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**BY EMAIL**

27900/A3/IF  
8 February 2018

Dear Sir or Madam,

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA LOCAL PLAN PARTIAL REVIEW  
(RBKCLPPR)**

**HEARING STATEMENT BY STAMFORD NORFOLK LIMITED**

**ISSUE 3A: DIVERSITY OF HOUSING**

We have been instructed by our client Stamford Norfolk Limited to submit a Hearing Statement to the above Examination.

We have confirmed with the Programme Officer that participants making Hearing Statements are not required to participate in the Examination sessions. Stamford Norfolk Limited has chosen to not participate and to rely on this Statement only.

This Statement addresses the topics set out in '*Issue 3A: Diversity of Housing*' in the '*Matters, Issues and Questions*' document published to the Examination website on 9 January 2018. It specifically addresses questions 1 to 3 under that matter.

We accordingly request the Inspector refers to the contents of this Statement when Issue 3A undergoes examination.

**Context**

Stamford Norfolk Limited is the owner of land at 321-335 Kensal Road (Vacant Land), 337 Kensal Road and land adjacent to 338 Ladbrooke Grove (known as '338 Ladbrooke Grove'). This site is currently subject to the applications for planning permission summarised below in Table 1.



Table 1: Planning applications at 338 Ladbroke Grove

LPA ref	Description of development (LPA if amended)	Validation date	Target determination date
PP/17/06291	Demolition of existing buildings and development of part six storey and part eight storey (plus lower ground and basement) mixed use building to provide up to 4,535sqm (GEA) of Class B1 office and 169sqm GEA of Class A1/A3 retail/restaurant use plus ancillary floorspace, and development of four storey (plus lower ground and basement) Class B1 office to provide up to 744sqm GEA of Class B1 office plus ancillary floorspace together with associated works.	24.11.17	23.02.18
PP/18/00026	Demolition of buildings and development of mixed use building for 83 affordable homes (Use Class C3), flexible Class A1/A2/B1/D1/D2 use and associated works (Major application).	22.12.17	23.03.18
PP/18/00333	Demolition of existing buildings and development of mixed use building for 50 Class C3 affordable homes, flexible Class A1/A2/B1/D1/D2 use; and associated works. (Major Application)	15.01.18	16.04.18

The Planning Statements submitted with applications PP/18/00026 and PP/18/00333 are both supported by extended commentary on matters of housing need, supply and delivery in the Borough.

In both instances the Planning Statement refers to and identifies concerns with figures set out in the Council's 2016 Monitoring Report (Examination document SUB13). Indeed, the Executive Summary to both these Statements (the relevant text is the same) concludes that: *'The Council cannot currently demonstrate a 5 year or 15 year housing land supply sufficient to satisfy its development plan targets (which average out as at least 733 homes per annum (across all tenures) across the 15 year period but which are frontloaded across the first 5 years).'*

Since the submission of the above applications the following have however been published. Neither of these documents have an Examination reference as yet.

- The Council has published a new 2017 Monitoring Report (January 2018) ('2017 AMR').
- The Mayor of London has published a new London Strategic Housing Land Availability Assessment (SHLAA) 2017 (November 2017) ('2017 SHLAA').

We have reviewed the above documents. As a consequence, the figures cited below differ from those set out with applications PP/18/00026 and PP/18/00333. We however continue to have the same concerns.

### Review of Housing Supply Figures from the 2017 AMR

As per the above, these representations refer to:

- the latest housing supply figures set out in the 2017 AMR;
- the latest figures cited in the 2017 SHLAA; and

- our own assessment of these figures, set out in Appendix 1.

For the reasons set out below it remains our view that the Council cannot currently demonstrate a 5 year or 15 year housing land supply sufficient to satisfy its development plan targets. This means that RBKCLPPR cannot be considered sound on the basis it is not positively prepared, justified or consistent with national planning policy. It is also not in general conformity with the London Plan.

As a very minor point, on three occasions (including at Appendix Q) the 2017 AMR identifies the Council's housing target as 10,995 homes across the 15 year period from 2017/2018. As Appendix 1 emphasises the relevant figures at Appendix Q of the 2017 AMR add up to 10,996. This leads to further, albeit very minor, discrepancies in the Council's figures.

### ***Lack of 5 Year Housing Land Supply***

NPPF Paragraph 47 states *'local planning authorities should... identify and update annually a supply of specific deliverable [footnote 11] sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land'*.

The Council acknowledges at paragraph 9.12 of the 2017 AMR that it is required to account for a 20% buffer for its first 5 year period as *'there has been a record of persistent under-delivery against the borough's target'*. This equates to a target of 880 homes per annum for the first 5 years (or 4,400 homes in total).

