

SCHEDULE OF RESPONSES TO WESTMINSTER CITY COUNCIL'S REPLACEMENT UNITARY DEVELOPMENT PLAN (RUDP)  
REVISED AFFORDABLE HOUSING POLICIES STRA 14 AND H4

**Explanatory notes**

Name – The name of the organisation/individual making a representation, and their method of communication.

Objection: Yes/No – Whether or not the organisation objects to any particular aspects of the policy

General Support for Policy: Yes/No – Does the organisation support the objectives of the policy in general

Summary of response – Detailed information on representation itself.

Officer response – Comments made by officers in their response.

Name	Objection : Yes/No	General Support for Policy: Yes/No	Summary of response	Officer response
Greater London Authority (Giles Dolphin) (by letter)	no, but there is concern re. staircasing	Yes	<p>The Mayor welcomed the introduction of a borough-wide affordable housing target and the reduction of the affordable housing threshold. He acknowledges the introduction of a 50% target outside of the CAZ, CAZ Frontages and PSPA, but still remains concerned that the proposed staircasing is convoluted and could be counter-productive. He agrees with GoL that this policy approach is untested and that its effectiveness should be closely monitored and subject to an early review in the LDF. He therefore welcomed the City Council's commitment to monitoring the effectiveness of the policy (as stated in policy STRA 14). Given that the plan will also be the subject of an early review through the LDF process, the Mayor concluded that the policy approach is acceptable.</p> <p>These modifications resolve the outstanding general conformity issues, thus bringing the draft plan into general conformity with the London Plan.</p>	<p>Welcome that the Mayor now considers the policies to be in general conformity with the London Plan; and that the general policy approach is acceptable.</p> <p>Regarding the concerns around staircasing:</p> <ul style="list-style-type: none"> <li>i) staircasing (between 15 and 24 units) has worked well in Westminster</li> <li>ii) staircasing is considered necessary in order that the policy does not act as a disincentive to development (most built sites in Westminster have a viable existing or potential use)</li> <li>iii) staircasing should lower levels of 'threshold abuse'</li> <li>iv) though the calculation may be 'convoluted' the tables 3.1, 3.2 and 3.3 clearly set out the policy requirements and are simple to use</li> <li>v) as recognised by the Mayor, the application and impact of policy H 4 (including the staircasing) will be subject to careful monitoring.</li> </ul>

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Westminster Property Owners Association (WPOA) (Paul Houston, Director) (by letter)	No	Yes	<p>The Association full recognises that there is a difficult balance to be struck when formulating... affordable housing policy. The Association considers that it is right to ensure that a percentage of affordable housing sought should not exceed 30% in the Central Activities Zone, Frontages and Paddington Special Policy Area.</p> <p>The Association originally proposed, and has continually supported, the concept of stepped requirements to avoid counter-productive outcomes.</p> <p>The Association accepts that the 50% target for affordable housing units should apply where 25 net additional units are provided [outside the key economic areas mentioned above] subject again to the stepped arrangements being taken forward as proposed. Where land is of higher existing use value, the stepping arrangements up to 80 additional units before the full 50% target is sought seems realistic. The operation of the policy needs to be kept under review.</p> <p>The Association welcomes the references in the reasoned justification to the need, where appropriate, to address the issue of viability.</p>	Support welcomed
The Crown Estate (Giles Clarke, Director of Investment and Asset Management) (by letter)	No	Yes	<p>Proposed modifications to the UDP, concerning the provision of affordable housing in association with commercial developments... provide a realistic compromise and balance, and are probably the most practical outcome available to the City Council. However, viability of commercial schemes is adversely affected by the requirement for affordable housing... and this burden can mean that schemes will not proceed.</p> <p>Please note that The Crown Estate also actively supports the more detailed representation the Westminster Property Owners Association (WPOA).</p>	Agree. The policy does allow in H 4 (C) and para. 3.34 for viability to be taken into account when assessing proposals. The impact of the new policy will be monitored carefully in the forthcoming months.

