the legislation in performing its functions.</td>
</tr>
</tbody>
</table>

2.5 PUBlICATION POLICY WITH PROPOSED MODIFICATIONS

2.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

**Policy CH4: Specific Housing Needs**

The Council will ensure that new housing development meets the housing needs of a range of specific groups.

To deliver this the Council will:

a. support the provision for older people’s housing including new extra care and sheltered housing to meet identified local needs;
b. resist the loss of existing older people’s housing unless the loss is to improve substandard accommodation or increase the existing provision on the site;

2.5.2 No changes are required to made to the Key Diagram or 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”.

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

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6 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
particular)... in connection with infrastructure that is strategic”. Strategic matters are further defined in paragraph 156 of the NPPF and paragraph 013 of the NPPG on the duty to cooperate.

2.6.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

<table>
<thead>
<tr>
<th>Prescribed body/ies / LPAs</th>
<th>Action(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)</td>
<td>Ongoing</td>
</tr>
<tr>
<td>All</td>
<td>Local Plan Partial Review Issues and Options consultation – see Consultation Schedule</td>
<td>Dec 2015 – Feb 2016</td>
</tr>
<tr>
<td>All</td>
<td>Local Plan Partial Review Publication Policies Regulation 19 Consultation – see Consultation Schedule</td>
<td>Feb – Mar 2017</td>
</tr>
<tr>
<td>Mayor of London</td>
<td>Liaison meeting with GLA officers on the LPPR and emerging London Plan / SPGs. There was general support from GLA officers on the approach taken for housing policies.</td>
<td>Feb + Nov 2016 and Mar 2017</td>
</tr>
<tr>
<td>Mayor of London</td>
<td>Ongoing contribution to the London Development Database (LDD) – monitor housing completions, approvals and development pipeline.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>LBHF</td>
<td>RBKC/LBHF Planning Policy Liaison meetings - The meetings cover a range of issues including updates on progress with the LPPR.</td>
<td>Quarterly</td>
</tr>
<tr>
<td>LBHF</td>
<td>RBKC response to LBHF Regulation 18 Draft Local Plan – RBKC responded with reference to the Duty to Cooperate to clarify how the housing market area has been defined for LBHF. It was noted that the published Strategic Housing Market Assessment 2014/15 seems to take the borough boundaries as a starting point.</td>
<td>Feb 2015</td>
</tr>
</tbody>
</table>

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7 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
8 http://planningguidance.communities.gov.uk/blog/policy/
9 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
10 Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
<table>
<thead>
<tr>
<th>Prescribed body/ies / LPAs</th>
<th>Action(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBHF</td>
<td>RBKC response to LBHF Regulation 19 Proposed Submission Local Plan - The Council noted that LBHF concluded that LBHF and RBKC are not within a single housing market area and agreed with this approach.</td>
<td>Oct 2016</td>
</tr>
<tr>
<td>OPDC / LBHF / LB Ealing / LB Brent</td>
<td>Regular OPDC Project Team Meetings – attendance when necessary – OPDC housing issues are discussed when relevant.</td>
<td>Fortnightly</td>
</tr>
<tr>
<td>OPDC</td>
<td>RBKC/OPDC Planning Policy Liaison Meetings - OPDC housing issues are discussed when relevant.</td>
<td>May + Sep 2015; Jan + Apr 2016</td>
</tr>
<tr>
<td>OPDC</td>
<td>RBKC response to Regulation 18 Draft Local Plan - The Council responded to the consultation and in relation to housing noted that “In realising its wider strategic role and in supporting west London’s housing needs, the combined area of the London Boroughs of Brent, Ealing and Hammersmith &amp; Fulham has been identified as OPDC’s housing market area in OPDC’s draft SHMA..... The Council supports this approach. It does not contradict the Council’s position (as proposed in the published Local Plan Partial Review Issues and Options SHMA), in that Kensington and Chelsea, whilst within the London housing market area, is its own housing market area for the purpose of defining objectively assessed need.”</td>
<td>Mar 2016</td>
</tr>
<tr>
<td>Neighbouring LPAs</td>
<td>Housing Responses to Local Plan consultations relating to SHMAs and Objectively Assessed Need (OAN) - LBHF, OPDC</td>
<td>As above.</td>
</tr>
<tr>
<td>Mayor of</td>
<td>Relevant responses to Issues and Options</td>
<td>Feb 2016</td>
</tr>
<tr>
<td>Prescribed body/ies / LPAs&lt;sup&gt;10&lt;/sup&gt;</td>
<td>Action(s)</td>
<td>Date(s)</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------</td>
<td>---------</td>
</tr>
<tr>
<td>London, OPDC, Historic England</td>
<td>Consultation (Dec 2015)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All prescribed bodies were consulted as part of the Issues and Options consultation. No specific comments on specific housing needs were received.</td>
<td></td>
</tr>
</tbody>
</table>

*Figure 2: Duty to cooperate strategic issues, prescribed bodies and Council actions*
3. ISSUE 2: SELF BUILD AND CUSTOM BUILD

3.1 INTRODUCTION

3.1.1 The Council needs to consider the national changes in relation to self-build and custom housebuilding in formulating its housing policies.

3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

THE SELF-BUILD AND CUSTOM HOUSEBUILDING ACT 2015

3.2.1 The Self-build and Custom Housebuilding Act 2015 places a duty on certain public authorities including London Boroughs to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. It also places a duty on certain public authorities including London Boroughs to have regard to those registers in carrying out functions relating to planning, housing, the disposal of land of the authority and regeneration.

HOUSING AND PLANNING ACT 2016

3.2.2 Part 1, Chapter 2 of the Housing and Planning Act deals with self-build and custom housebuilding. It inserts section 2A to the Self-build and Custom Housebuilding Act 2015 which requires local authorities to meet demand arising for custom-built and self-built homes by granting planning permission or permission in principle for suitable sites. If further adds section 2B to the Self-build and Custom Housebuilding Act 2015 which specifies that on application to the Secretary of State an authority may get an exemption from the duty in section 2A. The circumstances in which such an exemption may be sought may be specified in regulations.

