

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PUBLIC REALM SCRUTINY COMMITTEE
11 December 2018**

REPORT BY COUNCILLOR WILL PASCALL

LEAD MEMBER FOR STREETS, PLANNING AND TRANSPORT

CURRENT ISSUES

The following are matters of current and future business. I can provide additional information at the Committee meeting if requested.

FOR CONSIDERATION AND COMMENT

PLANNING AND BOROUGH DEVELOPMENT

1 PLANNING POLICY TEAM

1.1 Local Plan Partial Review

Topics

The Council is undertaking a Partial Review of its existing¹ Local Plan to ensure it is up-to-date and fit for purpose. It covers the following topics:

- Vision and objectives
- Places
- Site allocations
- Infrastructure and planning contributions
- Planning enforcement
- Shops and centres
- Business uses
- Arts and cultural uses
- Hotels
- Rail infrastructure
- Archaeology
- Housing
- Gypsy and Traveller accommodation
- Climate change
- Flooding and drainage
- Waste
- Air quality
- Impact assessments

¹ www.rbkc.gov.uk/planningpolicy

Timetable

The Local Plan Partial Review is at an advanced stage of preparation. The LPPR was submitted to the Secretary of State for examination in May 2017. The Examination hearings started on 27 February as set out below. The remaining portion of the timetable is set out below:

- **Examination Hearings: 27 and 28 February, and the 1, 2, 15 and 16 March 2018**
- **Interim Findings Letter from the Inspector** – 16 July 2018 highlighting housing land supply as a key issue and stating that the LPPR can be made 'sound' with modifications
- **Consultation on Proposed Main Modifications:** Any modifications that arise since submission of the LPPR including those arising from the hearings are normally consulted upon by the Inspector. This took place from 23 July to 17 September 2018
- **Inspector's Report and end of Examination:** December 2018
- **Full Council final adoption:** TBC January 2019
- **Monitoring:** 2019+
- **Commence work on an early review of the Local Plan:** 2019+

Examination webpage

All the information is available on the examination webpage at <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam>.

1.2. Planning Contributions SPD

A revised s106 Supplementary Planning Document has been produced in light of the introduction of the Community Infrastructure Levy (CIL). CIL now deals with the significant proportion of infrastructure contributions. Those contributions remaining to be covered by s106 include public art; highway and traffic works; parking restrictions; travel plans; carbon offsetting; renewable and decentralised energy; construction and employment training and general skills training and employment.

Affordable housing is delivered through the s106 regime and there is guidance relating to the threshold for affordable housing, general requirements, off site provision and payments in lieu.

Some further text has been included regarding viability calculations and the fact that an open book approach is adopted for transparency reasons and to ensure that contributions are in line with clear formulas and can be readily understood by the public. This was at the request of PRSC.

Consultation commenced in November for a period of eight weeks. The document has been circulated to members for comment.

1.3 Code of Construction Practice

The Council adopted its current Code of Construction Practice in April 2016 and it mainly focused on noise, vibration and dust. The CoCP has been revised to

cover all aspects of construction which will be monitored by the Council's cross cutting Construction Management team. A financial bond for site monitoring purposes is being considered.

Consultation started at the end of November. The draft Code appears elsewhere on this agenda for comment.

1.4 Article 4 Direction Office to Residential

In May 2019 the provisions of national planning regulations will change. A system of prior approval will replace the existing need for planning permission for changes of use from offices (Class B1(a) uses) to residential.

An Article 4 Direction was "made" in September 2017 to initiate the process to ensure that these newly granted permitted development rights will be removed before they come into being, by May 2019. A Key Decision is being made to confirm the Article 4 direction but it will come into force in-line with the permitted development rights in May 2019.

1.5 Conservation Area Appraisals

The Council has now adopted 26 Conservation Area Appraisals (CAAs). Two further CAAs – Nevern Square and Philbeach were adopted in October 2018. Four draft CAAs – Thames, Hans Town, Oxford Gardens – St Quintin and Norland are out for consultation until 12 December.

1.6 Ashburn Gardens

Planning permission was refused by members of the planning committee on 27/09/2018 for the redevelopment of the Kensington Forum Hotel site. The scheme was hotel-led with a residential element and incorporated a publically accessible Garden Square. A protected Garden Square (known as Ashburn Gardens) currently occupies the site but was fragmented and made largely unintelligible when the current hotel building was built in the early seventies.

An application under section 4 of the London Squares Preservation Act 1931 to deregister and exchange part of the protected land (known as Ashburn Gardens) with other land (the proposed Garden Square) was submitted concurrently alongside the planning application. This application remains live and requires a key decision by the leadership team.