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Taylor Woodrow Development Ltd (Les West, Barton Willmore Planning) (by letter)	Yes	Yes	<p>Concerns relate to the interpretation of 'additional units' as set out in paragraph 3.42 and 3.43.</p> <p>The guidance in these paragraphs fails to recognise the situation where a site with a low existing value has already had its value increased by virtue of an extant planning permission. There is clearly a difference between the effect of the policy on sites purchased at the enhanced land use value and sites at a current low land use value without the benefit of a planning consent. Additional guidance should be added to these paragraphs to make this clear.</p> <p>Also where planning permission already exists with agreed numbers of affordable housing units the policy should apply only to the uplift in numbers from that previously granted planning permission. Such guidance should also be added to paras. 3.42 and 3.43.</p>	<p>Do not agree.</p> <p>The Council acknowledges that existing permissions may have an impact on financial viability, but for the reasons set out below, it is not considered appropriate to modify the wording of H4 as requested. Within the policy and its reasoned justification as currently drafted, the Council acknowledges in several places the need to take account of the practical and viability aspects of proposed developments. Policy H4 (C) states that, in assessing the amount of affordable housing to be sought, we will take into account</p> <ul style="list-style-type: none"> <li>• whether there will be particular costs associated with the development - this could, for example include the costs of purchasing the site, based on a valid permission issued under the previous affordable housing policy), and</li> <li>• whether meeting the new policy's requirements would make it difficult to meet other planning objectives - this would include our high priority policy to maximise residential development as a whole.</li> </ul> <p>The same themes are reflected in paras 3.34 (b), 3.44, 3.45 and 3.57, the last of which notes that 'the City Council will expect developers to provide an appropriate level of affordable housing, <i>having regard to the need to encourage rather than restrain all types of residential development</i> throughout the City' (emphasis added).</p> <p>When assessing planning applications, the starting point is that each proposal must be considered on its own merits, and the policy is drafted to guide that assessment. However, by virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, each application is to be determined in accordance with the development plan <i>unless material considerations indicate otherwise</i>. It will always be open to the applicant to set out the context of their proposal (such as the viability impact of the purchase of the site on the basis of a valid permission) as a material consideration to be taken into account. In response to the second point, that the policy should only apply to the uplift above what has already been permitted - In addition to the fundamental point above, that our consideration is of the new scheme on its merits, their proposed alternative would not work for many schemes in practical terms as the 'additional uplift' would in many cases be a number of units well below the 25 required before the full policy applies - and often it will be below 10 units, where the policy would not apply at all. Finally, it should be noted that with permissions now normally only valid for three years, the issue raised by the applicant is only likely to occur in the relatively short term, and even if there had been a case for it to be referred to, it would not necessarily have been considered appropriate to include reference to it in a policy intended for application over a much longer time period.</p> <p>In summary, it is considered that the current policy wording correctly reflects the position in law, includes acknowledgement of the need to take account of practical and financial reality, and in all cases other material considerations including those raised by an applicant will be taken into account.</p>

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Fairview New Homes Ltd (John Wachter, RPS Planning) (by fax and letter)	Yes	No	<p>Requests that Policy H4 makes it clear that, in accordance with Circular 6/98, the target provisions for affordable housing as specified in paragraphs 3.41 and 3.42 are indicative targets – this should be specified.</p> <p>Object to proposal to seek affordable housing on sites of 10 units or where the site is 0.3 hectares...this is contrary to Government guidance in Circular 6/98, which states that within London affordable housing should be provided on sites of 15 or more units or sites of 0.5 hectares or more. PPS3 in consultation stage...premature to adopt this option.</p>	<p>Do not agree -</p> <p>The proportion of affordable housing expected in schemes as set out in paras. 3.41 and 3.42 are policy requirements which take into account the viability of schemes in relation to their alternative use values. Policy H4 (C) 1 &amp; 2 already address specific circumstances relevant to individual sites which will be taken into account when applying the policy as set out in tables 3.1, 3.2, and 3.3. The City Council consider that setting out expectations in this way is preferable to having targets for negotiation, because it adds certainty and clarity for developers, and it saves time when assessing planning applications. The City Council's approach of having '<b>requirements</b>' rather than <b>targets</b> has been proven to be successful. This policy stance has been endorsed by the SoS in his Direction, which directs the City Council to have site 'requirements'. This approach was accepted by the Inspector at the UDP Inquiry and is considered to be consistent with both Circular 6/98 and draft. PPS 3.</p> <p>The <b>10 unit threshold</b> was requested by the Secretary of State in his Direction to Westminster (and to other London authorities). Lower (than 15 unit) thresholds are advocated in both the Mayor's SPG: Housing and draft PPS 3, where needs justify such an approach. The City Council is confident that the stepped approach contained in the proposed modifications to policy H 4 will largely eliminate 'threshold abuse' or the disincentive to develop, however, the impact of the reduced threshold will be monitored closely.</p>
English Heritage (Graham Saunders, Regional Urban Designer, London Region) (by letter)	No	No comments	No comments to make with regards to the proposed modifications to the policies for affordable housing	none
Countryside Agency (David Hammond, Positive Planning, London) (by letter)	No	No formal representation	The modifications in relation to affordable housing do not affect any priority interests of the Countryside Agency and we accordingly make no formal representation. The response should in no way be construed as either support for, or objection to, affordable housing policy modifications.	none