3.2.3 It should be noted that the above changes will be commenced at a later date by way of Regulations11.

SELF-BUILD AND CUSTOM HOUSEBUILDING REGULATIONS 2016

3.2.4 These Regulations came into force on 31 October 2016 and replace the now revoked Self-build and Custom Housebuilding (Register) Regulations 2016. They include Regulations on eligibility criteria for the Register (see Self-build and Custom Housebuilding Act 2015 above) including having a Part 1 and 2 of the register with different legal duties applying depending which Part of the register a person is entered into. The authority can set local eligibility conditions which are set out in Regulation 5. The Council’s duty to grant planning permission does not apply to those in Part 2 of the register.

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3.2.5 An exemption from this duty is based on “The circumstances are that for any base period the demand for self-build and custom housebuilding (“demand”) is greater than 20% of the land identified by the relevant authority as available for future housing (“land availability”).”

THE SELF-BUILD AND CUSTOM HOUSEBUILDING (TIME FOR COMPLIANCE AND FEES) REGULATIONS 2016

3.2.6 These Regulations came into force on 31 October 2016 and specify a 3 year time period immediately after the end of the base period to grant planning permission in relation to section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act). What this means broadly is that the number of grants of planning permission in relation to serviced land should at least equal the number of entries entered onto the register within 3 years of the year in which those entries are entered onto the register. The regulations also provide for relevant authorities to charge a fee to be entered onto the register.

LAYING THE FOUNDATIONS: A HOUSING STRATEGY FOR ENGLAND

3.2.7 The Housing Strategy for England, 2011 recognises the challenges faced in house building post-recession. It supports the delivery of new homes and one of the actions identified is “supporting and encouraging more individuals to build their own homes through a Custom Homes programme, including making available up to £30 million of new funding to support provision of short-term project finance on a repayable basis.”

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

3.2.8 Paragraph 50 (already set out above) of the NPPF sets out how councils should plan for the needs of different groups in the community including those who wish to build their own homes.

3.2.9 Paragraph 159 of the NPPF requires local planning authorities to prepare a SHMA to include addressing needs for all types of housing.Whilst a direct reference to self build and custom housebuilding is not included in this paragraph, clearly this is also part of the need.

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

3.2.10 In terms of addressing needs for all types of housing, the NPPG (paragraph 21) states with reference to self build and custom housebuilding that “The Government wants to enable more people to build or commission their own home and wants to make this form of housing a mainstream housing option. From 1 April 2016, most local planning authorities (including all district councils and National Park Authorities) are required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for those individuals to occupy. The Self-build and Custom Housebuilding (Register) Regulations 2016 set out the requirements. Guidance on self-build and custom housebuilding registers is available here. In order to obtain a robust assessment of demand for this type of housing in their area, local planning
authorities should supplement the data from the registers with secondary data sources such as: building plot search websites, ‘Need-a-Plot’ information available from the Self Build Portal; and enquiries for building plots from local estate agents.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): SELF-BUILD AND CUSTOM HOUSEBUILDING

3.2.11 The NPPG on self build and custom housebuilding provides detailed guidance on the requirements for the Council to keep a register.

REGIONAL

LONDON PLAN

3.2.12 London Plan Policy 3.8B j. states that “To inform local application of Policy 3.3 on housing supply and taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that: j. appropriate provision is made for the accommodation of service families and custom build, having regard to local need.”

3.2.13 Reasoned justification at paragraph 3.57A refers to the SHMA in identifying the need for housing for people wishing to build their own homes. The Mayor supports self-build and custom-housebuilding through his ‘Build Your Own Home – The London Way’ programme. The Mayor is keen to work with local communities and other partners to expand the concept so self build can be developed on a greater scale, and make a significant contribution to the evolution of a London vernacular.

BUILD YOUR OWN HOME – THE LONDON WAY

3.2.14 On 17 July 2012 the Mayor published ‘Build your own home – the London way” a funding prospectus setting out how organisations can bid for £8m of funding. The funding was split between £5m of repayable development finance for Custom Build Housing and £3m of revenue grant funding to support Community Right to Build. The ‘Build your own home’ funding prospectus described the programme in detail. The programme was closed on 2 January 2015 and the GLA is no longer receiving bids. It is still supporting the sector through the Custom Build Serviced Plot Loan Fund.

LOCAL

EXISTING LOCAL PLAN POLICY

3.2.15 The existing Local Plan predates the national and regional changes relating to self-build and custom housebuilding set out above. Therefore, there is no specific policy in the existing Local Plan on self-build and custom housebuilding.

### SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2015</td>
<td>The Self-build and Custom Housebuilding Act 2015</td>
<td>HM Government</td>
</tr>
<tr>
<td>May 2016</td>
<td>Housing and Planning Act 2016</td>
<td>HM Government</td>
</tr>
<tr>
<td>Feb 2016</td>
<td>The Self-build and Custom Housebuilding (Register) Regulations 2016</td>
<td>HM Government</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>Self-build and Custom Housebuilding Regulations 2016</td>
<td>HM Government</td>
</tr>
<tr>
<td>Oct 2016</td>
<td>The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016</td>
<td>HM Government</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
</tr>
<tr>
<td>Apr 2016</td>
<td>National Planning Practice Guidance (NPPG): Self-build and custom housebuilding</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Jul 2012</td>
<td>Build Your Own Home – The London Way</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>

### 3.3 EVIDENCE BASE

#### STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

#### 3.3.1

The SHMA sets out the following key points in relation to self-build and custom housebuilding—

- RBKC participates in the London-wide Self-Build Register which should record demand where it exists. There is very little indication of demand from RBKC residents, but some demand from those who work in RBKC or have family connections. There is more demand from those who appear to have no connections with RBKC.

