

## Chapter 3: Housing

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### INTRODUCTION

- 3.1 About 244,000 people live in Westminster. Part 1 explains why housing and the residential environment have the highest priorities in the Plan and sets out the strategic policies for housing, in particular policies STRA 14 -16. To meet the dwellings target set out in Part 1, the City Council will use its planning and other powers to protect the existing stock of housing and the amenity of residents, and will seek new housing wherever possible.
- 3.2 The planning policies for housing fall into three groups:
- a) Policies H 1 – H 3 secure the maximum amount of housing
  - b) Policies H 4 - H 9 ensure that a range of housing types is available
  - c) Policies H 10 – H 11 concern specific housing aspects of the residential environment

Other policies on the residential environment are contained in Chapter 9: Environment, and Chapter 10: Urban Design and Conservation.

- 3.3 These housing policies are broadly in accordance with the London Plan.

### ~~PREVENTING THE LOSS OF HOUSING~~

#### **Aim**

- 3.4 ~~To resist the loss of land or buildings in, or designated for, residential use.~~
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### ~~POLICY H 1: PREVENTING THE LOSS OF HOUSING~~

~~(A) Planning permission to change housing, or land in housing use, to other uses will not be granted other than in exceptional circumstances.~~

~~(B) Planning permission will not be granted for the redevelopment of housing land or buildings unless the amount of proposed housing, in terms of both dwellings and floorspace, is at least equivalent to the amount of housing that previously existed on the site. Small reductions in the number of units may be acceptable where it is necessary to achieve a more varied mix of unit sizes.~~

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### **Policy application**

- 3.5 The City Council will only consider the loss of housing in exceptional circumstances. Three such circumstances would be where:
- a) Housing would be lost to a community use that is essential for local residents and there is no alternative suitable site nearby. Essential uses include health facilities such as doctors' and dentists' surgeries
  - b) In the North West Westminster Special Policy Area (see chapter 5: Policies for North Westminster) on sites where the provision of commercial uses will have a significant regeneration benefit that is considered to outweigh the loss of a small amount of housing
  - c) Replacement housing is provided in accordance with Policy COM 3 on the relocation of uses
- 3.6 In considering the development of vacant sites, the City Council will take into account the amount of housing that previously existed on the site.

### **Reasons**

- 3.7 The City Council wants to increase the permanent resident population of the City and will therefore retain the existing stock of housing, whether measured in number of dwellings or floorspace. The City Council will only meet its housing targets if it does not lose existing housing to other uses. Many homes have been lost through demolition or through unauthorised change to another use, such as to offices or holiday accommodation. Occasionally smaller homes are lost through conversion to larger homes. In giving priority to protecting the existing supply of housing, the City Council has taken into account the need to plan reasonably for business development in Westminster as described in Part 1 and in Chapter 2: Commerce.
- 3.8 Residents require community uses like local health facilities, nurseries, schools, open space and public facilities. In order that these facilities may be provided, some small loss of housing may be exceptionally allowed in areas where it is demonstrated that there are no suitable non-residential sites or buildings available.

## **PREVENTING THE USE OF HOUSING BY NON-PERMANENT RESIDENTS**

### **Aim**

- 3.9 To prevent housing being used by non-permanent residents.
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### **POLICY H 2: PREVENTING THE USE OF HOUSING BY NON - PERMANENT RESIDENTS**

**Planning permission will not be granted for the use of housing as temporary sleeping accommodation. The Council will attach a condition to grants of planning permission for new or converted housing to prevent the use of housing for this purpose. It will use its powers to take enforcement action against such unauthorised uses.**

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### **Reasons**

- 3.10 Housing in the City is used as unauthorised temporary sleeping accommodation. This means that less housing is available for permanent residents. Demand for all types of housing in the city is high and it is anticipated that the projected increase in households referred to in Part 1 can only just be met. The use of housing as temporary sleeping accommodation increases the need for commuting and undermines the creation of sustainable communities. The City Council will use its planning and other powers to contain the spread of non-permanent uses of housing.
- 3.11 Under the GLC (General Powers) Acts 1973 and 1983, the use of housing for temporary sleeping accommodation occupied by the same person for fewer than 90 consecutive nights is a material change of use for which planning permission is required. Whilst the City Council discourages the use of dwellings as second homes, it recognises that it cannot prevent the use of housing for this purpose.
- 3.12 Temporary sleeping accommodation can also affect the quality of life of nearby residents. For example, people on holiday are more likely to keep late hours and require a high level of services (such as bars and restaurants) which leads to more noise and activity at unsocial hours. The problem can be particularly bad in mansion blocks where many flats are in unauthorised holiday use. Policy TACE 2 in Chapter 8: Tourism, Arts, Culture and Entertainment sets out when purpose built serviced apartments or short term lets will be appropriate.

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- 3.13 Similar problems can arise with time-share housing developments, which are controlled by the GLC (General Powers) Act 1984.

### **TO ENCOURAGE THE PROVISION OF MORE HOUSING**

#### **Aim**

- 3.14 To increase the amount of housing in the City.
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### **POLICY H 3: TO ENCOURAGE THE PROVISION OF MORE HOUSING**

- (A) The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ.**
  - (B) The City Council will require additional housing to be provided in association with commercial or other developments in accordance with policies COM 2 and CENT 3.**
  - (C) Inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable.**
  - (D) Outside the CAZ, the City Council will require land or buildings in commercial use to change only to housing, except in the NWWSPA where both housing and appropriate commercial uses will be allowed. Changes between commercial uses at basement and ground floor levels will not be resisted, subject to other policies in the UDP.**
  - (E) Proposals for extensions to existing housing will be acceptable in principle.**
  - (F) In the case of buildings originally built for housing, but currently in non-residential use, particularly those where the change from residential use has taken place since 1939, planning permission for change of use to any use other than housing will not normally be granted, unless it can be shown that particular circumstances make such a change impractical or not viable.**
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### Reasons

- 3.15 Part 1 sets out why more housing is needed to meet the demand for housing in the City and this policy sets out how the City Council intends to achieve its minimum housing target set out in Part 1. The City Council will expect developers to consider the sustainable design principles set out in policy ENV 1 when proposing housing developments in order to maximise the amount of land in housing use. Inside CAZ, the CAZ frontages, the PPSA, and the NWWSPA, the City Council will seek to increase the housing stock by requiring housing to be provided in association with other uses. Outside these areas, the City Council will maximise the amount of land in housing use to help meet the demand for private and affordable housing by making housing the preferred use on all sites. There may be exceptions within the Portland Place, Creative Industries, East Marylebone, Harley Street, and Arts, Culture and Education Special Policy Areas, for sites containing uses protected by policies COM 6, COM 8, COM 12, SOC 5, and TACE 7. The City Council recognises that the CAZ is the appropriate location for commercial uses and that it cannot always require housing on sites as it can outside the CAZ.

### Mixed-use developments

- 3.16 Opportunities will be taken to include housing as part of mixed-use developments. Wherever possible, this new housing should have a separate access so it can be used independently of other uses in the building. Such developments will add to the mixed character of Central London and, especially in the CAZ, will make good use of the existing infrastructure, reduce the need for commuting and foster more sustainable communities.

### Redevelopments

- 3.17 There will be occasions where non-residential buildings or land become surplus to requirements. For example, the use of some railway land may no longer be required for the functioning of a railway station. The City Council will seek to secure the use of these sites for housing in accordance with Policy H 3 (A). Where these sites are outside the CAZ and CAZ Frontages and the PSPA, the City Council must restrict their development for commercial use to encourage housing development. If commercial developments were to be allowed, not only would this be contrary to the overall aims of the plan to direct commercial uses to the CAZ, but it would also prejudice the City Council's priority for new housing. However, the Council cannot reasonably refuse the redevelopment of a site in commercial use for that same commercial use, and will not prevent changes between commercial uses at ground floor and basement levels, provided the proposed use is acceptable in terms of other policies in the Plan such as COM 1 and TACE 1, and policies in Chapter 7: Shopping and Services.
- 3.18 The City Council has designated the NWWSPA to encourage development that provides regeneration and local employment opportunities. Within this

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area, the use of non residential sites for commercial uses as set out in policy NWW1 and NWW2 will be appropriate.

### **Conversions of office buildings to housing**

- 3.19 The City Council generally welcomes proposals to convert or change the use of buildings, particularly empty buildings, from office use to housing. Owners of office buildings who want to keep the ability to return their buildings to office use in the future will be discouraged. It is considered that temporary conversions of this nature will not contribute to a permanent increase in the City's housing stock.
- 3.20 Over the years the use of much of the older property originally built as housing has changed to use as hotels or offices. Some of these changes happened prior to the requirement for planning permission. The City Council will encourage the reversion of these properties to permanent housing use, and particularly those where the change from residential use has occurred since 1939, by refusing proposals to change the use of properties for purposes other than housing. This will help to meet the demand for housing in Westminster. Where the applicant can demonstrate that it is not viable to return the building to housing, then alternative uses will be considered in accordance with other policies in the plan. Some of these properties will be listed and their return to housing will also help meet listed building objectives.
- 3.21 Part (F) of the policy only applies to whole buildings and so change of use of individual floors from one commercial use to another will be allowed. However, the City Council will refuse such proposals where it is clear that the applicant is, in the short term, seeking to change the entire use of the building on an incremental basis.