Following the planning committee's decision to refuse, the application was referred back to the Mayor, known as a Stage 2 referral. The Mayor directed that he will take over the application, thus becoming the local planning authority. The final decision now rests with the Mayor. In due course the Mayor will hold a public hearing where the Council and residents will have the opportunity to speak and be asked questions by the Mayor. Following this, the Mayor will make his decision.

The application under section 4 of the London Squares Preservation Act 1931 is separate and the Council needs to progress to a decision. It has been agreed that a 6 week public consultation will start in the new year, after which the relative merits of the application will be considered and then a recommended decision put before the Leadership Team in due course.

2 PLANNING IMPLEMENTATION TEAM

2.1 Crossrail 2 (the former Chelsea-Hackney Line)

The next round of consultation on Crossrail 2 is not now expected until early 2019.

2.2 Asset of Community Value (ACV) Nominations

No new applications have been received.

2.3 Housing Delivery Test Action Plan

In July the Government published the revised National Planning Policy Framework (NPPF), which has a renewed focus on the number of homes that are built against adopted housing targets across England. Central to this new approach is the introduction a Housing Delivery Test (HDT), which will assess the level of housing being built in local authority areas.

Poor performance against the HDT will have consequences for Local Councils. These consequences range from the requirement to produce an Action Plan to address housing delivery, a requirement to release more land for future development, and in the worst case scenario, the introduction 'presumption in favour of sustainable development'. In other words, residential development can override other planning policies such as protecting office use. Although a balance would still need to be struck with other policies in the NPPF.

The Government's methodology and approach to the Housing Delivery Test is still evolving. Whilst it is likely that the Council will perform well against the test this year (as there are some transitional arrangements) it is likely that in the future our result against the HDT will drop.

An Action Plan was adopted by Leadership Group on 13 November 2018. The Plan is a statement of intent from the Council to proactively address how we boost housing delivery in Kensington and Chelsea. Members of both PRSC and the Housing and Property Scrutiny Committee will form a small working group to examine Council policy in relation to housing delivery with a view to boosting more affordable homes being built in the borough. The Action Plan sets out eight actions:

- Explore options to build more affordable homes on land in Council ownership, whilst minimising impact on existing communities
- Prioritise the delivery of key sites such as Kensal Canalside OA
- Tackle the Borough's stalled housing sites
- Conduct a Borough wide survey of possible development sites and actively promote any suitable for housing
- Promote intensification and mixed use development in the Borough's Employment Zones
- Work with Neighbourhood Forums and local landowners to deliver housing sites allocated in adopted Neighbourhood Plans

- Improve communication with agents and developers to ensure effective identification of issues preventing permissions being translated into people's homes
- Further Review of Planning Conditions

3 LEAD LOCAL FLOOD AUTHORITY

3.1 Local Flood Risk Management Strategy

The recommendations within the Local Flood Risk Management Strategy's Action Plan are being implemented, including the recent policy review (which is part of the Local Plan). Objective 3 of the strategy is to reduce flood risk and its consequences. The implementation of Sustainable Drainage Systems (SuDS) will aid this objective. Potential funding from the HS2 Community and Environmental fund to implement SuDS in the North of the borough is currently being sought.

3.2 Counters Creek

Thames Water have withdrawn the implementation of the strategic sewer from the Counters Creek Sewer Flood Alleviation scheme. They are still installing FLIPS (Flooding Local Improvements Projects, or pumped devices which protect basements from sewer flooding by preventing back up sewage entering the basement).

About 1000 FLIPS have been provided in both Kensington and Chelsea and Hammersmith and Fulham. Another 134 FLIPS are planned. A meeting with Thames Water took place on the 20 November. Thames Water explained at the meeting the impact of FLIPS on neighbouring properties (by potentially reducing the local capacity of the sewer system), the measures to reduce flood risk through the implementation of local SuDS and the monitoring of the sewers which may be at risk of surcharging. SuDS are not proposed for RBKC but monitoring is proposed for Ladbrooke Grove. However, officers are working to get other streets in the borough monitored as well.

Thames Water are also working on local sewer improvements to increase the capacity of the sewer. Two locations are proposed in the borough: Queensdale and Stratford Road. It is likely that only Queensdale will require planning permission as it will include a ventilation column, but the assessments and designs have not been finalised yet. Further information will be available next year.

Thames Water has been asked for further detailed evidence to substantiate their decision to withdraw from implementing the Counters Creek strategic sewer. Officers have been successful in gaining the support of the Environmental Agency, the Greater London Authority and the London Borough of Hammersmith and Fulham to scrutinise Thames Water's evidence. Officers will also meet Ofwat in December to discuss the evidence that has been provided.