- There are no planning barriers in the way of self-build, but the nature of the housing market and land supply in RBKC makes such development unfeasible.

- Exploration of options for the RBKC workers could be considered along with other policy priorities.

#### 3.3.2

At the time the SHMA was published the following information was available from the London-wide Self-Build Register, “Only eight of the 747 registrants currently on the register live in RBKC. However, some 188 have expressed interest in building
in RBKC. Of these, 29% say they have connections through work, 20% through family, and 40% for ‘other’ reasons. 10% (18) say their connection is through a home there (though this figure does not match the number saying they lived in RBKC).” (paragraph 9.70)

3.3.3 The SHMA also notes at paragraph 9.72 that “Although there is low level of demand from existing residents, there do appear to be a group of RBKC workers and those with family connections who would like homes in the authority area, and options for these should be taken into account in terms of future policy formation. The relatively substantial demand from those who appear to have no meaningful connection with RBKC should also be analysed if possible.”

3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

3.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.

3.4.2 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)
SELF BUILD AND CUSTOM BUILD

3.4.3 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>Provide support to the self build and custom build housing.</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
</tr>
<tr>
<td>2</td>
<td>Identify sites which may be appropriate for self-build proposals.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>3</td>
<td>Consider introducing a requirement for large schemes over a specific size threshold to make a proportion of units available as custom build.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>4</td>
<td>The Council should consider promoting the development of co-ownership self or custom build housing schemes, as it did successfully, albeit on a small scale, in the 1970s.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>

3.5 PUBLICATION POLICY WITH PROPOSED MODIFICATIONS

3.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

**Policy CH4: Specific Housing Needs**

The Council will ensure that new housing development meets the housing needs of a range of specific groups.

To deliver this the Council will:
KEY DIAGRAM AND PROPOSALS MAP

3.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

3.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

3.6.1 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”.13

3.6.2 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”.14 Strategic matters are further defined in paragraph 156 of the NPPF15 and paragraph 013 of the NPPG on the duty to cooperate.16

3.6.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

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13 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
14 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
15 http://planningguidance.communities.gov.uk/blog/policy/
16 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
4. ISSUE 3: BUILD TO RENT

4.1 INTRODUCTION

4.1.1 The existing Local Plan Policy CH2: Housing Diversity seeks to ensure that new housing development is provided so as to further refine the grain and mix of housing across the borough. The Council needs to consider if the policy needs to be updated to cater to change in national policy and local needs since the policy was adopted.

4.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

HOUSING WHITE PAPER

4.2.1 On 7 February the Government released a Housing White Paper ‘Fixing our broken housing market’. The white paper sets out the government’s plans to:

- reform the housing market and boost the supply of new homes
- plan for the right homes in the right places
- build homes faster
- diversify the housing market
- help more people access housing

4.2.2 The Department for Communities and Local Government is consulting on new planning proposals set out in the White Paper, which will involve amendments to the National Planning Policy Framework and regulations. The consultation began on 7 February 2017 for 12 weeks and will close on 2 May 2017. A separate consultation on Planning and affordable housing for Build to Rent is also running concurrently.

4.2.3 The Housing White Paper states at paragraph 3.20 that, “3.20 Alongside affordable homes, we need more good quality privately rented homes. This sector has doubled over the last decade but rising rents suggest that demand is still growing. Following the 2012 review of barriers to institutional investment in the private rented sector, the government’s Private Rented Sector Task Force made major early inroads to establish the “Build to Rent” model in the UK, and to stimulate initial investor interest. The Government has supported this through the £3.5 billion Private Rented Sector Housing Guarantee Scheme, and the £1bn Build to Rent Fund.”

4.2.4 Paragraph 3.23 refers to the separate Government consultation on a range of measures to support more Build to Rent developments. It outlines that the key proposals are to:

- change the National Planning Policy Framework so authorities know they should plan proactively for Build to Rent where there is a need, and to make it
easier for Build to Rent developers to offer affordable private rental homes instead of other types of affordable housing;

- ensure that family-friendly tenancies of three or more years are available for those tenants that want them on schemes that benefit from our changes. We are working with the British Property Federation and National Housing Federation to consolidate this approach across the sector.

4.2.5 Paragraph A. 128 clarifies that through the consultation on proposals to develop the built to rent market the Government is proposing that developers can provide affordable private rent in place of other affordable housing products.

**PLANNING AND AFFORDABLE HOUSING FOR BUILD TO RENT**

4.2.6 The separate Government consultation on *Planning and Affordable Housing for Build to Rent* sets out further details on this new emerging sector. As set out in the Housing White Paper, Build to Rent schemes would be expected to provide affordable private rent instead of other affordable housing products. The Government consultation includes a separate section on London referring to the *Mayor’s Draft Affordable Housing and Viability SPG, November 2016*. It states that "The GLA’s approach has some similarities and differences to the proposals in this consultation. Some of the key similarities are:

- A recognition of the viability challenges faced by Build to Rent and the need for a way to provide planning predictability for Build to Rent and housing in general.
- Recognition of Affordable Private Rent (referred to as Discounted Market Rent) as a form of affordable housing well suited to Build to Rent.
- Encouragement of offering longer tenancies as a feature of Build to Rent schemes.

There are, however, some differences in approach. The Government’s approach is designed to provide predictability by identifying the key characteristics of Build to Rent, and by setting out the Affordable Private Rent parameters which must be accepted in Build to Rent schemes (in place of other affordable housing). By contrast, the Greater London Authority’s approach is that whereas viability appraisals will not ordinarily be required for build-for-sale schemes offering at least 35 per cent affordable housing (ie. the so-called “threshold approach”), viability appraisals should always be required for all Build to Rent schemes.

