

New Local Plan Review

Proposed Main Modifications

January 2023



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Chapter 1: Introduction

Reference	Policy/Para	Modification	Reason
1	Para 1.1	The Local Plan sets out the vision for future development in the Borough over a 20 year period, <u>between 2023 and 2043</u> , and includes the planning policies to help achieve this vision.	Requested by the GLA to offer better clarity over plan period

Chapter 2: Green-Blue

Reference	Policy/Para	Modification	Reason
1	GB1 – 2.5	New wording at the start of the paragraph – <u>Large retrofit schemes would be where a block of flats is being retrofitted although the standards such as Energiesprong can also apply to whole house retrofit of existing homes and this is encouraged.</u>	Clarify what is meant by large retrofit scheme in response to comments from the Kensington Society.
2	GB4 A	Applicants for all developments must optimise building design to reduce energy demand in-line with the London Plan energy hierarchy ¹⁸ . <u>Major developments should target ‘ultra low’ levels of energy usage with a space heating demand of less than 20kWh/m²GIA/year with the exception of industrial buildings which should target less than 15kWh/m²GIA/year.</u>	<p>The space heating demand is the amount of heat energy needed to heat a home over a year and is expressed in kWh/m²/yr. It is a measure of the thermal efficiency of the building elements. Various design and specification decisions affect space heating demand including building form and orientation, insulation, air tightness, windows and doors and the type of ventilation system.</p> <p>To take account of new evidence Towards Net Zero Carbon Study. Following publication of new Building Regulations 2021 in June 2022 the Council has</p>

			<p>commissioned new evidence and is part of a consortium of 19 London Boroughs who have commissioned this evidence.</p> <p>The evidence shows a clearer pathway to achieving the overarching policy aim of achieving net zero carbon by using these measures.</p> <p>The Climate Change Committee recommends a space heating demand of less than 15-20 kWh/m²/yr for new homes. This recommendation is also in line with the recommendations Low Energy Transformation Initiative (LETI).</p>
3	<p>GB4 – New Section and new part under it.</p>	<p>Energy Use Intensity</p> <p>C.1 Major developments should meet the Energy Use Intensity (EUI) targets set out in the latest evidence*.</p> <p>*New footnote – Toward Net Zero Carbon Study, February 2022</p>	<p>To take account of new evidence Towards Net Zero Carbon Study. Following publication of new Building Regulations 2021 in June 2022 the Council has commissioned new evidence and is part of a consortium of 19 London Boroughs who have commissioned this evidence.</p> <p>The evidence shows a clearer pathway to achieving the overarching policy aim of achieving net zero carbon by using these measures.</p>
4	<p>GB4D</p>	<p>Major developments must design in the ability to connect to future or proposed heat networks unless it can be demonstrated that an on-site alternative lower carbon system is more sustainable and energy efficient.</p>	<p>In response to comment from Ballymore Ltd and it is agreed that with the changes in carbon factors for grid electricity ASHPs may deliver more efficiencies where connection to a clean energy district heating system is not feasible.</p>
5	<p>GB4 F</p>	<p>Large-scale development schemes, such as those in Opportunity Areas, must explore opportunities to deliver heating, cooling and energy networks and should develop energy masterplans in accordance with the London Plan.</p>	<p>In response to comment from ECDC and it strengthens the policy.</p>

	GB4 <u>(new Part K)</u>	<p>A new Part K. should be added to state <u>Major refurbishment schemes must meet the requirements of Policy criteria A – J. If it is not possible to do so, a detailed justification must be demonstrated in an energy strategy or planning statement. The voluntary standards set out in Policy GB1: Sustainable Retrofitting Part A can also be used in these schemes.</u></p>	<p>This was included in Draft Policies (Regulation 18) and was deleted as Policy GB1: Sustainable Retrofitting Part A now includes reference to using voluntary standards for large scale retrofit schemes. However, it is considered that the previous Part I of the policy as referred to should be reinstated as a main modification. London Plan Policy SI2: Minimising greenhouse gas emissions supporting text paragraph 9.2.1 states “<i>Development involving major refurbishment should also aim to meet this policy.</i>”</p> <p>In response to comment from Turley on behalf of Warrior Property Group and Portobello Group.</p>						
6	<u>2.34A</u>	<p><u>Energy Use Intensity (EUI), or metered energy use, is the total energy needed to run a building over a year (per square metre). It is a measure of the total energy consumption of the building (kWh/m2/yr). The EUI of a building covers all energy uses: space heating, domestic hot water, ventilation, lighting, cooking and appliances. This metric is also very beneficial as it can be measured post construction, therefore helping to drive down the performance gap which is such a significant issue in the construction industry.</u></p> <p><u>The Towards Net Zero Carbon Study sets out the following EUI targets:</u></p> <table border="1" data-bbox="577 1185 1352 1430"> <thead> <tr> <th><u>Use type</u></th> <th><u>EUI Target (kWh/m²GIA/year)</u></th> </tr> </thead> <tbody> <tr> <td><u>New Homes, care homes, extra care homes and student accommodation</u></td> <td><u>35</u></td> </tr> <tr> <td><u>Leisure, warehouses, and light industrial units</u></td> <td><u>35</u></td> </tr> </tbody> </table>	<u>Use type</u>	<u>EUI Target (kWh/m²GIA/year)</u>	<u>New Homes, care homes, extra care homes and student accommodation</u>	<u>35</u>	<u>Leisure, warehouses, and light industrial units</u>	<u>35</u>	<p><u>To add supporting text for new Part C.1 based on new evidence in the Towards Net Zero Carbon Study.</u></p>
<u>Use type</u>	<u>EUI Target (kWh/m²GIA/year)</u>								
<u>New Homes, care homes, extra care homes and student accommodation</u>	<u>35</u>								
<u>Leisure, warehouses, and light industrial units</u>	<u>35</u>								