### **Extensions to existing housing**

- 3.22 An increase in residential floorspace can be achieved by allowing suitable extensions to existing dwellings where these do not cause environmental or amenity problems and are in keeping with the character of the building or the area.

### **Standard of new housing**

- 3.23 The City Council will require new housing to be of sufficient habitable standard as set out in the supplementary planning guidance 'Standards for Residential New Building, Conversion and Rehabilitation Schemes' published in 1991 that details housing standards from a wide range of legislation implemented by the City Council. This will be updated from time to time as required.

### **Empty Housing**

- 3.24 The City Council is also concerned that the large amount of vacant housing in the City could contribute towards meeting the housing targets. Homes owned



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by those who have no strong economic or community ties to central London are often vacant for significant parts of the year. More importantly, the City Council is anxious to ensure that residential units are not held vacant for long periods against the hope, for example, of a permission being granted for change of use; or for investment purposes alone. It will therefore take steps to monitor vacancy rates and encourage owners of vacant property to release it for use by permanent residents of the City. The City Council encourages initiatives to make better use of empty housing, such as living accommodation above shops. Where all else fails the City Council will consider using its compulsory purchase powers to bring vacant properties back into housing use.

### **PROVISION OF AFFORDABLE HOUSING**

#### **Aim**

- 3.25 To require the provision of housing for those Westminster residents in housing need and key workers essential to the Central London economy whose incomes are insufficient to afford adequate housing within Westminster.

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### **POLICY H 4: PROVISION OF AFFORDABLE HOUSING**

- (A) Developments resulting in the loss of affordable housing will not be permitted.**
- (B) The City Council expects affordable housing to be provided as part of housing developments:**
- 1 on sites of 0.3 hectares or over;**
  - 2 of 10 or more additional dwellings;**
  - 3 in other cases which would have been equivalent to either of the above criteria but fall below these thresholds because of the exceptional size of the units or the phasing of development.**
- (C) The City Council will require an appropriate form of affordable housing to be provided on-site as part of the development, except where the applicant can satisfactorily demonstrate that the affordable housing cannot be designed for transfer to, and management**

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**by, a registered social landlord (RSL) or other appropriate body. The amount of affordable housing required will be assessed in accordance with paragraphs 3.41 and 3.42 but the Council will take into account whether:**

- 1 there will be particular costs associated with the development of the site, or**
- 2 the provision of affordable housing would make it difficult to meet other planning objectives that need to be given priority in developing the site.**

**(D) The City Council will, with a view to achieving the 50% affordable housing target set out in policy STRA 14 (C) :**

- 1 require that affordable housing is maintained as affordable housing for successive occupants in perpetuity, having regard to Housing Corporation requirements where Social Housing Grant is used to fund the accommodation, and will, where appropriate, use legal agreements and/or conditions to ensure this;**
  - 2 encourage the provision of additional affordable housing in the City, particularly by RSLs dedicated to providing permanently-occupied affordable housing;**
  - 3 encourage employers to provide accommodation for employees engaged in essential services or working unsocial hours;**
  - 4 encourage shared equity schemes.**
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### Policy application

#### Definition of affordable housing

- 3.26 National guidance says that the term ‘affordable housing’ encompasses ‘both low-cost market housing and subsidised housing that will be available to people who cannot rent or buy housing generally available on the open market.’ Land prices and rent levels in Westminster are such that, for many households, a subsidy is required to reduce the cost of housing so that it becomes affordable.
- 3.27 Policy 3A.6 in the London Plan says that ‘Affordable housing comprises social housing, intermediate housing, and in some cases, low-cost market housing.’ *Social housing* is subsidised housing provided as secure or assured tenancies, with access on the basis of need. *Intermediate housing* comprises subsidised sub-market housing, provided as shared equity schemes, discounted home ownership, or secure or assured tenancies. In Westminster key workers have priority for this type of housing. The London Plan says that intermediate housing can also include some low-cost market housing, but in Westminster there is little or no prospect of low-cost market housing, irrespective of size, making a contribution to priority housing needs. Such provision will not therefore, count towards meeting the affordable housing requirement.
- 3.28 Other specialist provision includes the use of houses in multiple occupation; hostels for workers, such as nurses, in the City; and student housing. Housing for these and other special needs may be treated as ‘affordable’ if the charges made to residents are substantially below market levels.

#### Suitability of sites for affordable housing

- 3.29 In assessing whether sites are suitable for an element of affordable housing, the City Council is required to take into account the criteria set out in national guidance. The built up nature of the City and easy access to public transport means that all land within the City is reasonably close to local services and has good or very good access to public transport. In principle, therefore, there is no area in the City which is unsuitable for affordable housing.

#### Site size

- 3.30 The City Council recognises that housing schemes need to be of sufficient size before it is reasonable to require a proportion of affordable housing. In accordance with Government policy guidelines an element of affordable housing will be required in schemes providing ten or more additional dwellings, but the City Council will welcome proposals for affordable housing on sites below this threshold. The threshold will be kept under review and may be changed to take into account shifts in the economics of provision, progress towards agreed housing targets, and revised Government guidance. Where live/work units are proposed, i.e. where each self contained unit has a

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mix of residential and business use, the Council will treat each combined unit as one dwelling when assessing whether the policy should apply.

- 3.31 Government policy guidelines also refer to a site area threshold of 0.3 hectare. Because of the high density of housing in the City, sites of 0.3 hectare will normally provide rather more than 10 dwellings. However where developments of fewer than 10 dwellings are proposed on such sites, affordable housing will be required. An element of affordable housing may also be required where developments fall below the 10 dwelling threshold but where unusually large units are proposed.
- 3.32 The City Council will require affordable housing to be provided where sites are developed in stages which, when developed as a whole, would either provide 10 or more dwellings or would exceed 0.3 hectare over the whole site. A similar approach will be taken in cases where successive proposals for housing on the same site cumulatively take the total development over either threshold.

### **Priority for on-site provision**

- 3.33 In accordance with Government policy guidelines the City Council will expect that, where affordable housing is appropriate, it should be provided as part of the proposed development itself. This will help the City Council to plan the provision of affordable housing throughout the City. In assessing the suitability of sites for on-site provision, the City Council will take account of the criteria set out below.
- 3.34 The City Council will require applicants to provide on-site affordable housing unless they can satisfactorily show that:
- (a) it would not be reasonably practical to do so because the affordable housing cannot be designed for transfer and management to an RSL or other appropriate body; or
  - (b) providing on-site affordable housing would reduce the viability of the whole development proposal to such an extent that it would not proceed, or that the site would be developed for non-residential purposes.
- 3.35 Waiving the requirement for affordable housing to be provided in these cases does not mean that the City Council considers that these sites are inherently unsuitable for affordable housing. Rather, the Council recognises that in these cases, a financial contribution to a special affordable housing fund administered by the City Council, instead of on-site provision, may make it easier to develop housing on these particular sites. These contributions will then be spent on providing affordable housing in Westminster. Details of the

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financial contribution expected in these circumstances are set out in paragraphs 3.51 to 3.54 below. This approach accords with national guidance, and ensures that regard is paid to the subsequent management of the affordable housing element so that a successful housing development can be achieved.

- 3.36 In rare cases it may be more beneficial for the required affordable housing to be provided by the developer on an alternative site, where this provides a more appropriate and cost effective affordable housing outcome. Any proposal of this kind would be expected to secure the appropriate percentage of affordable housing provision (in accordance with para's 3.41 and 3.42) in relation to the total number of additional residential units being provided on the sites taken together, and to be designed for transfer and management to a registered social landlord or other appropriate body. The affordable housing on the alternative site should:
- 1 provide at least as good a standard of new residential accommodation, in terms of quality and amenity;
  - 2 be in the same vicinity (see below); and
  - 3 be secured by conditions and, where necessary, a legal agreement.

Regarding point 2, the City Council wishes to encourage a mix of housing tenures in all areas of the City. Therefore, the affordable housing should be in the same vicinity. If off-site affordable housing is proposed at a distance from the application site, the City Council will require the applicant to show why provision in the vicinity is not possible, or to show that provision at a distance secures other substantial planning advantages.

### **On-site provision: proportion to be sought**

- 3.37 Government policy guidelines expect local planning authorities to set indicative targets for the amount of affordable housing required for specific sites. Schedule 1(a) in the Plan identifies residential or residential-led mixed use developments of 50 units or more that have been granted planning permission. These sites all either include affordable housing or have made a financial contribution in lieu of on-site provision of the affordable housing. Schedules 1(b-c) identify commercial led schemes. Where these schemes also included housing and the number of units exceeded the affordable housing threshold, then affordable housing or a financial contribution was also secured. These sites are shown on the Proposals Map. At the end of this chapter (Appendix 3.1) there is a list of potential housing sites of less than 50 units where the City Council has required the provision of affordable housing.

