


Details of Leadership Team meeting or (in the case of individual Lead Member or Executive Director decisions) by whom and the <u>earliest</u> date the decision will be taken	Leadership Team meeting 7 July 2021 Date of report: 25 June 2021 Date of decision (i.e. not before): 7 July 2021	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Forward Plan ref:	05936/21/K/A	
Report title	Kensal Canalside SPD – Adoption	
Reporting officer	Sue Harris, Executive Director for Environment and Communities	
Key decision	Yes	
Access to information classification	Public	
Wards	Dalgarno	

1. EXECUTIVE SUMMARY

- 1.1. This report seeks a key decision to adopt the Kensal Canalside Opportunity Area Supplementary Planning Document (“KCOA SPD”). The KCOA SPD provides further detail and guidance on the policies contained in the Council’s adopted Local Plan and the London Plan, 2021. It will be a material planning consideration in respect of any future planning application on the site.
- 1.2. The KCOA SPD has been prepared to guide the delivery of the Opportunity Area ahead of planning applications being submitted by developers.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Leadership Team agrees to adopt the Kensal Canalside Opportunity Area Supplementary Planning Document.

3. REASONS FOR DECISION

- 3.1. Supplementary Planning Documents (SPDs) build upon policies in our Local Plan and the London Plan, 2021. The KCOA SPD builds upon the site allocation for the Kensal Canalside Opportunity Area - policy CA1 in particular.

4. BACKGROUND

- 4.1. Kensal Canalside Opportunity Area is allocated within the London Plan as one of 48 Opportunity Areas within London. The RBKC Local Plan allocates the site for the delivery of a minimum of 3,500 homes and 2,000 jobs. The site is located in the north of the Borough near the boundaries with the London Borough of Brent and the Old Oak and Park Royal Development Corporation (OPDC). The site consists of two areas, north and south of the railway line. The boundaries consist of the canal and Kensal Green Cemetery to the north, the Dalgarno estates to the south, the railway line to the west and Ladbrooke Grove to the east. It is a c14-hectare site, the majority of which is owned by the following landowners:

- Sainsbury's Supermarkets Ltd
- Ballymore Group
- National Grid/ St William Homes LLP
- Department for Transport
- Royal Borough of Kensington and Chelsea

- 4.2. Kensal Canalside is the largest remaining brownfield development site in the Borough and would deliver at least 7 years of the Council's housing delivery target. Its development is required to ensure we meet the housing and the built environment needs of the Borough as set out in the Local Plan.

- 4.3. A number of documents accompany the draft Kensal Canalside Opportunity Area SPD. These include:

- Baseline Document
- Development Infrastructure Funding Study (DIFS)
- Strategic Transport Study
- Junction Study
- Bridge Study and Addendum
- Strategic Environmental Assessment (SEA) – see 6.7 below
- Strategic Environmental Assessment (SEA) Non-technical report
- Development Capacity Scenarios Study
- Creative and Civil Society Sectors Workspace Strategy
- Equalities impact Assessment – see 9 below
- Schedule of responses to consultation
- Consultation Statement

- 4.4. The Kensal Canalside Opportunity Area Supplementary Planning Document provides additional guidance on the application of Development Plan policies for the comprehensive redevelopment of the site. The SPD will be a material planning consideration in the assessment of any scheme within the Kensal Canalside Opportunity Area.
- 4.5. The draft SPD was taken to the Environment Select Committee on 20 April 2021 and two principal recommendations were made. The first regarding tall buildings and their assessment using the Council's Building Height SPD (September 2010). This was adopted prior to the Kensal Canalside site being designated as an Opportunity Area in the London Plan and with regard to this aspect is outdated. The latest Development Plan policy guidance is contained within the London Plan (March 2021) and Policy D9 relating to tall buildings. The draft Kensal Canalside Opportunity Area SPD has been aligned with London Plan policy D9, which will be the policy against which the impact of tall buildings on the site will be assessed. In relation to very tall buildings (those over 20 storeys) it was recommended that they may not be appropriate for certain housing tenures such as social housing or family accommodation and that the homes provided at the Kensal site reflect the housing needs of the borough. The second recommendation was to ensure that the SPD is more easily readable online. Upon adoption the SPD will be uploaded to the Council website in an accessible format.

5. OPTIONS, ANALYSIS AND PROPOSALS

- 5.1. The following options are available to the Leadership Team for consideration:
 - A. Adopt the KCOA SPD attached in Appendix 1; or,
 - B. Adopt the KCOA SPD with any further changes that the Leadership Team sees fit; or,
 - C. Not adopt the KCOA SPD and rely on policies within the Local Plan 2019 to determine relevant planning applications.
- 5.2. It is recommended that the Leadership Team either adopt the KCOA SPD in its entirety as attached at Appendix 1 (Option A) or alternatively adopt the SPD with any further changes that the Leadership Team sees fit (Option B). This will ensure that, were a planning application to be submitted on the site, the SPD will be a material planning consideration.

6. CONSULTATION AND COMMUNITY ENGAGEMENT

- 6.1 Individuals, residents' associations and other organisations were invited to three stages of engagement to inform the emerging Draft SPD prior to the six-week formal engagement period commencing. A detailed breakdown of these stages can be found in the Regulation 12 Consultation Statement, available alongside the Draft SPD.