		<table border="1"> <tr> <td><u>Schools</u></td> <td><u>65</u></td> </tr> <tr> <td><u>Offices, retail, higher education, GP surgeries</u></td> <td><u>70</u></td> </tr> <tr> <td><u>Hotels</u></td> <td><u>160</u></td> </tr> </table>	<u>Schools</u>	<u>65</u>	<u>Offices, retail, higher education, GP surgeries</u>	<u>70</u>	<u>Hotels</u>	<u>160</u>	
<u>Schools</u>	<u>65</u>								
<u>Offices, retail, higher education, GP surgeries</u>	<u>70</u>								
<u>Hotels</u>	<u>160</u>								
7	2.35	<p>Building design can play a critical role in reducing energy demand and is the first step in following the principle of the Energy Hierarchy. <u>The space heating demand is the amount of heat energy needed to heat a home over a year and is expressed in kWh/m2/yr. It is a measure of the thermal efficiency of the building elements. The Climate Change Committee recommends a space heating demand of less than 15-20 kWh/m2/yr for new homes. This recommendation is also in line with the recommendations Low Energy Transformation Initiative (LETI).</u> The specification of the fabric, materials and heating and cooling systems will all have a significant impact on the energy space heating demand of a building. However, even more fundamental are some key design decisions which are typically shaped very early on. These are the <u>include</u> orientation, glazing ratio and form factors.</p>	<p>To take account of new evidence Towards Net Zero Carbon Study. Following publication of new Building Regulations 2021 in June 2022 the Council has commissioned new evidence and is part of a consortium of 19 London Boroughs who have commissioned this evidence.</p> <p>The evidence shows a clearer pathway to achieving the overarching policy aim of achieving net zero carbon by using these measures.</p> <p>The Climate Change Committee recommends a space heating demand of less than 15-20 kWh/m2/yr for new homes. This recommendation is also in line with the recommendations Low Energy Transformation Initiative (LETI).</p>						
8	GB4 - 2.38	<p>New sentence at the end - <u>The evidence also indicates that, “shell only schemes” such as schemes delivering ground floor retail space can only achieve “very good” and therefore the policy will be applied flexibly to such schemes.</u></p>	<p>To reflect the recommendation in the evidence document Evidence Study on Greening Issues’ (July 2021) to clarify that “shell only schemes” can only achieve “very good” (page 100) can be added to the supporting text at paragraph 2.38.</p> <p>In response to comments from ECDC and Turley on behalf of Warrior Property Group and Portobello Group.</p>						

9	2.51A	<p>Part L Building Regulations modelling (e.g SAP (Standard Assessment Procedure) is used for residential buildings through the associated SAP software and the NCM and (National Calculation Methodology) for non-domestic buildings) has limitations as it was not intended to perform some of the functions that would be required to deliver Net Zero carbon buildings, and most importantly the prediction of future energy use. Therefore, alongside Part L Building Regulations modelling, we also encourage applicants to use predictive energy modelling such as using Passive Housing Planning Package (PHPP) methodology for residential and CIBSE Technical Memorandum 54 (TM54) for non-residential to predict energy use much more accurately than the Part L Building Regulations modelling.</p>	<p>The accuracy of energy modelling is important to ensure it provides a reasonable indication of real-world performance.</p> <p>To take account of new evidence Towards Net Zero Carbon Study. Following publication of new Building Regulations 2021 in June 2022 the Council has commissioned new evidence and is part of a consortium of 19 London Boroughs who have commissioned this evidence.</p> <p>The evidence shows a clearer pathway to achieving the overarching policy aim of achieving net zero carbon by using these measures.</p>
10	GB6 D	<p>Applicants will be required to install non-combustion energy technology where available. Where this technology is not available combustion plant must be ultra-low NOx emitting.</p> <p>The Council will resist biomass combustion and combined heat and power technologies/CCHP, which may lead to an increase in emissions.</p> <p>Add new to say Further information can be found in the Greening SPD.</p>	<p>In response to comments (reference 10, GBI)) from the Kensington Society as it makes the policy more effective and works in tandem with Policy GB4.</p>
11	GB6 E	<p>The Environment Agency has requested the inclusion of agents of change principles as outlined in the London Plan.</p> <p>Can policy E be updated to incorporate this: Emissions of particles and NOx must be minimised and controlled during demolition and construction activities. Dust Risk Assessments (DRA's) must be produced to</p>	<p>Additional information inserted as requested by the Environment Agency (Ref 3)</p>