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- 3.38 However, given the difficulties in identifying large housing sites that could become available throughout the Plan period, these lists are not comprehensive. It is likely that many other sites will become available during the Plan period. Where other sites meeting the thresholds for affordable housing are brought forward for housing development, the Council will expect that they provide affordable housing in accordance with this policy. For major sites, the City Council will produce a planning brief, which will set out the amount of affordable housing required.
- 3.39 The strategic London-wide target that 50% of new housing should be affordable, includes affordable housing from all sources, such as 100% housing association schemes and non-self-contained accommodation, and not just that secured through the requirement made of private sector residential development proposals. Government policy guidelines seek to balance the amount and need for affordable housing against the likely development potential of sites, taking into account the implications of competing land uses and making realistic assumptions about levels of public subsidy likely to be available. The characteristics of many smaller housing sites in Westminster, where development potential is constrained by planning and conservation policies, and where economies of scale are less pronounced, will make it much more difficult for them to bear the cost of affordable housing provision than will commonly be the case for larger sites.
- 3.40 Affordable housing targets have a significant influence on the likelihood of development sites being identified and brought forward by landowners and developers. The requirements for affordable housing must therefore be set at levels which do not limit overall supply and delivery to meet the growing need for housing of all types in accordance with the aims of STRA 14 (B). This particularly applies in Westminster where there is strong competition for the use of sites for non-housing purposes and high existing use/land values. Nevertheless, where development of a site is being considered by the current owner, they will need to ensure that the policy requirements are taken into account in their investment analysis. Similarly, where a site is on the market, the City Council will expect that affordable housing requirements, as with other policies, will be reflected in the price developers pay for the site. The City Council considers, therefore, that affordable and private housing provision can best be achieved by the use of realistic area and/or site specific housing requirements that are known at the outset.
- 3.41 On sites in the Central Activities Zone, on CAZ Frontages and in the Paddington Special Policy Area, the number of affordable units should be in accordance with Table 3.1, namely:
- (i) where the number of additional units proposed falls within the range from ten to 24, the proportion sought is stepped from 10% to 30%;

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- (ii) where the number of additional units proposed is 25 or more, 30% of the additional units should be affordable.

3.42 On sites outside the Central Activities Zone/CAZ Frontages/Paddington Special Policy Area, the City Council will expect that

- (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) Where the proposal relates to land having a low existing use value (see para 3.43), the number of affordable units should be in accordance with Table 3.2, namely:
  - (i) where the number of additional units proposed falls within the range from ten to 24, the proportion sought is stepped from 10% to 50%;
  - (ii) where the number of additional units proposed is 25 or more, 50% of the additional units shall be affordable.
- (c) Where the proposal relates to sites other than those identified in (a) and (b) above, the number of affordable units shall be in accordance with Table 3.3, namely:
  - (i) where the number of additional units proposed falls within the range from ten to 24, the proportion sought is stepped from 10% to 30%;
  - (ii) where the number of additional units proposed is from 25 to 39, 30% of the additional units should be affordable;
  - (iii) where the number of additional units proposed falls within the range from 40 to 79, the proportion sought is stepped from 30% to 50%;

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<sup>1</sup> The same approach will be taken on any sites brought forward by RSLs within the Central Activities Zone/CAZ Frontages/Paddington Special Policy Area; however, these are likely to be more rare due to the higher cost of developing such sites, either due to the higher cost of the land (CAZ and Frontages) or higher infrastructure costs (Paddington).

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- (iv) where the number of additional units proposed is 80 or more, 50% of the additional units should be affordable.

The proportions of affordable housing sought in all the situations set out in para's 3.41 and 3.42 are shown in diagrammatic form in Figure 3.4.

- 3.43 In para 3.42 (b) above, 'land having a low existing use value' is defined as sites with no existing buildings or limited built development by the general standards of the locality, and sites for which there is little effective demand for their current use other than by their present or most recent occupier. In Westminster, such sites are often used for social and community purposes, for utilities and transport uses, or for small-scale industry and storage.
- 3.44 In determining the amount and proportion of affordable housing that is appropriate in a specific proposal as a variation of these requirements, the City Council will take into account Government and London Plan policy guidelines, including the factors listed in Policy H 4 (C).
- 3.45 This is to ensure that the realisation of the City Council's other key planning objectives including planning obligations seeking contributions to schools, environmental improvements, or to transport or social facilities\_would not be prejudiced or made unviable by the requirement for affordable housing.

### **Mix of affordable housing**

- 3.46 As a general guideline, where 30% on-site affordable housing is being provided, 25% should be for residents in housing need with 5% for key workers. The allocation of affordable housing units where more than 30% of the units are to be affordable will be guided by housing needs assessments, conducted in the context of the Housing sub-regional framework, to ensure that the mix of affordable housing provided is meeting the immediate and longer term needs of households who require housing, including additional provision for key workers. On smaller schemes where the amount of affordable housing is less than 10 units, the City Council accepts that to provide two sorts of affordable housing could be difficult. In these cases it will expect the affordable housing to be for residents in housing need unless there is an exceptionally clear need for a particular site to provide affordable housing for key workers (see para. 3.50).
- 3.47 The affordable housing element should provide suitable accommodation for its likely occupants. Such housing is likely to comprise mainly two and three bedroom units. The average\_gross internal floorspace of affordable units will be\_about 75 square metres. One bedroom dwellings may be suitable for some key workers, but accommodation smaller than two bedrooms is not likely to be suitable for residents in housing need. The layout of affordable housing units should comply with Scheme Design Standards as specified by



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the Housing Corporation. Policy H 5 requires a range of accommodation sizes and this will be applied to the development as a whole. The Housing Department produces an Annual Supply and Allocations Report, which indicates the City Council's current affordable housing need. It is essential that affordable housing issues be discussed with officers and potential RSL partners at the earliest stage (prior to the submission of a planning application) in order to agree the number and size of affordable units required, tenure split; and design standards.

### **Funding of affordable housing**

- 3.48 Requiring developers to develop or allow part of their sites to be used for affordable housing may reduce the financial viability of some residential schemes, or may encourage developers to submit commercial instead of residential proposals. Requiring developers to fund the entire cost of the affordable housing on the basis of the proportions set out in para's 3.41 and 3.42 may make some residential development unviable, in conflict with the City Council's aim of maximising housing development in the City. To reduce this possibility, the City Council will instead require developers to meet the equivalent of the land cost element of the affordable housing rather than the total cost of the completed affordable housing units where the developer or RSL can, with the support of the City Council, secure funding in the form of social housing grant from the Housing Corporation. This will have the added benefit of requiring the affordable housing to meet the eligibility and value for money criteria of the Housing Corporation and will require a simpler legal agreement between the developer and the City Council to ensure the provision, management and retention in perpetuity of the affordable housing. The City Council will continue to work with the Housing Corporation on a scheme by scheme basis to ensure that grant funding is adequate to allow RSLs to compete in the market in high cost areas such as Westminster, particularly where affordable housing cannot be funded solely from residential development value alone.
- 3.49 Where a partner RSL is to be involved in producing the required affordable housing units, the developer has the option of transferring the necessary land at nil value. Alternatively, the developer may wish to build the units and sell them to the RSL at a price that reflects the discounted land value. However, developments by RSLs must comply with the Housing Corporation funding regime, and the cost to the RSL of the affordable housing units must reflect this constraint. Where an RSL is not used, the developer together with any associated partners will be expected to bear the entire cost of the affordable housing and ensure it remains affordable for successive occupiers (see paragraph 3.56). New funding opportunities may allow developers of larger sites to apply for grants themselves instead of through RSLs.

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3.50 Currently there are two main ways of assisting key workers to access homes. The first is equity loans to individuals to enable them to purchase a home; the second is shared ownership schemes operated by RSLs. The main way in which the City Council will be able to contribute towards key\_worker funding is where the proposed affordable housing is in the form of shared ownership housing. Whilst current Housing Corporation criteria do theoretically allow the City Council to fund rented key worker housing, in practice in Westminster the rents that would have to be charged will only be affordable for key workers if these flats are subsidised from other forms of tenure within the scheme, meaning such provision is relatively rare. Arrangements are, however, being put in place for the establishment by the City Council of a charitable trust with substantial funds to support the provision of affordable housing. The role of this independent charity is to provide housing for key workers, such as teachers, health service workers and police; and social rented housing for persons in need including people with disabilities, the elderly and those qualifying for council housing. The legal framework for the trust will ensure regard is paid to meeting housing needs identified by the Council. This investment is in addition to the City Council's affordable housing fund, secured through negotiations on private sector development schemes. The latter is also a substantial fund, as set out in para. 3.55 below.

### **Financial contributions**

3.51 In cases where a financial contribution instead of on-site provision is appropriate, as identified in paragraph 3.34 above, the City Council will expect this to be:

- (A) a sum per unit that would have been provided on site, equivalent to the cost of supplying the land that would otherwise be required; plus
- (B) an increase in the resultant total sum to reflect the increase in market units that will arise from not providing affordable housing on the site.