*'Deliverable'* is defined in footnote 11 of the NPPF as follows: *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable...'*

Paragraph 48 of the NPPF states the following:

*'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'*

The 2017 AMR does not use the word windfall but paragraph 35.3.4 of the publication policies version of the RBKCLPPR (Examination document SUB5) refers to the housing trajectory having made *'assumptions on windfall from small sites and vacant buildings returning to use'*.

The *'small sites'* estimate referred to in the 2017 AMR is 152 homes per annum. The 2017 SHLAA however increases the *'small sites figure'* for Kensington and Chelsea to 169 homes per annum (Table 9.3). On the other hand, the 2017 SHLAA makes no allowance for *'vacant homes returning to use'* (paragraph 9.10). This detail is not explicitly stated in the 2017 SHLAA but the Inspector can confirm this point with the Mayor of London if required.

As Appendix 1 sets out, once the 2017 AMR figures are updated (with the *'small sites figure'* revised upwards but *'vacant units'* excluded), the Council's 5 year housing land supply adds up to 4,214 homes. This represents a shortfall of 186 homes against the Council's target of 4,400 homes.

Based on the above, the 2017 AMR accordingly identifies a housing supply of **4.79 years** against the adopted London Plan target (allowing for the 20% buffer). The Council cannot demonstrate a 5 year housing land supply.

As set out above, application PP/18/00026 demonstrates 338 Ladbroke Grove has the capacity to accommodate 83 homes. The allocation of 338 Ladbroke Grove for this number of homes would reduce the shortfall identified above to 103 homes. It would also, in itself, increase the Council's 5 year housing land supply to **4.88 years** against the adopted London Plan target (allowing for the 20% buffer).

### ***Lack of 15 Year Housing Land Supply***

NPPF Paragraph 47 states *'local planning authorities should... identify a supply of specific, developable [footnote 12] sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15'*.

*'Developable'* is defined in footnote 12 of the NPPF as follows: *'To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'*

The 2017 Monitoring Report acknowledges at paragraph 9.17 of the 2017 AMR that its figures indicate *'a 15 year supply of 10,651 against a target of 10,995 over the same period giving a deficit of 344 units'*. This represents a housing supply of **14.53 years** against the adopted London Plan target. The Council accordingly accepts it cannot evidence a 15 year housing land supply.

Our own assessment at Appendix 1 moreover identifies further concerns with the Council's calculations of its 15 year housing land supply in its 2017 AMR.

Firstly, making the revision to the small sites figure and excluding vacant homes as described above reduces the 15 year supply to 10,165 homes (a shortfall of 831 homes). This represents a housing supply of **13.87 years** against the adopted London Plan target.

Secondly, between years 6-15 the 2017 AMR includes estimates of projected delivery from two sites which are not allocated, not proposed to be allocated and not subject to planning permission:

- Holiday Inn Forum Hotel, 97 Cromwell Road – 175 homes; and
- 1-31 Elkstone Road – 50 homes.

The above represent neither specific, developable sites nor broad locations for growth. For these sites to be included in the Council's 15 year housing land supply figures then they ought to be allocated for development in the RBKCLPPR. As Appendix 1 emphasises, once these sites are excluded then, together with the revision to the small sites figure and the exclusion of vacant homes referred to above, the overall supply across the 15 year period falls to 9,940 homes (a shortfall of 1,056 homes). This represents a housing supply of **12.88 years** against the adopted London Plan target.

However, as set out above, application PP/18/00026 demonstrates 338 Ladbroke Grove has the capacity to accommodate 83 homes. The allocation of 338 Ladbroke Grove for this number of homes would reduce the shortfall identified above to 973 homes. In isolation it would increase the Council's 15 year housing land supply to **12.99 years** against the adopted London Plan target.

To reiterate, the Council cannot accordingly demonstrate a 15 year housing land supply.

### **Representations to Issue 3A Diversity of Housing**

With the conclusions made above we make the following specific responses.

### ***Housing Target (Policies CP1 and CH1)***

1. Has the RBKCLPPR been positively prepared and is it justified, effective, consistent with national policy and in general conformity with the London Plan in relation to its aim in Policies CP1 and CH1 to meet and exceed the London Plan target for new homes in the borough of a minimum of 733 net additional dwellings a year?

No.

The RBKCLPPR is **not positively prepared** as it is not *'based on a strategy which seeks to meet objectively assessed development and infrastructure requirements'* (NPPF paragraph 182) (including for the 5 or 15 year periods). It is currently the London Plan which establishes the objectively assessed need for housing.

The RBKCLPPR is likewise **not consistent with national planning policy** as the Council cannot demonstrate a 5 or 15 year housing land supply.

The RBKCLPPR is **not justified** as it is not the *'most appropriate strategy, when considered against the reasonable alternatives'* (NPPF paragraph 182). The most appropriate strategy would see the Council positively engage with local landowners to establish whether there are additional allocations that could deliver additional housing to address the identified shortfall.