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Threshold Housing (Paul Rydquist) (by letter)	Yes	Yes	Generally supports proposals in H4 and of the stepped proposals in connection with affordable housing targets scheduled in tables 3.1 and 3.3. Concerned about proposals in para 3.42 a) that states that housing proposals brought forward by a Registered Social Landlord, 100% of the resulting units should be affordable, with the only exception being where a proportion of the units should be for sale or rent on the open market to subsidise affordable housing on the same site. Provision of new affordable rented housing always requires greater initial subsidy than that available via Social Housing Grant...this may be more acceptably provided from Westminster's point of view via the proceeds of non-affordable housing development than by the sale of existing assets. Not fair or equitable that different requirements should be placed on RSL's compared with other developers	<p>Partially agree – revise para 3.42 and annotation in Figure 3.4</p> <p>It is acknowledged that RSLs' investment strategies may often be much more complex than just cross-subsidy between market and affordable housing within the single development site. Nevertheless, it is considered that a distinction can still be made between RSL developments (which, given the broad context of an RSL's purpose, will be driven by the desire to provide the affordable housing) and development by private house builders (which generally seek to provide the minimum affordable housing consistent with policy and to maximise return on investment for the developer or shareholders).</p> <p>Therefore revise Para 3.42 (a) to read:</p> <p><b>(a) Where housing proposals are brought forward by a registered social landlord, 100% of the units should be affordable, except where it is necessary for a proportion of the units to be for sale or rent on the open market to subsidise affordable housing on the same site, or on other affordable sites in Westminster being developed by the registered social landlord at the same time. The advice of the Housing Department will be sought whenever schemes involving such arrangements are proposed<sup>1</sup>.</b></p> <p>The annotation of the red line in Figure 3.4 could be modified to read:</p> <p><b>Sites to be developed by RSLs: up to 100% (see para 3.42 (a)).</b></p>
Octavia Housing and Care (Grahame Hinds) (by email)	Yes	Yes	Concerned at the restrictions proposed in para 3.42 which constrain the development operations of RSL's but which do not apply to other developers. Recent government policy has encouraged RSL's to develop mixed use sites and also to develop homes for sale. The proposed requirement, even with an exemption allowing sales elsewhere on the site might at some future date act as a constraint and disadvantage us in comparison to other potential developers.	Please see response to Threshold above
Westbourne Neighbourhood Association (Richard Forrest) (by letter)	No	Yes	WNA agrees with the proposed policy revisions. We support provisions which encourage more affordable housing, but at the same time we are glad that the Council's concerns about viability have been recognised and allowed for.	Support welcomed

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St Marylebone Society (Cynthia Poole) (by letter)	Yes	not stated	<p><b>STRA 14:</b> Concerned that WCC unable to meet all of its housing need within its own boundaries and wonder why this is. Concerned at the rather mean requirement of only 5% for key worker housing- percentage should be larger.</p> <p><b>H4:</b> Feels that onsite affordable housing is in all cases desirable. This seems to have replaced the building of Council Estates and we are concerned about the meeting of maintenance cost.</p> <p><b>Sustainability Appraisal:</b> This is a very difficult document to read, it is jargonized, and we deplore the lack of clarity. On page 3 of document it is made to cover an unrealistically broad range of objectives many of which are unattainable by any council. Sustainability has the sense of enabling continuity – it cannot therefore with any logic be applied to poverty or social exclusion.</p>	<p>The City Council is unable to meet all <b>housing need</b> within the City because quite simply need outstrips supply. We don't have sufficient homes in the social sector to house all those that need a home, this is true of most London boroughs. In the future, new social housing units completed in Westminster, whilst supplying valuable accommodation, will not be sufficient to meet demand. This is because the number of people living in and coming to Westminster is predicted to rise, and the costs of homes are increasing faster than incomes, meaning that more households find themselves unable to afford the cost of private market housing. In Westminster the problem is compounded by very high property prices which put market housing out of reach of most middle income households, a lack of large development sites, the lack of low density sites for family housing with gardens, and the competing use of land and building for commercial use in central London. These problems have been recognised and addressed by the Housing sub-regions. WCC is in the North sub-region and will work with partners such as the London Borough of Barnet, who do have some large development sites, to house those in need.</p> <p>The new S106 SPG will ensure that new housing (and in some cases commercial) developments will contribute to the provision of <b>social infrastructure</b> such as schools, health care, open space etc..</p> <p>Agree that it would be desirable to have a more <b>key worker housing</b> in Westminster and this is one of the issues that the Westminster Housing Commission is addressing. However, the Council has to prioritise residents in housing need, and recognises that most workers (though not those working shifts) can commute into the City. In addition, intermediate housing in Westminster is difficult to supply due to the high price of homes in the City - most units over 1 bedroom will not meet the affordability criteria. The proposed modifications (para. 3.70) do allow for proportions of key worker housing over 5% to be sought where the affordable housing element exceeds 30%.</p> <p><b>Maintenance costs</b> of affordable housing units will be met by RSLs in the normal way.</p> <p><b>The Sustainability Appraisal (SA)</b> that accompanied the proposed modification to the policies for affordable housing has been written following the ODPM guidance 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents' (November 2005). This document sets out the format and information to be covered by the Sustainability Appraisal, both of which were followed in the preparation of this SA.</p> <p>Sustainability is a broad ranging subject and by its established definition applies to the interaction of social, environmental and economic issues and activities. It cannot just concentrate on environmental issues alone. The sustainability objectives cover a wide and varied range of subjects in order to meet legislative requirement and the recognised definition of sustainability and sustainable development.</p> <p>As Local Authority, the City Council is obliged to apply the principles of sustainable development and the recognised definition means that we have to balance the needs for social responsibility, environmental protection and economic development.</p>