A further difference with the Government’s approach is that the Greater London Authority proposes a covenant period of 15 years for Build to Rent schemes, albeit with a mechanism allowing claw-back arrangements if buildings or individual units are sold out of the Build to Rent market during the covenant period.

There are a number of reasons why it might be appropriate for the arrangements in London to differ from a national approach. In particular:

- The viability of Build to Rent relative to other tenures may be different in London, reflecting the generally high values of land and property and low rental yields in the capital;
• The attractiveness of London as a destination for investment, and the scale of the PRS market in London, may make a 15 year covenant less of a deterrent for investors than in parts of the country where Build to Rent is less well established.

Whilst the Government is consulting on whether there should be a different approach for London, it seems that is the direction of travel.

4.2.7 The proportion of Affordable Private Rent (called Discounted Market Rent in the Mayor’s SPG) in the Mayor’s approach is subject to viability whereas the Government consultation suggests a minimum of 20%. The Mayor’s SPG proposes two options for ‘clawback’ arrangement (see paragraph 4.12 of the SPG). Paragraphs 4.31 to 4.35 of the SPG particularly deal with viability issues for ‘Build to Rent’ schemes.

4.2.8 It should also be noted that the Government consultation as well as the Mayor’s Draft Affordable Housing and Viability SPG recognise that ‘Build to Rent’ lends itself to development at scale. Both consultations suggest a minimum scheme size of 50 units.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2.9 The NPPF does not include specific reference to build to rent. However, paragraphs 50 and 159 of the NPPF already introduced under Issue 1 of this document are relevant in particular the need to produce a SHMA.

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

4.2.10 The NPPG does not include specific guidance on build to rent. As set out earlier, it does provide guidance on undertaking housing and economic development needs assessments. Whilst it acknowledges that there may not be one single definitive approach of establishing future need for housing, plan makers should avoid expending significant resources on primary research. They should instead look to rely predominantly on secondary data (e.g. Census, national surveys) to inform their assessment which are identified within the guidance.

4.2.11 It includes guidance on taking market signals into account including rents. It states “Rents provide an indication of the cost of consuming housing in a market area. Mixed adjusted rent information (adjusted to allow for the different types of properties rented in each period) shows changes in housing costs over time. Longer term changes may indicate an imbalance between demand for and supply of housing. The Office for National Statistics publishes a monthly Private Rental Index.”

4.2.12 In terms of assessing needs for all types of housing, the NPPG states with regard to private rented sector at paragraph 22 that “Tenure data from the Office of National Statistics can be used to understand the future need for private rented sector housing. However, this will be based on past trends. Market signals in the demand for private rented sector housing could be indicated from a change in rents. Evidence can also be sourced from the English Housing Survey, which will provide
at national level updated information on tenure trends, Office of National Statistics Private Rental Index, the Valuation Office Agency, HomeLet Rental Index and other commercial sources.”

REGIONAL

LONDON PLAN

4.2.13 London Plan Policy 3.8 Housing Choice states in criterion B a1 that “To inform local application of Policy 3.3 on housing supply and taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that: a1 the planning system provides positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery.”

4.2.14 The reasoned justification for Policy 3.8 states at paragraph 3.54 that “Private renting (PRS) is the only housing sector to have shown relative growth in recent years and is set to play an increasingly important role in meeting Londoners’ diverse housing requirements. One in four London households now live in the sector and around two thirds of the one in eight of households in London that move home each year move into or within it. The planning system must take a more positive approach in enabling this sector to contribute to achievement of housing targets. Montague’s recommendations and the Mayor’s London Housing Strategy show how covenanted PRS can contribute towards this. Viability tests of covenanted PRS proposals should take account of the distinct economics of this type of PRS, as suggested by the Government’s Beta guidance.”

4.2.15 Paragraph 3.54B further states that “The Mayor will continue to work with institutional investors to encourage greater institutional involvement, more professional and less fragmented management, greater stability, high quality standards and, potentially, longer term rental periods and affordable homes for rent. More generally, the planning system should complement policies in the London Housing Strategy to support growth in private renting where this will result in well managed, good quality accommodation, mixed and balanced communities and sustainable neighbourhoods.”

HOUSING SUPPLEMENTARY PLANNING GUIDANCE (SPG)

4.2.16 Section 3.3 of the Mayor’s Housing SPG provides further guidance on build to rent. Paragraph 3.3.3 states that “Long term, purpose built, private rented (build to rent) developments in block ownership and managed as a single development could make a particular contribution to meeting housing need. Such schemes are beneficial in a number of ways; they have the potential to accelerate delivery and not compete with nearby for sale developments; they can offer longer term tenancies/more certainty over long term availability; they can ensure high quality management through single ownership; and they can ensure a commitment to, and

17 DCLG. Review of the barriers to institutional investment in private rented homes 2012. DCLG. 2012
investment in, place making. They can also meet a wide range of needs, including those of singles, sharers, families and older people. Such schemes are strongly encouraged to sign up to the London Rental Standard.”

4.2.17 The SPG also highlights that the sector has distinct economies compared to mainstream market housing. LPAs should take this into account when undertaking viability assessments. It does recognise that in many cases affordable housing will be viable and the policy continues to encourage onsite affordable housing as far as possible (paragraph 3.3.4).

4.2.18 It further states that where less than normal affordable housing is provided due to the distinct economies of the scheme, it is necessary to covenant the scheme (paragraph 3.3.6). Paragraph 3.3.5 states that “Covenanted schemes are schemes that are secured as private rent for a fixed period either through a covenant, a Section 106 agreement or other legal agreement typically for 15 years or more and are retained in single ownership (overall ownership may change over this period - see paragraph 3.3.9). The appropriate covenant length will differ on a case by case basis and it is envisaged that the typical length of covenant will increase as investor confidence in the product grows.”