#### (A) The per unit sum

3.52 For 2005/2006, this amount was calculated from the Housing Corporation's Total Cost Indicator (TCI), which gave the cost of land in Inner London as £125,000 per 75-80 square metre unit. For 2006/07 the figure is £134,000 which reflects the 7% rise in land values which has occurred since April 2005. This figure will be updated annually by the Council from 1<sup>st</sup> April each year thereafter in line with changes in land prices. The unit size of 75-80 square metres represents the average size of unit required by the City Council to meet its housing needs.

3.53 House prices vary considerably across the City. The application of a uniform rate of financial contribution would be proportionately lower in developments

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with higher house prices and not adequately reflect the advantage gained by excluding an element of affordable housing on site. In a high value scheme where the dwellings are sold at higher prices, the required financial contribution represents a lower proportion of the total realisation from the development and hence less than the value of on-site affordable housing that would normally be required. To address this issue, the City Council has defined four areas where house prices are generally higher and an increased financial contribution will be required. In these areas (Knightsbridge, Belgravia, Mayfair and St. James's as defined in map 3.7) the City Council will normally require, in cases where a financial contribution is considered acceptable, that the amount will be increased by 33<sup>1/3</sup>% compared to elsewhere in the City. The increased amount (until April 2007) is £179,000 per unit compared to £134,000 elsewhere.

### (B) The increase in the sum to reflect the advantage to the developer of not providing affordable housing on site:

- 3.54 The sum that is calculated by multiplying the appropriate per unit sum (from (A) above) by the number of affordable units that would have been provided on site is then raised by the percentage increase in the number of market units enabled by the making of the in lieu payment. This has the effect of ensuring the scheme as a whole will still result in the same overall ratio of market housing to affordable housing that is appropriate for the particular scheme, in accordance with para's 3.41 and 3.42 above, and tables 3.1 to 3.3. Appendix 3.2 shows how this sum will be calculated in six examples.
- 3.55 All contributions will be deposited in a specific affordable housing fund and will be administered by the City Council's Director of Housing or by another appropriate officer. The money will be used only for the provision of affordable housing in the City in accordance with guidelines determined by the City Council. Details of the financial contributions received and how they are spent will be published. The City Council's affordable housing fund had at January 2005 received £24.2m, of which £20.6m had been spent or committed. An additional £19.8m is anticipated if other developments permitted up to January 2005 proceed.

### **Perpetuity**

- 3.56 To ensure that the affordable housing remains affordable to successive, as well as initial occupiers, the City Council will normally impose conditions and require developers to enter into legal agreements. The aim of these agreements would be to maintain the use of properties at reduced prices and rents in perpetuity for residents in housing need and/or key workers on low incomes. The City Council will encourage the involvement of RSLs who are engaged in the long-term management of such housing; it is unlikely that the

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legal agreements would be required to address perpetuity issues where social housing grant and an RSL is involved.

### **Other policies**

- 3.57 The City Council will normally require the provision of off-street parking with affordable housing as set out in policy TRANS 23.
- 3.58 The policies requiring a mix of uses (COM 2 and CENT 3) require office and other commercial developments to provide housing within the development. Where the level of housing provided in accordance with these policies exceeds the 10 dwelling or 0.3 hectare thresholds, then the affordable housing policy will come into effect.
- 3.59 To complement the affordable housing policy, policy H 7 seeks to protect houses in multiple occupation from conversion to flats, and policy H 6 aims to retain hostel accommodation where it can be shown that there is a demand for particular hostels. In addition, the City Council encourages bringing vacant housing units back into use (Policy STRA 14); maintaining a range of accommodation sizes and conversions to smaller units (Policy H 5); and converting former offices or other buildings to residential use (Policy H 3). Policy H 1 allows the loss of housing only in exceptional circumstances, and the City Council will pursue vigorous enforcement action against unauthorised changes from residential use. Policies to protect existing affordable housing throughout the City will ensure that affordable housing provided in new developments will make a real contribution towards meeting housing needs rather than just replacing lost accommodation.

### **Monitoring**

- 3.60 The implementation of the policy will be monitored and reported to the relevant City Council committees. The amount of affordable housing provided by the policy through both on-site provision and financial contributions will be regularly reviewed. The progress made towards meeting the identified need for affordable housing will also be assessed throughout the Plan period.

### **Reasons**

- 3.61 The City Council's Housing Needs Survey, published in September 2001, estimated that there were 11,500 households in housing need and a further 1,700 priority homeless households in temporary accommodation. Some 5,400 households required affordable housing.
- 3.62 About 3,300 units of affordable housing are required each year to meet the need for affordable housing arising from residents within Westminster. This comprises about 1,100 units per year needed to tackle the backlog of housing need and about 2,200 units to meet the new housing need which arises each

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year. Some of this need can be met by re-letting the existing stock of affordable housing: this totals about 700 per year. This leaves a need for 2,600 new affordable housing units a year, but this is far more than the total amount of new housing of all kinds usually permitted by the City Council in any one year. Currently, nearly all new affordable housing provided in Westminster derives from private developments through the use of this planning policy: this is because RSLs cannot generally afford to compete for sites in the market. The City Council is likely to continue to rely on the private sector to provide affordable housing to meet its housing needs through the operation of this policy.

- 3.63 The scale of need for affordable housing in Westminster greatly exceeds supply and is therefore likely to increase. There is also huge demand for affordable housing for key workers who work in Westminster, given that over 500,000 people work in the City. Many of these key workers, however, do not have to live in Westminster. They could commute to work from other parts of London where land and house prices are substantially lower. Residents in housing need and particularly those in temporary accommodation will continue to have priority for affordable housing when it becomes available, hence the requirement for most of the affordable housing required by the policy to be for these people rather than key workers.
- 3.64 In March each year, the City Council considers a report into the supply and allocation of affordable housing and this report will be used to update the figures in the Housing Needs Survey. The City Council's overall Housing Strategy includes an appraisal of supply, demand and need.
- 3.65 Access to the stock of public housing in Westminster is increasingly restricted to those with acute or statutory recognised needs or who are unable to support themselves in highly competitive job and housing markets. House prices and rents are generally much higher in Westminster than most of the rest of London and the UK.
- 3.66 These diverse pressures on the housing stock amount to a polarisation in housing occupancy which threatens to undermine conditions for sustainable community life. A supply of housing is also required that is affordable to those residents and key workers who are essential to the running of the central London economy and who sustain the residential community. This will provide a variety of types of housing in Westminster allowing a wider range of people to both live and work in the City and to support the city's activities.
- 3.67 Government policy and the London Plan expect developers to provide affordable housing within proposed housing developments and to assist planning for mixed communities. The City Council will expect developers to provide an appropriate level of affordable housing, having regard to the need to

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encourage rather than to restrain all types of residential development throughout the City. However, the London Plan at Policy 5B.2 provides for a Central Activities Zone or CAZ which accommodates a wide range of commercial uses. The same geographical area is carried forward in this Plan as a CAZ and CAZ Frontages. London Plan Policy 5B.4 also identifies an area at Paddington as a mixed use area where regeneration and employment are important. Accordingly in these areas, competition between housing and non-housing land uses is at its greatest. On sites in these areas the City Council will require that, wherever possible, 30% of proposed additional housing units will be affordable. The Council believes that this will encourage rather than restrain residential development and make a significant contribution to overall housing supply, strategic affordable housing requirements and the Council's objective of promoting mixed-use development in these areas.

- 3.68 On sites outside these areas, circumstances are different and the pressures for commercial development are less severe. In order to secure the maximum contribution to the 50% strategic affordable housing target for London, without prejudicing targets for overall housing supply and delivery, the City Council will apply different requirements to development schemes in accordance with a framework for negotiating affordable housing on specific sites.
- 3.69 On the basis of reviews it has commissioned, the City Council believes that its expectation that larger developments should provide for more affordable housing than small and medium-sized schemes is appropriate to the City's particular circumstances. The 'staircases' set out in Tables 3.1, 3.2 and 3.3 take into account the economic difficulties of providing different types of housing on small and medium-sized sites, and the need to avoid use of thresholds which result in a sudden, sharp increase in the scale of affordable housing sought.

### **Key worker housing**

- 3.70 The London Plan (Policy 3A.7) sets out a London-wide objective that affordable housing should comprise 70% social housing and 30% intermediate housing. Most forms of intermediate housing such as shared ownership and low cost market housing are not feasible in Westminster. The City Council therefore expects that most of the affordable housing provided by developers will go to meet residents' housing need as outlined in paragraphs 3.61 to 3.63 above. Generally, where the total proportion of affordable housing is to be 30%, the City Council will expect 25% of the housing in a development to be for Westminster residents in housing need. The City Council will expect a further element (5% of the housing in a development) of the affordable housing to be specifically for low paid key workers who work in occupations with recruitment and retention problems and who also work for

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the benefit of Westminster residents. Additional provision for key workers will be sought where the affordable housing element exceeds 30% (see para. 3.46). In March 2001 the City Council agreed that three occupational groups, healthcare, police and education, met these criteria. The groups to be given priority will be reviewed from time to time by the City Council over the Plan period.