4. Kensal Canalside Opportunity Area Team

The new team leader and officers are all now in post and are working towards

the delivery of the Kensal Canalside Opportunity Area to ensure the provision of at least 3,500 homes and 2,000 jobs on the site. It is a 14-hectare site, the majority of which is currently occupied by the Sainsbury's superstore, former Gas Works and rail land owned by the Department for Transport.

Early preparation work has begun on developing the Supplementary Planning Document (SPD) for the site. As a part of this, officers have had meetings with both the landowners as well as the Greater London Authority (GLA) and the neighbouring Local Authorities. Regular meetings have been arranged with the Council's Community Engagement team in order to ensure a co-ordinated approach to early engagement. This work has now begun through meetings with key stakeholders, including the tenants of Canalside House, and will continue in to the new year. Meetings have taken place with relevant Lead Members. Ward Councillors have been approached to work with the team. Open days and drop in sessions will be held in the new year to promote engagement with the wider community.

CLEANER, GREENER AND CULTURAL SERVICES

5. Street Cleansing Data

NI 195 surveys are conducted to monitor the quality of our street cleansing service. These national indicators used to be mandatory with are scores being provided to DEFRA three times per year. In 2010 these national indicators were scrapped by central government, however we felt that that were extremely useful and so we continue to operate this monitoring process.

Figures for 2017/18 and 2018/19 to date, are below in the two tables. Our litter target is 1.5% and our detritus target is 2.5%. The lower the score the better, so as you can see, the performance over the last two years, has been extremely good.

2017/18

Date	Litter	Detritus
May 2017	0.67%	0.67%
October 2017	0.69%	0.87%
March 2018	0.50%	0.33%
2017/18 average	0.62%	0.62%