4.2.19 It provides further guidance on including a claw back mechanism where viability testing of covenanted schemes demonstrates that affordable housing contributions at the level supported by private sale are unviable because of the distinct economics of build to rent.

4.2.20 Paragraph 3.3.12 states that “In line with the NPPG, borough SHMAs should identify the future need for private rented sector housing; this can be informed by current tenure patterns, analysis of market signals and data sources such as the English Household Survey.”

4.2.21 Paragraph 3.3.13 states that “Further support for build to rent can be given through broad-based spatial planning policies, whether these be in LDFs or through more specific, local housing and other related strategies. Such support could include:

- encouraging long term institutional investment, with boroughs working with the GLA and delivery partners
- supporting institutional investment on public land, including that owned by the GLA. In particular, boroughs may wish to explore the use of joint ventures or deferred receipts as a way to take account of the distinct economics of, and to encourage institutional investment in, the private rented sector
- innovative approaches to capturing planning gain through use of covenants or other mechanisms to ensure the delivery of affordable housing within build to rent developments
- maximising the potential of reforms to Real Estate Investment Trusts to attract investment.”
4.2.22 The new Mayor of London has a strategic aim of half of all new homes in London being affordable. The London Plan seeks the ‘maximum reasonable amount of affordable housing’. The Draft Affordable Housing and Viability SPG published for consultation in November 2016 provides guidance to ensure that existing policy is as effective as possible. It is not (and is not capable of) introducing new policy. The Draft SPG focuses on affordable housing and viability and includes four distinct parts: background and approach; the threshold approach to viability appraisals; detailed guidance on viability assessments; and a specific approach to Build to Rent schemes. When adopted the SPG will replace section 3.3 (Build to Rent) and Part 5 (Viability) of the Mayor’s Housing SPG, March 2016 set out above.

4.2.23 Part 4 of the Draft SPG provides specific guidance on Build to Rent developments recognising that they differ to the traditional build for sale model. Paragraph 4.9 defines Build to Rent – “In the absence of a distinct planning use class, a clear definition of Build to Rent is essential to define which developments should be treated as Build to Rent for planning purposes. The definition to be used for the purposes of this SPG is:

- a development, or block/phase within a development, of at least 50 units;
- the homes to be held as Build to Rent under a covenant for at least 15 years;
- all units to be self-contained and let separately;
- unified ownership and unified management of the development;
- professional and on-site management;
- longer tenancies offered (ideally three years or more) with defined in-tenancy rent reviews; and
- property manager to be part of an accredited Ombudsman Scheme and a member of a recognised professional body.”

4.2.24 Paragraph 4.11 explains the role and operation of covenant as the “simplest way to secure new homes as Build to Rent for a minimum period, and to enable the distinct economics to be taken into account in planning decisions, is through a covenant in a Section 106 agreement. During this period the homes are retained in single ownership; individual homes cannot be sold and overall ownership of the scheme can only change if the scheme stays as Build to Rent. While the appropriate covenant length will differ, to date these have typically been for 15 years or more. Given that the market is now maturing, the Mayor expects to see all schemes having a covenant of at least 15 years.” It also explains that s106 agreements should include a ‘clawback’ mechanism in the event of units being sold out of the Build to Rent sector during the covenant.

4.2.25 The document has put forward two options for testing the viability recognising the distinct economics of such schemes. The options are based around either comparing a build to rent scheme with a for sale scheme or a build to rent scheme
as compared to a scheme providing 35% affordable housing in-line with the threshold approach. The aim is to enshrine an appropriate clawback mechanism should the units be sold in the private market.

4.2.26 There is also an emphasis on the quality of the design as well as management standards.

HOMES FOR LONDON, THE LONDON HOUSING STRATEGY

4.2.27 The overriding aims of the London Housing 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, one of which is “improving the private rented sector and promoting new purpose-built and well managed private rented housing;”

4.2.28 The Housing Strategy promotes institutional investment in the private rented sector (PRS) and to improve the quality and the management of the PRS. The Strategy seeks to ensure that developers and registered providers deliver at least 5,000 purpose-built long term private rented homes a year (section 2.3), and implements the London Rental Standard to improve management standards, with a target to accredit 100,000 landlords and agents by 2016.

4.2.29 Section 4.15 of the Housing Strategy supports the role of the private rented sector in driving housing supply in London. It states that “The Housing Covenant sets out the Mayor’s ambition to promote bespoke rented products and the right financial climate to make these kinds of investments viable and attractive. The Mayor wants to accelerate delivery, bringing new players into the market.”

LOCAL

EXISTING LOCAL PLAN POLICY

4.2.30 Policy CH2 Housing Diversity seeks to create mixed and balanced communities but it does not make specific reference to the build to rent sector as it predates the growth in build to rent sector.

SUMMARY

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
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<tr>
<td>Feb 2017</td>
<td>Housing White Paper ‘Fixing our broken housing market’</td>
<td>DCLG</td>
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<tr>
<td>Feb 2017</td>
<td>Planning and Affordable Housing for Build to Rent</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>
4.3 EVIDENCE BASE

STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

4.3.1 The key points highlighted in the SHMA in relation to the private rented sector are as follows:

- The PRS is now the largest single tenure in RBKC (now estimated at 38%)

- It has a primarily young customer base (47% under 34), though 20% are aged over 50; and it is predominantly made up of single person households (43%)

- Nearly a third of residents are of ‘other White’ ethnicity, likely to be substantially made up of Western Europeans

- A substantial proportion of residents are in ‘high end’ industries and occupations: financial, real estate and professional activities, occupying management, administrative and professional posts

- However, there are groups likely to be less well-off, including lone parents, those in lower classified jobs, and some older people

- The number of households in the PRS claiming housing benefit has dropped sharply since 2011, by a third, from 4,085 to 2,725. With the exception of Westminster, this is the fastest reduction among neighbouring boroughs

- Continuing reforms to the benefits system (including the withdrawal from access to housing benefit for younger age groups) plus high demand from young professionals who cannot afford to buy imply that the housing benefit sector will further wither away over time, as landlords realign their markets to higher earners

- The fact that RBKC has had to rely on out-of-borough PRS placements for temporary accommodation is a further indication of the ‘high end’ nature of the sector in RBKC.