- 3.71 The City Council has agreed to add key workers as a priority group for shared ownership opportunities from July 2001 and has received many applications from people who qualify as key workers for affordable housing. Where affordable housing for key workers is required, the City Council will normally expect the units to be allocated to people on the Council's own list unless the applicant can show that the affordable housing will be provided for other key workers that meet the City Council's definition in paragraph 3.70 above. The applicant will need to demonstrate that the affordable housing will be available at appropriate costs which are unlikely to be much above 25-35% of gross income. Public subsidy and investment in key worker housing provision will be assisted by the funding arrangements outlined in paragraph 3.50.
- 3.72 Where safeguards are in place to ensure that the accommodation remains at discounted prices for occupation solely by key workers and their families in perpetuity, this form of affordable housing need not necessarily be provided through an RSL.

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### Tables 3.1 to 3.3 – number of affordable units to be sought

Note: In these tables, the numbers of affordable units to be sought have been calculated as an arithmetic progression, where appropriate, and then rounded up or down in accordance with the usual conventions.

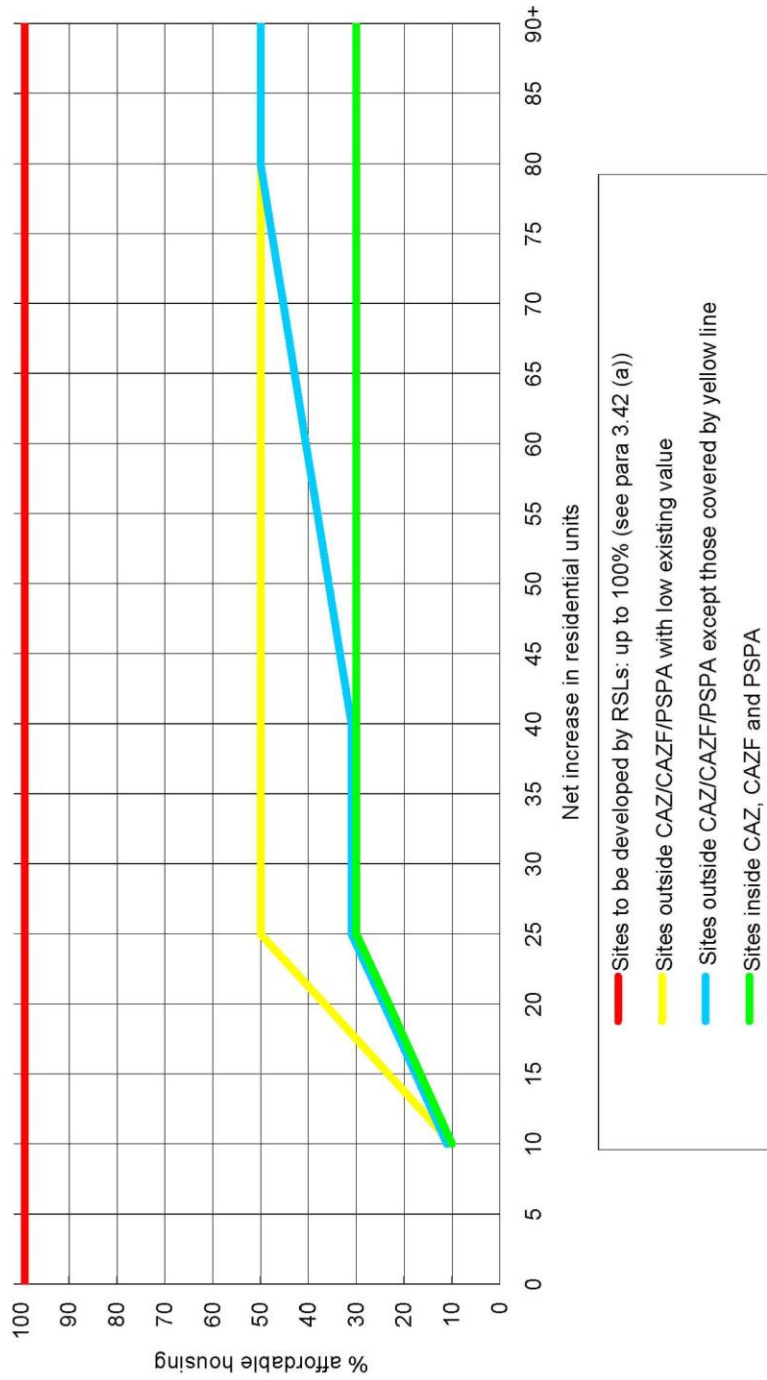
<b>Table 3.1 – Proposals where para 3.41 applies, i.e. sites in the Central Activities Zone, on CAZ Frontages and in the Paddington Special Policy Area</b>		
	Additional residential units in scheme	Affordable units sought
^   Stepped from 10 to 30%   v	10, 11	1
	12 - 14	2
	15 - 17	3
	18, 19	4
	20, 21	5
	22, 23	6
	24	7
30%	25 or more	30%

<b>Table 3.2: Proposals where para 3.42 (b) applies: i.e. sites outside the Central Activities Zone/the CAZ Frontages/the Paddington Special Policy Area, and where the proposal relates to land having a low existing use value</b>		
	Additional residential units in scheme	Affordable units sought
^   Stepped from 10 to 50%   v	10	1
	11	2
	12, 13	3
	14	4
	15	5
	16,17	6
	18	7
	19, 20	8
	21	9
	22, 23	10
	24	11
50%	25 or more	50%

<b>Table 3.3 – Proposals where 3.42 (c) applies, i.e. Sites outside the Central Activities Zone/CAZ Frontages/ Paddington Special Policy Area, other than land having a low existing use value (Table 3.2) or those brought forward by registered social landlords</b>		
	Additional residential units in scheme	Affordable units sought
^   Stepped from 10 to 30%   v	10, 11	1
	12 - 14	2
	15 - 17	3
	18, 19	4
	20, 21	5
	22, 23	6
	24	7
^   30%   v	25 - 28	8
	29 - 31	9
	32 - 34	10
	35 - 38	11
	39	12
^   Stepped from 30% to 50%   v	40	12
	41	13
	42, 43	14
	44	15
	45, 46	16
	47	17
	48, 49	18
	50	19
	51, 52	20
	53	21
	54, 55	22
	56	23
	57	24
	58, 59	25
	60	26
	61, 62	27
	63	28
	64, 65	29
	66	30
67, 68	31	
69	32	
70	33	
71, 72	34	
73	35	
74, 75	36	
76	37	
77, 78	38	
79	39	
50%	80 or more	50%



Figure 3.4 Proposals for ten or more additional housing units: percentage of affordable housing to be sought



This figure shows diagrammatically the percentage of affordable housing which will be sought: for further details, see Tables 3.1, 3.2 and 3.3



## **PROVIDING A RANGE OF HOUSING SIZES**

### **Aim**

- 3.73 To seek a range of sizes in housing developments and to protect family housing.
- 

## **POLICY H 5: PROVIDING A RANGE OF HOUSING SIZES**

- (A) The City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments**
- (B) The City Council will normally require 33% of housing units in housing developments to be family-sized and will require 5% of this family housing to have five or more habitable rooms**
- (C) The City Council will not grant planning permission to convert a single dwelling house to more than one unit in the areas identified in paragraph 3.87. In Pimlico and Knightsbridge this restriction will also apply to single dwelling houses above basement flats**
- 

### **Policy application**

- 3.74 The requirement to provide 33% family-sized units (3 or more bedrooms) will be applied with some flexibility. For example, the City Council may accept a lower level of family accommodation where the proposed housing is located in a very busy, noisy environment. Where the required proportions do not result in a whole number, then the City Council will expect that number to be rounded up or down to the nearest whole number according to usual conventions.

### **Reasons**

#### **Seeking a range of housing sizes**

- 3.75 The main trend affecting the size of housing in the City has been the trend towards smaller households. In 1951 the average household size in the City was 2.4 people per household. In 2001 it was 1.92 people compared with 2.35 in Greater London as a whole.
- 3.76 In 2016 it is projected to be unchanged at 1.92 people. The City's households contain relatively few children. For example, in 2001 only 17% contained children under 15 years of age, compared with 29.5% for Greater London as a whole. However, the number of children in the City is expected to increase and the Council wants to encourage more families

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to stay and move into Westminster by providing more family-sized housing. The City Council's Housing Needs Survey (2001) showed that of those households who wished to move, 37% preferred properties of 3 or more bedrooms.

- 3.77 Developers often prefer to provide housing units of only one or two bedrooms. However, a range of housing sizes is necessary to ensure larger households, especially families, will not lose the chance to live in the City. A wide range of units of different types and sizes, including some larger houses, will provide flexibility in the City's housing. It will then be possible to cater for a wide range of household types and sizes if the present trend towards smaller households changes. If the trend continues, a flexible housing stock will allow for increased space standards or shared use by a number of small households.
- 3.78 The City Council wants to encourage families to live in Westminster and therefore puts emphasis on providing larger family-sized units (4 or more habitable rooms, providing 3 or more bedrooms). The City Council will expect 33% of new units to be family sized and 5% of these family units to have 5 or more habitable rooms. However, there will be occasions when a lower amount of family housing will be appropriate.