2018/19

Date	Litter	Detritus
June 2018	1.01%	1.34%
October 2018	0.00%	0.00%

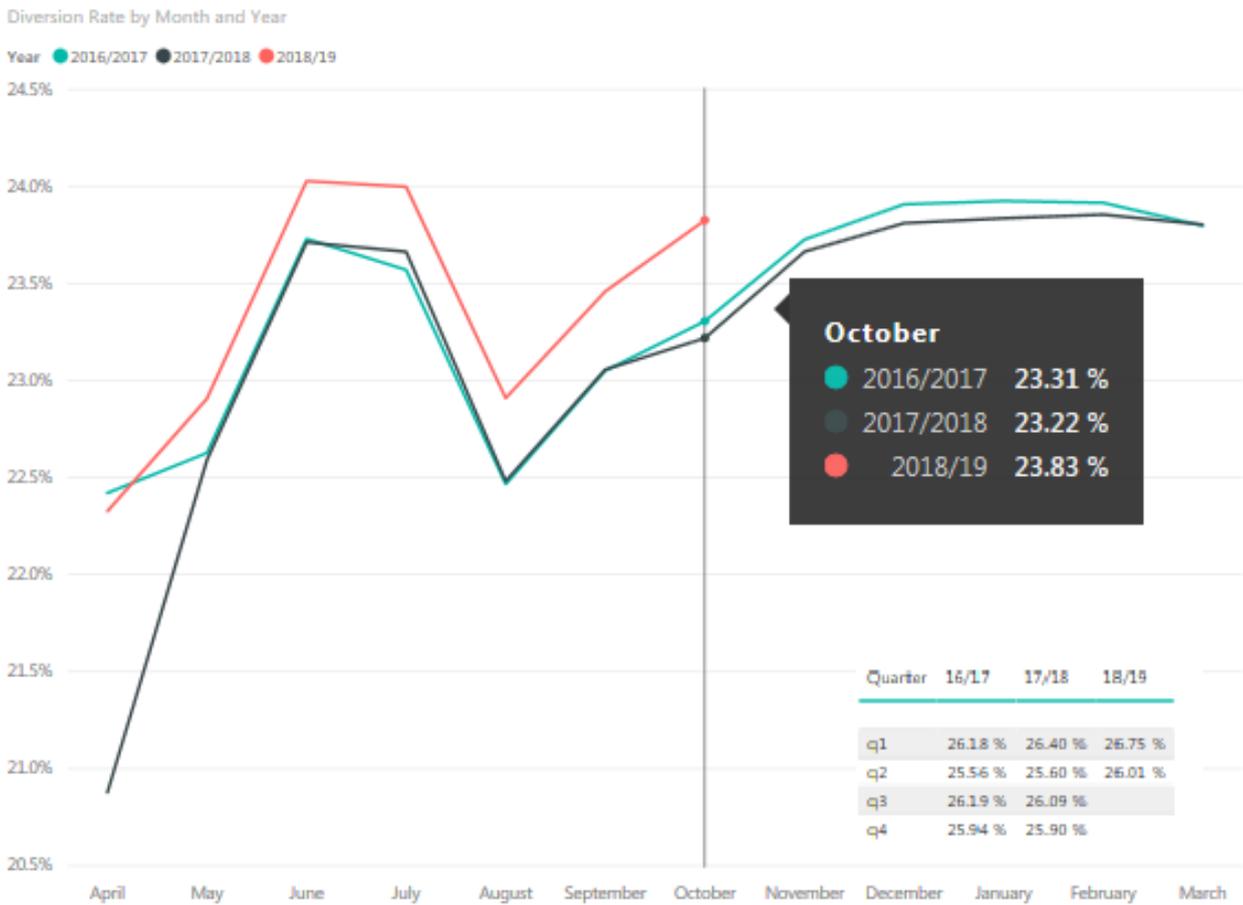
6. Recycling Data

Waste and recycling statistics 2018/19

Below is a summary of the waste reduction and recycling performance. Note that all present year data is not final until approved by the Environment Agency, after the end of the financial year. Estimates, based on the previous years are used for some data such as HWRC tonnages, which are only provided by WRWA 1-2 months after each quarter.

WM2 overall household recycling rate compared with previous years

In October, WM2 is 0.61% higher than at the same point in the previous year.



Note that quarterly WM2 data is always higher than its constituent monthly figures, as it includes the tonnages received at the Household Waste and Recycling Centre (HWRC).

WM1 and WM5 quarterly performance

	WM1 [NI 191] Residual waste per household (Kg)	WM5 Contamination rate
Quarter 1	110.4	11.34%
<i>Difference from 17/18</i>	0.39	-1.89%
Quarter 2	112.76	12.44%
<i>Difference from 17/18</i>	-1.26	-0.32%
October	36.45	10.09%
<i>Difference from 17/18</i>	-1.46	-3.87%

7. Street Entertainment PSPO Update

A consultation on developing a PSPO to address Street Entertainment / Busking took place over the Summer, see link below for the full findings.

<https://www.rbkc.gov.uk/environment/environmental-health/noise-and-nuisance/consultation-street-entertainment>

As developing a Public Space Protection Order (PSPO) was supported by nearly 70% of the respondents the Council has started work on developing a PSPO. This approach was endorsed by the Leadership Team in September. The PSPO will promote and encourage responsible busking, whilst discouraging irresponsible anti-social busking and street entertainment. We will restrict busking and street entertainment in certain locations at certain times and may consider busking free areas. The PSPO needs to be evidence based and proportionate. Our goal is not to limit artistic creativity, but to enhance the quality of life for residents and provide opportunity for responsible street entertainers.

The Council's approach to addressing busking will be to introduce a PSPO restricting busking in the most prolific locations based on where the strongest evidence of irresponsible busking exists. Alongside the PSPO a code of conduct for responsible busking/street entertain will be produced.

Regular meetings are now taking place between Legal, Noise & Nuisance and Street Enforcement Teams to ensure busking is addressed in an expedite manner, this includes reviewing and collating evidence, agreeing the restrictions to include in the PSPO and to draft the PSPO. Here is a draft timeframe of key actions:

Activity	Date
Collate and Review Complaint data and produce summary report	By end of Nov
Draft PSPO produced	Early Dec
Arrange conference with Counsel to review Draft PSPO	Dec
PSPO revisions made (if needed)	End of Dec
Consultation material produced	Dec
PSPO produced	Dec
Statutory Consultation undertaken (12 weeks)	Jan, Feb, March 2019
Key Decision report and final PSPO produced	Late March/ Early April 2019
Key Decision agreed/ Leadership Team	April 2019
Implement PSPO	April 2019

Alongside the development of the PSPO, the N&N team and Street-scene Enforcement team will step up patrols of the problematic areas to tackle persistent offenders using Community Protection Notices.

8. Waste and Street Cleansing Contract Options

The current waste collection and street cleansing contract ends on 31 March 2021, therefore various procurement options are being investigated. These include progressing a short term extension of 1 year + 1 year or undertake a tender process ready for March 2021, or explore possibilities of joint procurement with other Western Riverside Waste Authority councils.

At this stage a Key Decision to extend the Contract by 1 year + 1 year is being progressed, but the other options listed above are also still being considered.