4.3.2 In terms of the size of dwellings in the private rented sector, 45% of the housing stock is one bed implying a restricted range of household sizes that these tenures can potentially house.
AFFORDABLE HOUSING VIABILITY STUDY UPDATE (2017)

4.3.3 The Council commissioned BNP Paribas Real Estate to undertake an update of the Affordable Housing Target Viability Study of June 2015 and July 2016 to address the issues that emerged in the Housing White Paper and the separate consultation on Planning and affordable housing for Build to Rent, February 2017 as set out in section 4.2 above.

4.3.4 The update has tested 100% of the affordable housing provision as ‘Affordable Private Rent’ for build to rent schemes. The level of affordable housing is 35% of all homes as proposed in the Publication Policies.

4.3.5 The report concludes that “… Where schemes are to be provided as build for rent, the whole affordable housing requirement is satisfied through the provision of Affordable Private Rent which generally is viable at 35% …. The change in residual values when varying the mix of the tenure scenarios is relatively modest as a consequence of the limited difference in values. (emphasis added)

4.3.6 Our testing of the Council’s affordable housing tenure scenarios indicates that there is little difference in residual land values in comparison to the Publication Policies mix of 50% Affordable Rent and 50% Shared Ownership. The evidence shows that a range of scenarios that could arise from the emerging national requirements in the Housing White Paper do not adversely affect the viability of the Council’s Publication Policy affordable housing floorspace target of 35% and tenure split of 50% social/affordable rent and 50% intermediate (which could include intermediate rent and/or affordable home ownership).”

SUMMARY

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<thead>
<tr>
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<tr>
<td>Dec 2015</td>
<td>Strategic Housing Market Assessment (SHMA)</td>
<td>RBKC</td>
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<tr>
<td>Apr 2017</td>
<td>Affordable Housing Viability Study Update</td>
<td>RBKC</td>
</tr>
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</table>

4.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

4.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.

4.4.2 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.

### BUILD TO RENT

4.4.3 The build to rent issue was not included in the Issues and Options consultation. However, the Council received comments from planning consultants Quod asking for it to be included in the Local Plan. The Council agrees and therefore the issue was included in Draft Policies and carried forward in Publication Policies.

<table>
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<tr>
<th>Option</th>
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<tbody>
<tr>
<td>1</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
<td>Build to rent schemes are supported in the London Plan and can contribute towards meeting the borough’s housing needs. The private rented sector is the largest single tenure in the borough. Supporting build to rent would be in conformity with the London Plan and would be positively prepared and justified. Build to Rent schemes will be expected to provide intermediate rent or affordable private rent housing subject to a viability appraisal in-line with the Mayor’s Draft Affordable Housing and Viability SPG. The Council’s Affordable Housing Viability Study Update, April 2017 has tested the provision of affordable private rent in build to rent schemes and 35% has been shown to be generally viable. The</td>
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19 Definition in the glossary
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<th>Option</th>
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<tbody>
<tr>
<td>Government’s consultation on Planning and Affordable Housing for Build to Rent recognises that a different approach for Build to Rent as set out in the Mayor’s Draft Affordable Housing and Viability SPG may be suitable for London.</td>
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<tr>
<td>2 Not include a policy support for build to rent.</td>
<td>Not a reasonable alternative</td>
<td>Given London Plan policy and the need to conform to the London Plan and evidence that this has been one of the fastest growing sectors, it would be unreasonable not to explicitly support build to rent in the new policy. The Housing White Paper also provides clear support to build to rent.</td>
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### 4.5 PUBLICATION POLICY WITH PROPOSED MODIFICATIONS

4.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

**Policy CH4: Specific Housing Needs**

The Council will ensure that new housing development meets the housing needs of a range of specific groups.

To deliver this the Council will:

e. support build to rent schemes in particular those that include intermediate rent or affordable private rent as part of the affordable housing component;

### KEY DIAGRAM AND PROPOSALS MAP

4.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

### 4.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

4.6.1 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”\textsuperscript{20}.

4.6.2 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”\textsuperscript{21}. Strategic matters are further defined in paragraph 156 of the NPPF\textsuperscript{22} and paragraph 013 of the NPPG on the duty to cooperate\textsuperscript{23}.

4.6.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

\textsuperscript{20} Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\textsuperscript{21} Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\textsuperscript{22} http://planningguidance.communities.gov.uk/blog/policy/

\textsuperscript{23} http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
5. ISSUE 4: STUDENT ACCOMMODATION

5.1 INTRODUCTION

5.1.1 The existing Local Plan Policy CH2: Housing Diversity does not include a specific criterion on student accommodation. The NPPG which was published recognises that student needs should be taken into account while establishing housing needs. Therefore, the Council needs to consider new evidence and the need to include a policy criterion on student housing.

5.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2.1 Paragraph 50 of the NPPF requiring local authorities to plan for a mix of housing has already been introduced earlier in this document. Similarly paragraph 159 requiring local planning authorities to prepare a Strategic Housing Market Assessment has also been introduced earlier in this document.

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

5.2.2 The NPPG on housing and economic development needs assessments provides further guidance on producing Strategic Housing Market Assessments (SHMAs). In terms of identifying the need for certain types of housing and the needs of different groups (paragraph 21), it states with reference to student housing that “Local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan makers should engage with universities and other higher educational establishments to better understand their student accommodation requirements.”