### **Family accommodation**

- 3.79 In some areas of Westminster the housing stock has hardly changed since it was first built. The continued use of these properties as family homes gives these areas a unique charm and character. When properties are converted to smaller dwellings this character is lost and the level of activity in the area often increases. This creates problems, such as a shortage of on-street car parking. It also reduces the supply of traditional family accommodation. The City Council has identified six areas of Westminster - Pimlico, Belgravia, Knightsbridge, Bayswater, Queen's Park and St John's Wood - where there are many family-sized houses which have not been converted and should be protected (see Proposals Map and Maps 3.1 – 3.5). In Pimlico and Knightsbridge this protection will also cover houses which remain unconverted above basement level.
- 3.80 These six areas cover the main concentrations of family housing and include about 40% (4,500 homes) of the total amount of family housing in Westminster. This is less than 5% of the total housing stock. The areas also include flats and particularly in the two largest areas, Pimlico and St. John's Wood that contain substantial numbers of flats. The family houses vary enormously in size from small two storey terraced properties in Queen's Park to large detached houses with gardens in St John's Wood. In the case of very large houses (over 400 sqm) in these areas, where the applicant can prove that they are not viable as a single family dwelling, the Council will consider proposals for conversion to flats provided that some family-sized accommodation is still provided in line with policy H 5 (B).

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- 3.81 Elsewhere, the City Council will take into account the number of similar houses in the street and the character of the surrounding area when considering applications to convert houses. The City Council accepts that in cases of very large houses (over 400 sq.m.), the demand for these as single properties may be limited so their conversion to smaller units may be acceptable.

### **Conversions of existing housing**

- 3.82 The cumulative effect of conversions has damaged residential amenity in parts of the City. In particular, the damage arises from the loss of family housing and the increased pressure on the limited supply of on-street parking. Residential conversions are therefore subject to control and will be expected to meet all of the Plan's requirements just like any other housing development. Particular care will be taken to make sure that new conversions do not put too much pressure on on-street parking. The very high number of conversions that the City Council has allowed in the past means that there are only a few houses still available for conversion to self-contained flats. The number of extra units that residential conversions can provide is therefore limited.

## **HOSTELS AND SPECIAL NEEDS HOUSING**

### **Aim**

- 3.83 To ensure there is enough hostel and special needs housing to meet needs.

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## **POLICY H 6: HOSTELS AND SPECIAL NEEDS HOUSING**

### **(A) The City Council will grant planning permission for hostels or special needs housing which:**

- 1 meets the needs of institutions and employers within the City**
- 2 specifically requires a Westminster location**
- 3 is required to meet a special housing need**

### **(B) In considering proposals for hostels or special needs housing, the City Council will take into account:**

- 1 the concentration of existing hostels or special needs housing in the local area**
- 2 the potential impact on the residential amenity of the surrounding area**

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### **3 the suitability of the building or site**

### **4 the suitability of the proposed accommodation for the intended residents**

### **5 the proximity to bus and pedestrian routes, shops and other local services**

### **(C) Planning permission will only be granted for the change of use of hostels to housing. The existing hostel must be surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location.**

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#### **Reasons**

- 3.84 Hostels and special needs housing help to fill the increasing gap between the social housing sector and the private sector and allow some households to access the social housing sector. They add to the mix and range of housing to meet the needs of a diverse work force and population and create mixed communities. They also provide housing that helps the City Council meet its responsibilities to provide housing for those who are particularly vulnerable or who depend on care and support services.
- 3.85 Hostels are a 'Sui Generis' use. Therefore, to change a hostel to any other materially different use needs planning permission. Changing an existing hostel to a different type of hostel may therefore also need planning permission, depending on the character and impact of the existing and proposed hostel uses. There are generally two forms of hostels in Westminster:
- a) those that cater for workers or students
  - b) those that cater for those with special housing needs
- 3.86 Where a hostel or other form of accommodation provides a significant element of care, it is likely to fall within the C2 Use Class (Residential Institutions). This policy deals with both hostels and special needs housing (C2 uses).

#### **Hostels**

- 3.87 There are many institutions such as hospitals and higher education establishments in the City. Some of these provide hostel accommodation but more usually students and nurses have to find their own homes, often in the private rented sector. This often costs much more than hostel accommodation and adds to the difficulties of people trying to find permanent housing in the City. A shortage of hostel accommodation can

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create difficulties for the institutions themselves. The City Council believes that these institutions should make every effort to ensure that they provide enough accommodation. The City Council will consider a case for rationalising hostel accommodation by institutions where they can demonstrate through the use of a coherent strategy that alternative facilities are being provided elsewhere.

- 3.88 Care must be taken over the location of hostels, to prevent over-concentration that might damage the character of the local environment. New hostels will be allowed, subject to their impact on residential amenity, such as noise and safety, and the number of other hostels within the area and the suitability of the location and building for the proposed hostel. Conditions may therefore be attached to a planning permission for one type of hostel to prevent its being changed to a different type of hostel at a later date as different hostels can have different impacts on amenity. This is to protect residential amenity and to reflect any special circumstances that have justified the development of a hostel for specific occupiers. The building or site must be suitable for the proposed use (for example, it may not be appropriate to use a listed building as a hostel) and the proposed accommodation must be suitable for the intended occupants.

### **Special needs housing**

- 3.89 Other types of housing can provide important facilities for people who have special needs. The City Council publishes yearly estimates of housing need for special needs groups and will refer to these in addition to information provided by applicants in considering proposed special needs housing. The City Council has published Supplementary Planning Guidance for Special Needs Housing (May 1999) that covers hostels and housing where a significant element of care is provided to residents. This guidance provides further information on the types of special needs housing required and the criteria used by the City Council in assessing applications for this sort of development. It will refer to this guidance in considering proposals for special needs housing. Such uses should be located close to local facilities and public transport facilities, as occupants are likely to be less mobile than residents in self-contained flats and houses. This housing will fall within the C2 or C3 (Dwelling houses) Use Class. Proposals for development within the C3 class will be considered in the same way as normal housing. Proposals for developments within the C2 class will be considered using the policy above.

### **Redevelopment or conversion of hostels**

- 3.90 Under the priorities set out in Part 1, since hostels are a form of housing, the only acceptable alternative use of existing hostels is as housing and the City Council will not allow proposals to change them to any use except housing. This includes hostels that were formerly used as hotels. The policy on affordable housing (H 4) will be applied to proposals to convert

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or redevelop hostels for housing in the same way as it is applied to other housing developments.

- 3.91 The City Council is anxious to retain hostels but recognises that hostels do become surplus to requirements. The City Council will require the developer to demonstrate that the hostel is not required by the current occupier and that it has been marketed as a hostel in order to prove that it is surplus to requirements. In these cases, the City Council will consult hostel operators to see whether there is demand for the use of the hostel and whether funding would be available to purchase the hostel at a price that reflects the hostel use. If there is clear demand and funding for a hostel to be kept in use as a hostel, then the City Council will refuse proposals for its conversion or redevelopment to housing use. Where there is no demand from the existing operator or another hostel operator, then the City Council will allow it to be converted or redeveloped for housing.

### **TO PROTECT HOUSES IN MULTIPLE OCCUPATION**

#### **Aim**

- 3.92 To prevent the conversion of bedsits and similar forms of accommodation to flats.

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### **POLICY H 7: TO PROTECT HOUSES IN MULTIPLE OCCUPATION**

**Planning permission involving the loss of HMO / bedsit accommodation will not normally be granted where the existing accommodation complies with, or is capable of complying with, the requirements of the relevant Housing and Environmental Health legislation.**

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#### **Policy application**

- 3.93 Where a listed building is in use as an HMO, or is currently vacant but was last in use as an HMO, alterations to upgrade the HMO may have an impact on the fabric of the listed building. Where such alterations are detrimental to the listed building the City Council will consider an appropriate reduction or configuration of units to allow for some self contained units to protect the listed building. Where an HMO is in a designated family housing area, the City Council will favourably consider change to a single family dwelling house.



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### Reasons

- 3.94 Houses in multiple occupation provide a source of less expensive market housing within the City. In 1999, the City Council commissioned a study to provide information on the role of HMOs in the City and this found that HMOs provide an affordable source of housing mainly for the young and lower-income households. Over half of the occupants of bedsits were in employment and one third of those in full-time employment earned less than £200 per week. The average rent paid was about £90 per week compared to an average figure of £175 for studio flats and £278 for one-bedroom flats.
- 3.95 The City Council will therefore resist the loss of this accommodation through conversion to self-contained flats that command much higher levels of rent, even where the accommodation may have been empty for some time or is currently of poor quality. The replacement of HMO/bedsit accommodation with another form of affordable housing is likely to be acceptable. The City Council will use its powers under Environmental Health legislation to ensure that the accommodation is brought up to a satisfactory standard. This may result in a reduction in the number of bedsits within an HMO. In considering planning applications made to comply with enforcement under Environmental Health legislation, the City Council may accept the conversion of bedsits in the basement and ground floors to self-contained flats where there is inadequate daylight, but will require the retention of the non-self-contained accommodation on the upper floors.