TRANSPORT AND HIGHWAYS

9. 20 MPH Speed Limits

Members of the Committee will have seen that the Council is currently consulting on proposals to introduce 20mph speed limits in St Helen's and most of Dalgarno wards, as well as several other streets across the borough. The consultation will close on 6 January. We have written to residents in all of the affected streets, but are also inviting views more widely via an online survey. The current plan is that I will consider officers' report of the consultation responses early in the new year. Subject to the outcome of that consultation I would expect the first of our 20mph

signs to appear in March. We would implement any 20mph limits using an experimental traffic order that would last for up to 18 months. I understand that the Committee plans to consider the future of 20mph limits at its meeting in March. I look forward to that discussion.

10. LIP - Local Implementation Plan

On 13 November, the Leadership Team approved for consultation the draft of our third Local Implementation Plan (LIP), which sets out how the Council plans to deliver the Mayor of London's Transport Strategy locally. I understand that copies of the document have been made available to all councillors. I shall meet officers shortly to discuss feedback from Transport for London on the draft, which they expect to receive by mid-December. The public consultation will continue through until 6 January. Officers will then produce a final version of the LIP for my approval before the deadline of 16 February. This is a challenging timeframe to achieve but I believe the draft that officers have produced has balanced local residents' needs and wishes with the strategic objectives set out by the Mayor.

11. Electric vehicle charging points rollout

Installation of the new Source London charging points started on 5 November. We expect the first ten sites (providing 20 charging points) to be operational by the end of the year.

The 15 existing charging points are still being well-used with around 27,000 charging hours recorded since the beginning of the year. The most used site is in Pembroke Villas with 2642 hours used by 20 different electric vehicles so far this year. Source London has recently introduced a Pay as You Go offer on all Source London charge points, enabling non-Source London members to access these points.

12. Floating Car Clubs

I have met with representatives of two companies that operate "floating" car clubs in other parts of London. The Council has long supported traditional round trip car clubs, in which the car club vehicles are returned at the end of a hire period to a specific designated bay. Around 7,500 residents are members of one or more of the three car clubs operating in the borough, and there is strong evidence that car clubs help to reduce on-street parking stress, as well as helping residents to choose alternative modes to the private car for many journeys.

As indicated in the draft Local Implementation Plan, I now consider that there may be merit in introducing a new, complementary form of car club, in which the car club vehicles may park in any resident bay. Similar schemes have been introduced in Wandsworth and Westminster. Rather than having specific bays allocated to them, we would control the number of car club vehicles operating in the borough by setting a cap, with penalties payable by the operator for exceeding that cap. Subject to any comments received through the LIP consultation process, I have asked officers to draw up proposals as to how the floating car club could best be implemented.

13. Major gasworks

Cadent Gas is planning on the next phase of the medium pressure gas main project between Sloane Avenue and Knightsbridge Green. The works are planned to start in April and run until the end of October. In order to accommodate the works, it is likely that Brompton Road will need to be closed southbound between the Oratory and Sloane Avenue. Lane restrictions will also be in place along Brompton Road between the Oratory and Knightsbridge Green but two-way traffic will be maintained at all times.

Cadent will hold a public exhibition in late January or early February to outline the proposals and will follow this up with more targeted communications to local residents and businesses prior to starting the works.

14. Exhibition Rd / Portobello Rd – safety measures

We have been investigating how we can improve public safety at two of the borough's key visitor attractors, Exhibition Road and Portobello Road. At Portobello Road we are seeking the views of residents and traders on how the market is used in future via a survey. This will help determine the most appropriate facilities based on their feedback.

On Exhibition Road, I have been chairing meetings between the Exhibition Road Cultural Group, residents and ward councillors, to develop an approach to improve public safety in high footfall areas. We will be consulting on the proposal in the new year.

15. Sloane Street – Public Realm Improvements

Last year the Council carried out a public consultation with residents, local associations, retailers and land owners, covering 12,000 properties regarding public realm improvements to Sloane Street one of our premier retail streets. The proposals from Sloane Square to Knightsbridge would provide better pedestrian access, more seating, planting and trees. All constructed in high quality natural stone. This will be done by reducing the carriageway without negatively affecting the traffic flows on Sloane Street.

The results of the consultation indicated a high percentage (75%) in favour of continuing with the proposals. As the council is not paying for the scheme, which will be funded by local landowners there was a delay until all the funding was in place. This has now been achieved and subject to approval via key decision and the of signing legal agreements this work could commence next year. I would welcome any comments from Members of the Committee when the report is finalised.

**COUNCILLOR WILL PASCALL
LEAD MEMBER FOR STREETS, PLANNING AND TRANSPORT**

Report authors: Jon Wade, Matthew Lawrence, Mark Chetwynd