REGIONAL

LONDON PLAN

5.2.3 The London Plan shows that the requirement for purpose built student accommodation (PBSA) over the 10 years to 2025, including the unmet demand, could be for 20,000 – 31,000 places.

5.2.4 London Plan Policy 3.8 B h. Housing Choice states that “strategic and local requirements for student housing meeting a demonstrable need are addressed by
working closely with stakeholders in higher and further education and without compromising capacity for conventional homes.”

5.2.5 Paragraphs 3.52 to 3.53C provide the reasoned justification to the policy. Paragraph 3.53B states that “Student accommodation should be secured as such by planning agreement or condition relating to the use of the land or to its occupation by members of specified educational institutions. Where there is not an undertaking with a specified academic institution(s), providers should, subject to viability, deliver an element of student accommodation that is affordable for students in the context of average student incomes and rents for broadly comparable accommodation provided by London universities.”

AFFORDABLE STUDENT ACCOMMODATION PLANNING GUIDANCE DISCUSSION PAPER

5.2.6 This paper for the Mayor’s Academic Forum discusses how the requirements for the delivery of affordable student accommodation set out in paragraph 3.53B of the London Plan could be translated into planning guidance. This paper first examines how average student income can be measured, and the second section presents analysis of rents for purpose built student accommodation (PBSA) in London for the academic year 2014/15. Section 3 discusses what proportion of a student’s income is considered reasonable to spend on the cost of accommodation in the context of rents charged by London universities for PBSA. Section 4 sets out what level of accommodation could be provided and how it will be maintained. Section 5 covers ancillary uses for the accommodation, and finally section 6 discusses how the accommodation should be allocated to the students.

HOUSING SUPPLEMENTARY PLANNING GUIDANCE (SPG)

5.2.7 The Housing SPG provides detailed guidance on student accommodation (section 3.9, paragraphs 3.9.1 to 3.9.25). Paragraph 3.9.1 recognises that “While many students live at home or find housing in the private rented sector, specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence.”

5.2.8 In terms of the guidance on LDF policy approaches, paragraph 3.9.3 states that “In considering LDF policy approaches to, and proposals for new student accommodation, boroughs should not constrain provision which meets strategic as well as local needs (Policy 3.8B h). The Mayor is conscious that the clustering of higher educational institutions in and around central London means that particular pressure has fallen on a relatively small number of boroughs there to meet student needs, and that this should not compromise their capacity to meet more general housing requirements, especially for affordable family homes, or the need to secure mixed and balanced communities. The London Plan 2015 encourages a more dispersed distribution of new student accommodation to reduce pressures on central boroughs and utilise development and regeneration potential in accessible locations outside central London (see para. 1.2.50).”

5.2.9 Paragraph 3.9.8 states that “The requirement for affordable student accommodation will apply when a provider of student accommodation does not have an undertaking with a specified academic institution(s) that specifies that the
accommodation will be occupied by students of that institution(s). To avoid confusion an “undertaking” is a nominations agreement between a provider of PBSA and one or more academic institutions. The affordable student accommodation is required to be maintained for as long as the development is used as student accommodation. Therefore, for a development to be exempt from the affordable student accommodation requirement Boroughs should ensure, through condition or legal agreement, that the development will continue to maintain a nominations agreement or enter new nomination agreements with one or more specified academic institutions for as long as it is used as student accommodation or such time period as the Borough considers is appropriate to justify the exemption.”

5.2.10 It further includes guidance on how affordable student accommodation can be defined, delivered and retained. Similar to mainstream affordable housing, paragraph 3.9.14 states that “The element of affordable student accommodation provided in a development should be the maximum reasonable amount subject to viability.”

LOCAL

EXISTING LOCAL PLAN POLICY

5.2.11 There is no Local Plan policy currently dealing with student accommodation.

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<tr>
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<td>Mar 2016</td>
<td>Housing Supplementary Planning Guidance (SPG)</td>
<td>Mayor of London</td>
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<td>2014</td>
<td>The Mayor’s Housing Strategy</td>
<td>Mayor of London</td>
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<tr>
<td>Jan 2015</td>
<td>Affordable student accommodation planning guidance discussion paper</td>
<td>Mayor’s Academic Forum</td>
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5.3 EVIDENCE BASE

STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

5.3.1 The key points highlighted in relation to student accommodation in the SHMA, December 2015 (Chapter 9) are set out below:

- Around 32,000 students attend RBKC-based higher education establishments; over 13,000 students live in RBKC; nearly half are overseas students, and a similar proportion are postgraduates.

- There has only been very limited increase in the number of purpose-built student accommodation units granted planning approval between 1999 and 2013 (232
• Nearly half the students living in RBKC are in the private rented sector; given the proportion of overseas and postgraduate students (who are more likely to be wealthier), they are likely to be displacing lower income, non-student single people from the private rented sector.

• Additionally, a relatively-high proportion of resident students are owner-occupiers, again signalling higher levels of wealth in this sector.

5.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

5.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.

5.4.2 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)

STUDENT HOUSING

5.4.3 The issue of student housing was not included in the Issues and Options consultation. However, the Council received comments from Kensington Society to include it in the Local Plan. The Council agrees and therefore the issue was included in Draft Policies and carried forward in Publication Policies.
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<tr>
<td>1</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
<td>Require student housing to not compromise the provision of general housing. Such an approach is supported in the Mayor of London’s Housing SPG. Given the constrained nature of the borough, this approach is positively prepared and justified.</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
<td>Require purpose built student accommodation to have an undertaking with a specified academic institution(s) that specifies that the accommodation will be occupied by students of that institution(s). This approach will help provide student accommodation that is affordable and in-line with the advice in the Mayor’s Housing SPG.</td>
</tr>
<tr>
<td>3</td>
<td>Not a reasonable alternative</td>
<td>Not include a policy on student housing. The NPPF and NPPG require identifying the housing needs of different groups including student. Including a policy on student housing is backed by evidence in the borough SHMA. Inclusion of a policy on this issue is positively prepared and justified.</td>
</tr>
</tbody>
</table>

5.5 PUBLICATION POLICY WITH PROPOSED MODIFICATIONS

5.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

**Policy CH4: Specific Housing Needs**

The Council will ensure that new housing development meets the housing needs of a range of specific groups.