## PROVISION OF HOMES FOR LONG TERM NEEDS

### Aim

- 3.96 To ensure a supply of suitable housing to meet a wide range of housing need.

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## POLICY H 8: PROVISION OF HOMES FOR LONG TERM NEEDS

**The City Council will expect all new housing units to meet the Lifetime Homes Standard. In all housing developments of 25 or more dwellings, the Council will require that 10% of the units should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.**

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### **Policy application**

- 3.97 Where affordable housing is provided as part of a development, the 10% wheelchair housing will be applied to both the market and affordable housing elements of the development. Where the 10% does not result in a whole number, the City Council will expect that number to be rounded up or down to the nearest whole number according to usual conventions. Dedicated off-street parking places must be provided in association with these units.

### **Reasons**

- 3.98 PPS 3 states that local planning authorities should ensure that a wide choice of housing types is available to meet the needs of all members of the community. The London Plan states that all new housing should be built to Lifetime Homes Standards (policy 3A.4), and that 10% of all future housing provision should be suitable or easily adapted for wheelchair users. This is in order to redress the severe shortage of accessible housing in London, and to help create more balanced and inclusive communities.
- 3.99 The City Council's Housing Needs Survey (2001) estimated that nearly 10% of households in Westminster contain somebody with a disability. The most common form of disability was those with a walking difficulty, affecting around 5% of all households. 10% of these households contained someone who was a wheelchair user of some kind, suggesting around 1,300 households in Westminster as a whole. Together, these totalled some 9% of the resident household population. The 1998 Labour Force Survey estimated that some 15,000 Westminster residents were claiming some form of state benefit because of their physical disability. The number of households containing a disabled person is likely to increase as people live longer and want to stay in their own homes for as long as possible.
- 3.100 The 'Lifetime Homes Standard' is defined in the 1999 Joseph Rowntree publication 'Meeting Part M: Designing Lifetime Homes' (available on [www.jrf.org.uk](http://www.jrf.org.uk) ). The Mayor of London / Habinteg publication 'Lifetime Homes – Living Well Together' (2003) offers advice as to how the standard can be achieved. This document and the 16 Lifetime Homes standards can be viewed on [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk) . Advice is also contained in the DCLG's good practice guide 'Planning and Access for Disabled People' (2003).
- 3.101 Lifetime Homes are homes designed for people to remain in for as much of their life as possible. The Lifetime Homes Standard is designed to provide housing that is more flexible and adaptable than that required under Part M of the Building Regulations and so is more suitable for older or disabled people. They are designed so that as people move through the life cycle from school age to adulthood, parenthood, retirement and

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old age, their home is adaptable enough to meet their changing requirements. Only a little extra thought and care is required in housing design to add the flexibility and adaptability needed for long term needs.

- 3.102 Building Regulations now require new dwellings to have access and facilities for disabled people. The requirements of these Building Regulations, known as Part M, will be met where it is reasonably safe and convenient for disabled people to “visit new dwellings and to use the principal storey. The provisions are expected to enable occupants to cope better with reducing mobility and to ‘stay put’ longer in their own homes, although not necessarily to facilitate fully independent living for all disabled people” (Part M, 1999). London Plan policy 4B.5 ‘Creating an inclusive environment’ states that “boroughs should require development proposals to include an Access Statement showing how the principles of inclusive design, including the needs of disabled people, have been integrated into the proposed development...”.
- 3.103 The new Building Regulations only apply where “a building is newly erected, or has been substantially demolished to leave only external walls” (paragraph 0.1 Part M 1999). They do not apply to the conversion of existing houses into flats or the change of use of buildings which in the City is an important source of housing provision, accounting for about 20% of new housing in recent years. In view of this, the City Council will encourage all proposed new dwellings to meet the Lifetime Homes Standard, but recognises that in some instances, particularly those involving conversions, this may not be feasible.

### **SITES FOR GYPSIES**

#### **Aim**

- 3.104 To set out the criteria for sites for gypsies.
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### **~~POLICY H 9: SITES FOR GYPSIES~~**

**~~Planning permission for gypsy sites may be granted subject to the impact on residential amenity, townscape, traffic and parking.~~**

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#### **~~Policy application~~**

- 3.105 The City Council will have regard to Circular 1/94: Gypsy Sites and Planning in assessing proposals for permanent and temporary gypsy sites. Particular regard will be paid to potential impact on residential amenity, townscape, traffic and parking. Should a proposal for a gypsy

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site be likely, applicants are advised to contact the City Council at an early stage.

### Reasons

- 3.106 Circular 1/94 and the London Plan requires that local authorities consider the need to provide for gypsies within their area and include policies to this effect in their development plans. The DCLG's annual 'Counts of Gypsy Caravans' shows that there have not been any gypsy sites in Westminster since at least 1993. Whilst the City Council recognises the special housing needs of gypsies, it is considered that, in light of the densely built-up nature of Westminster and scarcity of vacant land, there are no suitable permanent sites for designation in the UDP. Temporary sites may become available as part of the redevelopment process and will be considered under the above criteria.

## PROVISION OF GARDENS AND COMMUNITY FACILITIES

### Aim

- 3.107 To ensure that large housing developments provide sufficient garden space for their residents and meet the need for community facilities.
- 

## POLICY H 10: PROVISION OF GARDENS AND COMMUNITY FACILITIES

- (A) As part of housing developments, the City Council will normally expect the provision of amenity space. Outside the CAZ, this will normally include the provision of open space.**
- (B) On sites suitable for large housing developments, the City Council will require in appropriate circumstances the provision of a community facility as part of the development.**
- 

### Reasons

- 3.108 It is important that the City continues to be a pleasant place to live for current and future residents. New housing developments must create attractive environments in which people would choose to live.

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- 3.109 Large housing developments bring a welcome increase in the resident population. However, such increases can stretch local facilities and services. For example, large increases in population means more demand for:
- a) Open space or play space
  - b) Local shops
  - c) Health facilities
  - d) School facilities
  - e) Other community facilities for the benefit of residents

### **Open Space**

- 3.110 The City Council will expect the provision of gardens for use by residents of new housing developments. Inside the CAZ, where there is no existing garden space, this can be met by the provision of balconies and roof gardens, subject to satisfactory design and amenity issues such as overlooking to adjoining properties. These should be provided for one quarter of the proposed number of dwellings and should be provided mainly in association with the family sized units. Communal gardens will be equally acceptable where they are secure by design and in keeping with the character of the area. The City Council accepts that it will not be appropriate for balconies or roof gardens to be provided in some cases, for example, on a listed building, or where a straightforward change of use or conversion is proposed with no external alterations.
- 3.111 Outside the CAZ, as well as the provision of balconies and roof gardens, the City Council will expect the provision of gardens in association with the ground floor dwellings, which should be family sized units. The City Council will normally expect the gardens to be sufficiently large to allow for a usable play area of at least 9 square metres for each ground floor unit. In the defined priority areas for additional public open space, the City Council will be particularly concerned that these gardens are provided.
- 3.112 The City Council recognises that there may be occasions where the provision of gardens in a redevelopment may not be possible. Provisions of gardens may also conflict with conservation area objectives. However, in these cases it may be that tree planting and landscaping could contribute to amenity value. The provision of private garden space will be in addition to the provision of children's play space required in association with large housing developments set out in policy SOC 6. For student accommodation, garden space would not normally be required. However, appropriate indoor facilities should normally be provided.