The RBKCLPPR is **not in general conformity** with the adopted London Plan as it does not demonstrate that its adopted minimum housing targets can be achieved. Whilst we are aware that the draft London Plan proposes to reduce the Council's targets, these amounts are subject to consultation. Stamford Norfolk Limited intends to make representations on this matter before this consultation ends on Friday 2 March 2018.

### ***Housing Supply (Policy CP1)***

2. In the light of the suspension of estate regeneration schemes put forward in the Further Proposed Modifications (CED004), is there an adequate supply of housing to meet the housing requirement identified in Policies CP1 and CH1 over the Plan period? If not, is this consistent with national policy and the London Plan and what steps are proposed to ensure the borough can effectively meet the London Plan target over the Plan period?

No. The Council cannot demonstrate an adequate supply of housing to meet the housing requirement identified in Policies CP1 and CH1 over the Plan period. Please see the comments above. Again, the RBKCLPPR is not sound.

3. Does the RBKCLPPR, as amended by the Further Proposed Modifications, demonstrate a robust 5 year supply of deliverable housing sites allowing for a suitable buffer to address past under delivery?

No. The Council cannot demonstrate a robust 5 year supply of deliverable housing sites allowing for a suitable buffer to address past under delivery. Please see the comments above. Again, the RBKCLPPR is not sound.

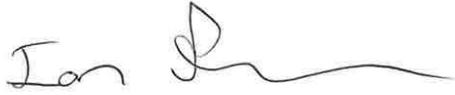
### **Summary**

Stamford Norfolk Limited's view is that the RBKCLPPR is not sound for the reasons outlined above.

Stamford Norfolk Limited considers that the RBKCLPPR could be made sound if the Council positively engaged with local landowners to establish whether there are additional allocations that could deliver additional housing to address the identified shortfall.

Such allocations could appropriately include 338 Ladbroke Grove which PP/18/00026 demonstrates has the capacity to accommodate 83 homes. This site in isolation can accordingly make a substantive contribution to addressing the shortfall in the Council's 5 and 15 year housing land supply.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Fergusson', with a long, sweeping horizontal line extending to the right.

**IAN FERGUSSON**  
Associate

## APPENDIX 1 – ANALYSIS OF FIGURES PROVIDED IN 2017 AMR

		Development Plan target (with 20% buffer as laid out in 2017 AMR)	Cumulative housing target (2016 AMR)	Site allocations and large sites (more than 25 homes) - excluding projected development at unallocated Holiday Inn Forum Hotel and 1-31 Elkstone Road sites	Projected development at unallocated Holiday Inn Forum Hotel and 1-31 Elkstone Road sites	Small sites (fewer than 25 homes) with planning permission	Small sites	Vacant units	Total housing supply	Cumulative supply	Net difference	PER ANNUM FIGURE
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FIGURES FROM 2017 AMR												
Years 1-5		4,400	4,400	3,463		413	304	230	4,410	4,410	10	
Years 6-10		3,300	7,700	2,188	130	0	760	230	3,308	7,718	8	
Years 11-15		3,296	10,996	1,848	95	0	760	230	2,933	10,651	-363	
<b>Total</b>		<b>10,996</b>		<b>7,499</b>	<b>225</b>	<b>413</b>	<b>1,824</b>	<b>690</b>	<b>10,651</b>		<b>-345</b>	<b>710</b>

FIGURES FROM 2017 AMR WITH FOLLOWING CHANGES:												
- UPDATING SMALL SITES AND EXCLUDING VACANT SITES (2017 SHLAA)												
Years 1-5		4,400	4,400	3,463	0	413	338	0	4,214	4,214	-186	
Years 6-10		3,300	7,700	2,188	130	0	845	0	3,163	7,377	-137	
Years 11-15		3,296	10,996	1,848	95	0	845	0	2,788	10,165	-508	
<b>Total</b>		<b>10,996</b>		<b>7,499</b>	<b>225</b>	<b>413</b>	<b>2,028</b>	<b>0</b>	<b>10,165</b>		<b>-831</b>	<b>678</b>

FIGURES FROM 2017 AMR WITH FOLLOWING CHANGES:												
- UPDATING SMALL SITES AND EXCLUDING VACANT SITES (2017 SHLAA)												
- REMOVING FIGURES FOR HOLIDAY INN FORUM HOTEL AND 1-1 ELKSTONE ROAD												
Years 1-5		4,400	4,400	3,463	0	413	338	0	4,214	4,214	-186	
Years 6-10		3,300	7,700	2,188	0	0	845	0	3,033	7,247	-267	
Years 11-15		3,296	10,996	1,848	0	0	845	0	2,693	9,940	-603	
<b>Total</b>		<b>10,996</b>		<b>7,499</b>	<b>0</b>	<b>413</b>	<b>2,028</b>	<b>0</b>	<b>9,940</b>		<b>-1,056</b>	<b>663</b>