To deliver this the Council will:

f. require student housing to not compromise the provision of general housing;
g. require purpose built student accommodation to have an undertaking with a specified academic institution(s) that specifies that the accommodation will be occupied by students of that institution(s);

**KEY DIAGRAM AND PROPOSALS MAP**

5.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.
5.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

5.6.1 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”\(^\text{24}\). 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”\(^\text{25}\). Strategic matters are further defined in paragraph 156 of the NPPF\(^\text{26}\) and paragraph 163 of the NPPG on the duty to cooperate\(^\text{27}\).

5.6.2 Nevertheless, Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

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\(^{24}\) Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
\(^{25}\) Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
\(^{26}\) http://planningguidance.communities.gov.uk/blog/policy/
\(^{27}\) http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
6. ISSUE 5: OTHER GROUPS IN THE COMMUNITY

6.1 INTRODUCTION

6.1.1 The NPPF requires local planning authorities to plan for the needs of different groups in the community. The sections above have covered most of the groups listed in the NPPF. However, there are other groups that also need to be considered. This section deals with the needs of service personnel, the homeless and young vulnerable people and the need to include a planning policy for supported housing.

6.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

6.2.1 NPPF paragraphs 50 and 159 already introduced earlier in the document include the need to plan for the need for all types of housing, “including ....... the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).”

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

6.2.2 The NPPG on housing and economic development needs assessments provides further guidance on producing Strategic Housing Market Assessments (SHMAs). Paragraph 21 provides further details on identifying the need for certain types of housing and the needs of different groups. However, it does not provide detailed guidance on the needs of service personnel, the homeless and young vulnerable people.

REGIONAL

LONDON PLAN

6.2.3 Policy 3.10 B of the London Plan states that “g other supported housing needs are identified authoritatively and co-ordinated action is taken to address them in LDF and other relevant plans and strategies.” and j. appropriate provision is made for the accommodation of service families and custom build, having regard to local need.”

LOCAL

EXISTING LOCAL PLAN POLICY

6.2.4 Policy CH2 of the existing Local Plan sets the Council’s planning policy on housing diversity. It resists the loss of residential hostels, unless these are replaced by
another form of affordable housing. This policy is proposed to be retained, there is no existing policy for other supported housing.

6.3 EVIDENCE BASE

STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

6.3.1 The Council’s SHMA makes the following key points about existing and potential hostel users:

- RBKC has around 120 bedspaces in hostels or similar for young vulnerable people, and another 422 for socially excluded groups. Generally they are focussed on meeting medium and higher support needs.

- In recent years the authority has withdrawn from providing direct access accommodation for those with lower support needs.

- Slightly increasing demand for services and accommodation has been noted, and this situation is being monitored.

- There has been a steady increase over the last eight years in the number of rough sleepers, and a particularly sharp increase in the number of new rough sleepers; the numbers of young rough sleepers has also increased.

- The state of the private rented market, further welfare reforms particularly affecting young people, a tighter admissions policy to RBKC’s housing register, and the broader international political and economic context is likely to make it more difficult for some groups to access accommodation independently, some of who will ‘tip’ into rough sleeping.

- RBKC’s plans to provide additional accommodation for those with lower support needs will help with this, and the authority should continue to carefully monitor future demand for and need for hostel-like accommodation.

6.3.2 It makes the following key points about service personnel:

- RBKC has revised its allocations policies to admit ex-service personnel on to the housing register, without having to fulfil the normal residence criteria; they have also allocated a specific number of points to ex-service personnel.

- There are no indications of significant housing demand from ex-service personnel, and therefore additional measures do not seem to be required.

- However, we note that some 10% of rough sleepers have spent time in the services, and RBKC will want to take this into account in planning support and outreach.
6.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

6.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (January 2017) consultation document and as part of the Submission (May 2017) documents. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.

6.4.2 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)

**SUPPORTED HOUSING**

6.4.3 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Resist the loss of supported housing which meets identified community needs.</td>
<td>Preferred option for Publication Policies with Proposed Modifications</td>
<td>Supported housing meets identified housing need in the borough as set out in the SHMA. Therefore this approach is justified and positively prepared.</td>
</tr>
<tr>
<td>2 Not include a policy on supported housing.</td>
<td>Not a reasonable alternative</td>
<td>The NPPF and NPPG require identifying the housing needs of different groups. Including a policy on supported housing is backed by evidence in the borough SHMA. Inclusion of a policy on this issue is positively prepared and justified.</td>
</tr>
</tbody>
</table>
6.5 PUBLICATION POLICY WITH PROPOSED MODIFICATIONS

6.5.1 Following consideration of the above options, consultation and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies and green = Submission Proposed Modifications):

**Policy CH4: Specific Housing Needs**

*The Council will ensure that new housing development meets the housing needs of a range of specific groups.*

To deliver this the Council will:

h. resist the loss of supported housing which meets identified community needs;

i. [Existing Policy CH2e] resist the loss of residential hostels except where the site will be utilised as a different form of affordable housing;

6.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

6.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

6.6.1 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”.

6.6.2 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”. Strategic matters are further defined in paragraph 156 of the NPPF and paragraph 013 of the NPPG on the duty to cooperate.

6.6.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

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28 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
29 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
30 http://planningguidance.communities.gov.uk/blog/policy/
31 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/