### **Community Facilities**

- 3.113 Where the amount of housing is likely to be 50 or more units, the City Council will require, when appropriate, the provision of community facilities for local residents in association with the development and some public access to private facilities provided as part of the development in

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line with policy SOC 1. The City Council will have regard to Circular 1/97: Planning Obligations in seeking these facilities. In some cases a financial contribution proportionate to the size of the development, rather than provision, may be an acceptable alternative and will be appropriate where:

- a) it funds the upgrade of existing facilities and
- b) where there are a number of developments in an area and each contributes to a share of the cost of community facilities

3.114 Examples of community facilities are given in paragraph 6.2 of the Social & Community Facilities chapter. Developers should design new facilities so that they can be used for a range of community facilities. Where the City Council prepares a planning brief for a site, it will detail the range of facilities it requires as part of the development. These facilities will be treated as a planning benefit (see policy STRA 7) and will be sought when:

- a) the area around the development site lacks community facilities
- b) the impact of a development proposal is likely to create a demand for a particular type of community facility

## CONTROLLING HOUSING DENSITY

### Aim

3.115 To control the density of new housing developments.

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## POLICY H 11: CONTROLLING HOUSING DENSITY

**(A) The density of housing development should conform to the ranges of the Zones shown on the Proposals Map**

<b>Zone 1:</b>	<b>400 – 850 hr/ha</b>
<b>Zone 2:</b>	<b>250 – 500 hr/ha</b>
<b>Zone 3:</b>	<b>200 – 350 hr/ha</b>
<b>Zone 4:</b>	<b>120 – 350 hr/ha</b>

**(B) Proposals for new housing developments that are above the density ranges shown on the Proposals Map may be granted permission if they are close to public transport facilities and open space and meet complementary policies, particularly:**

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- 1 townscape and design policies**
  - 2 residential amenity, including daylighting and sunlighting controls, for existing residents and new residents in the proposed housing**
  - 3 off street parking spaces, the mix of housing units including family housing and affordable housing and garden space**
  - 4 the desirability of maintaining any special feature of the urban fabric in any area.**
- 

### Reasons

- 3.116 An important aspect of the residential environment is the density of housing development. Density is a measure of the intensity of housing use and can be used to control the size and bulk of buildings. Density standards can be a useful tool for housing development in order to protect local character and to assist developers in preparing their proposals. However, density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme. The City Council is generally more concerned that proposed developments meet other policies in the plan than the measure of their housing density. Density is calculated using the formula:

$$\text{Density (habitable rooms per hectare )} = \frac{\text{number of habitable rooms}^2}{\text{residential site area in hectares}}$$

(hr/ha)

- 3.117 The City Council will control the density of housing developments to achieve a balance between the need to make the most use of housing land and to make sure that new housing development provides a satisfactory residential environment. The City Council has divided the City into four zones. These zones are shown on the Proposals Map and on Map 3.6. Policy H 11 (A) sets out a range of appropriate densities for each zone, with overlap between the ranges to allow for flexibility.
- 3.118 Housing developments with higher densities than are indicated in the four zones may be acceptable if they are close to public transport facilities (i.e. walking distance), open space and accord with other policies. The City Council is unlikely to refuse permission for housing schemes that exceed the density provided the schemes conform to all other UDP policies.

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<sup>2</sup> Habitable rooms include all living rooms, bedrooms and kitchens if they are more than 12.5 sqm. Bathrooms, toilets, landing and lobbies are excluded. Site area is calculated by including half the width of the adjoining road(s) to a maximum of 6m.

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There are a number of particularly important policies that higher density schemes must meet to be acceptable and these are set out in the policy.

- 3.119 The London Plan has a general upper density range of 1100 hr/ha. The UDP allows for densities to meet or exceed this figure where the circumstances of the site, its surroundings, and the development in question make such a density feasible. Sites at public transport nodes or in other areas with good access to public transport may be suitable for higher levels of density, depending on amenity and design considerations.
- 3.120 In the specific case of Zone 4, St John's Wood, existing densities are, in places, as low as 120 hr/ha. The spaciousness of these parts is considered to be fundamental to the character of the area, much of which is a conservation area, which new development will need to respect.



### Appendix 3.1

#### **Housing Sites of less than 50 units identified by the City Council where on-site affordable housing has been required**

- A3.1 Schedule 1(a) in the UDP identifies residential or residential-led mixed use development sites of 50 and over units that have been granted planning permission. These sites either included affordable housing or have made a financial contribution in lieu of on-site provision of the affordable housing. Schedules 1(b-c) identify commercial led schemes. Where these sites also included housing and the number of units exceeded 14 units, then affordable housing or a financial contribution was also secured. During the plan period, other sites will emerge and housing and affordable housing will be sought on these windfall sites in accordance with the policies set out in the UDP.
- A3.2 The list below identifies those sites of less than 50 units that the City Council considers likely to be developed during the Plan period where affordable housing has been required in line with UDP policy. It does not include sites that already have planning permission but no affordable housing, either because the planning permission preceded the policy or because it was agreed to accept a financial contribution instead of on-site affordable housing. It does not include sites that had been completed prior to May 2005.
- A3.3 The City Council's experience is that many other already developed sites will come forward for development during the plan period. These sites will be expected to provide for affordable housing in accordance with policy H4. National guidance recognises that it is difficult to identify specific sites which will become available for development in this way.

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### Appendix 3.1 Continued:

#### Housing Sites of less than 50 units identified by the City Council where on-site affordable housing has been required

Ref No.	Site	Proposed Residential Units	Proposed affordable housing units	Applicant/ Agent	Status
1	Council Cleansing Depot, 50 Page Street SW1	32	10	City Council (Corporate Property Group)	Outline permission granted 3/10/02
2	591-595 Harrow Road, 2-8 St John's Terrace and 364-374 Ladbroke Grove, W10	12	3	City of Westminster (Corporate Property Group)	Planning permission granted 28/3/02. Under construction.
3	427-429 Harrow Road, W10	28	8	Lawfords Ltd	Planning permission granted 8/1/04
4	11-35 Headfort Place and 10-14 Montrose Place SW1	23	8	Grosvenor Limited	Agreed by committee 1/4/04
5	37-67 Baker St, W1	32	10	M&S plc	Agreed by committee 27/5/04
6	Land at rear of Grove Hall Court, Hall Road, NW8	15	2	Daejan Investments (Grove Hall) Ltd	Planning permission granted 29/7/04
7	43-55 Mortimer Street, 55-58 Wells Street and 20-34 Great Titchfield Street, W1	26	7 (plus £178,750)	Great Portland Estate	Agreed by committee 28/04/05

Source: City of Westminster residential pipeline – July 2004, updated May 2005

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### Appendix 3.2

#### Examples of financial contributions to affordable housing.

In all examples, the £ 134,000 in the final line is the relevant proportion of the Housing Corporation TCI valid for 2006/7, which will be reviewed annually (see para 3.52).

**Contributions will be rounded up or down to the nearest £1,000 according to the usual conventions.**

**Example 1:**

**Location:** inside the Central Activities Zone, not in a high value area (Map 3.7).

**No of additional units:** 40.

- No of affordable housing units sought on site: 12 (30% - para 3.41; Table 3.1).
- Therefore, number of market units would be: 28.
- Making a financial contribution will enable the number of market units to be increased from 28 to 40, an increase of 42.9%.
- Total payment is therefore:  $12 \times £134,000 \times 1.429$ , amounting to £2,297,832

**Rounded sum sought: £ £2,298,000.**

**Example 2:**

**Location:** inside the Central Activities Zone, within a high value area (Map 3.7).

**No of additional units:** 18.

- No of affordable housing units sought on site: 4 (in 10% to 30% stepped range - para 3.41; Table 3.1).
- Therefore, number of market units would be: 14.
- Making a financial contribution will enable the number of market units to be increased from 14 to 18, an increase of 28.6%, to be uplifted by a further 33.3% because site is within a high value area (see para 3.53).
- Total payment is therefore:  $4 \times £134,000 \times 1.286 \times 1.333$ , amounting to £918,832.

**Rounded sum sought £919,000.**

**Example 3:**

**Location:** outside the Central Activities Zone etc., site with low existing use value.

**No of additional units:** 30.

- No of affordable housing units sought on site: 15 (50% - para 3.42 (b); Table 3.2).
- Therefore, number of market units would be: 15.
- Making a financial contribution will enable the number of market units to be increased from 15 to 30, an increase of 100% (x 2.0).
- Total payment is therefore:  $15 \times £134,000 \times 2.0$ , amounting to £4,020,000.

**Sum sought: £4,020,000.**

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### Appendix 3.2 continued

#### **Example 4:**

**Location:** outside the Central Activities Zone etc., site with low existing use value.

**No of additional units:** 14.

- No of affordable housing units sought on site: 4 (in 10% to 50% stepped range - para 3.42 (b); Table 3.2).
- Therefore, number of market units would be: 10.
- Making a financial contribution will enable the number of market units to be increased from 10 to 14, an increase of 40%.
- Total payment is therefore:  $4 \times £134,000 \times 1.4$ , amounting to £750,400.

**Sum sought: £750,000.**

#### **Example 5:**

**Location:** outside the Central Activities Zone etc., not a site with low existing use value.

**No of additional units:** 58.

- No of affordable housing units sought on site: 25 (in 30% - 50% stepped range - para 3.42(c); Table 3.3).
- Therefore, number of market units would be: 33.
- Making a financial contribution will enable the number of market units to be increased from 33 to 58, an increase of 75.8%.
- Total payment is therefore:  $25 \times £134,000 \times 1.758$ , amounting to £5,889,300.

**Rounded sum sought: £5,889,000.**

#### **Example 6:**

**Location:** outside the Central Activities Zone etc., within a high value area (Map 3.7).

**No of additional units:** 12.

- No of affordable housing units sought on site: 2 (in 10% to 30% stepped range - para 3.42(c); Table 3.3).
- Therefore, number of market units would be: 10.
- Making a financial contribution will enable the number of market units to be increased from 10 to 12, an increase of 20%, to be uplifted by a further 33.3% because site within a high value area (see para 3.53).
- Total payment is therefore:  $2 \times £134,000 \times 1.2 \times 1.333$ , amounting to £428,693.

**Rounded sum sought: £429,000.**