- 6.2 The Local Planning Authority, in collaboration with ICENI, conducted a 'Kensal Canalside community weekend' over 12 and 13 July 2019 with the purpose of sharing knowledge and obtaining feedback to inform the emerging KCOA SPD. These workshops were promoted through handing out a total of 6,848 leaflets from Sainsburys and Ladbroke Grove, via social media, direct emails to key stakeholders and an advert in the North Kensington News. A total of 40 people attended these workshops.
- 6.3 The Council's Statement of Community Involvement commits to a minimum of six-week statutory consultation period for Supplementary Planning Documents. This consultation was undertaken from 12 April 2021 to 24 May 2021 through publication on the Council's website. A direct mail out was sent to those on the Planning Policy database (which includes approximately 2500 residents' associations, individuals, planning agents, statutory consultees and other stakeholders) and hard copies were available upon request. The consultation and all other information and updates on the SPD and community engagement were made available on the Kensal Canalside Opportunity Area website.
- 6.4 The Council received 53 responses during the statutory consultation period, which can be found, along with the Council's responses, in Appendix 2.
- 6.5 Concerns with the draft SPD are summarised below. These are listed below, with a brief response.
- A. Concerns over connectivity, public transport and the Elizabeth Line station
 - B. Concerns around the environmental impact of development on the site
 - C. Road traffic concerns
 - D. Concerns over the reference to tall buildings and site capacity
 - E. Supermarket and the re-provision of parking
 - F. Resistance to a cycle route north through the listed Kensal Green cemetery due to its impact on the cemetery and the impact of development on the cemetery and its setting.
- 6.6 The SPD responds to each of the comments above as follows:
- A. The SPD has been amended to clarify the expected contributions to the underground network to ensure that capacity is managed. In addition to this, further detail has been included to ensure the appropriate re-provision of bus stands, in line with Transport for London (TfL) representations. The Elizabeth Line Station is not coming forward as part of the SPD but an area has been reserved if it comes forward in the future.
 - B. To address concerns on the environmental impact of this development, the SPD has been amended to reference guidance in the adopted Greening SPD that sets expectations for developers with regards to the best possible standards to reduce harmful carbon emissions.
 - C. The SPD has been amended to include text that explains the Council's local network traffic model, audited and approved by TfL, that will be used to assess any forthcoming development proposals.
 - D. The SPD has been amended to clarify how tall buildings will be assessed in line with London Plan Policy D9 – Tall Buildings.

- E. Clarification has been added to confirm that parking is to be located below the reprovided supermarket.
- F. The SPD has been amended to clarify the importance of the cemetery and require that any application includes a Statement of Heritage Significance as well as a Heritage Impact Assessment. This would include the impacts of any proposed route through the cemetery and any appropriate mitigation.

Strategic Environmental Assessment

- 6.7 The Council have conducted a Strategic Environmental Assessment (SEA) process (Appendix 3). The SEA draft report made a number of recommendations for the SPD which are addressed in the final report. This process has been subject to consultation with the statutory consultation bodies specified in the Environmental Assessment of Plans and Programmes Regulations 2004. The final Report and non-technical summary (Appendix 5) will be published alongside the SPD.

7. LEGAL IMPLICATIONS

- 7.1. The Planning and Compulsory Purchase Act 2004 (PCPA) makes provision for local planning authorities to prepare and adopt Supplementary Planning Documents (SPDs). SPDs are non-statutory documents that form part of the Council's Local Development Framework (LDF) and which provide further detailed guidance on policies contained within the development plan, which in this Borough comprises the London Plan 2021 and the Council's Local Plan 2019. Once adopted, the SPD will be a material consideration in the determination of planning applications relating to the Kensal Canalside Opportunity Area.
- 7.2. Section 23 of the PCPA states that a local planning authority may adopt an SPD either as originally prepared or as modified to take account of any representations received or any other matter it considers relevant. Section 24 of the PCPA states that the SPD must be in general conformity with (amongst other things) the spatial development strategy. As an SPD is not subject to independent examination, it is for the Council to decide whether this is the case.
- 7.3. SPDs must be prepared and adopted in accordance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations). Regulation 13 requires the Council not to adopt an SPD until it has considered any representations made on it and prepared a statement setting out a summary of the main issues raised in the representations and how these issues have been addressed in the SPD. If the SPD does not comply with the Regulations, the Secretary of State may direct the Council not to adopt the SPD. The body of this report confirms compliance with the relevant public consultation and engagement requirements.
- 7.4. Counsel's advice has been sought on the contents of the KCOA SPD. As a result of Counsel's advice received, the draft SPD has been amended to align more closely with the London Plan.

7.5. In accordance with Regulations 11(2)(c) and (d) of the Regulations, any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review. Any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

8. FINANCIAL, PROPERTY, IT AND ANY OTHER RESOURCES IMPLICATIONS

8.1. There are no anticipated financial implications related to the recommendations contained within this report.

9. EQUALITIES IMPLICATIONS

9.1 An Equalities Impact Assessment (EqIA) accompanies this report at Appendix 4. The SPD has been identified to have either a neutral or positive impact on all protected characteristics.

Amanda Reid
Director of Planning and Place

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

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Mandatory clearance requirements for all Key and Executive Decision reports

Cleared by <u>Corporate</u> Finance (officer's initials)	LV
Cleared by Director of Law (officer's initials)	LB
Cleared by Communications (officer's initials)	KT