		<p>identify potential impacts and corresponding mitigation measures, including on site monitoring, if required by the Council. The Dust Risk Assessment and corresponding mitigation measures are to be in line with the Mayor of London's SPG 'The Control of Dust and Emissions during Construction and Demolition'. All impacts must be addressed within any submitted Air Quality Assessment.</p> <p><u>New developments must take into account the Agent of Change principles.</u></p>	
12	GB6 F	<p>Amend Policy GB6F to change 'small scale' development to 'minor' development</p>	<p>In response to Ref 23 - St Quintin and Woodlands Neighbourhood Forum (Henry Peterson) and it provides clarity to the policy trigger.</p>
13	GB9	<p>To amend the current words:</p> <p>A. Odour generating development must address the adverse impact of odour through the incorporation of appropriate mitigation measures in accordance with the Agent of Change Principle, adopting a precautionary approach.</p> <p>B. Where significant sources of cooking odours are proposed, kitchen extract systems should terminate above the eaves height of the tallest part of the development to ensure the most effective dispersion of smells and fumes.</p> <p><u>C. New odour sensitive developments close to existing sources of odour are required to mitigate and protect occupiers against existing sources of odour in accordance with the Agent of Change Principle.</u></p> <p>To add a foot note at the end of policy GB9 and below point C to state <u>Further in depth information regarding local odour</u></p>	<p>To address comments from Thames water and The Kensington Society to add clarity</p>

		standards can be found by contacting the noise and nuisance team on environmentalhealth@rbkc.gov.uk	
14	GB12 B	Update text to: B. Major development must achieve as close as reasonably practicable to greenfield run-off rates and minor development must achieve a reduction of 50 per cent of existing run-off rates. Householder applications or equivalent must reduce the rate of runoff from the site in a way that is proportionate to the scale of development and reflects the site constraints.	To reflect comments from Earls Court Development Company, the Home Builders Federation and the Commercial Estates Group and to enable flexibility in the delivery of GB12. This modification is supported by the Council as it will make the policy more effective and aligns with London Plan Policy SI 13 and the current Non-statutory SuDS Standards. Developers will still be expected to meet greenfield runoff rates unless there are extenuating circumstances. To reflect other types of small-scale development not classified under the formal Householder definition.
15	GB12 new point C	Where greenfield runoff rates cannot be met on site, or where there is limited capacity for SuDS with multifunctional benefits, a legal agreement may be entered into for the delivery of SuDS offsite.	To account for the flexibility given in GB12 B.
16	GB12 - New para before 2.103	Insert text: Calculations submitted to support non-householder applications should include appropriate allowances for climate change, urban creep and consider the pre- and post-development rate and volume of runoff in the 1 in 1 year, 1 in 30 year, 1 in 100 year rainfall events.	Inserted to reflect comments from the Kensington Society and clarify requirements for submissions as part of planning applications. The Council supports this modification as it provides clarity in the expectations that will make the policy more effective.
17	GB13, para 2.107	Text to be amended. "2.107 As the Borough suffers from lack of sewerage capacity, large-scale development in Opportunity Areas should be informed by Integrated Water Management Strategies at an early stage to address capacity issues and consider sustainably manage all elements of the water cycle holistically across the entirety of the Opportunity Area.	To reflect consultation comments from London Borough of Hammersmith and Fulham. The Council supports this modification as it will make the policy more effective and reflect the shared nature of the Earl's Court Opportunity Area with Hammersmith and Fulham.

		The reuse of grey water and rainwater harvesting should be considered in Integrated Water Management Strategies.”	
	GB15	B. Major residential development is required to achieve <u>must target</u> an Urban Greening Factor score of 0.4. C. Major non-residential development is required to achieve <u>must target</u> an Urban Greening Factor score of 0.3.	To reflect comments from Ballymore Group Limited, Turley and TfL, as well as aligning with London Plan Policy G5 to allow for some flexibility where site constraints restrict the delivery of green infrastructure (such as major refurbishments). The Council supports this modification so that the policy is more effective and reflects the requirements of the London Plan.
18	GB15, para 2.114	Add to 2.114 <u>Green infrastructure should be designed in an integrated way with Sustainable Drainage Systems as required by Policy GB12.</u>	To reflect consultation comments from the Environment Agency. The Council supports this modification as it provides the link between Green Infrastructure on site and sustainable drainage.
19	GB16, para 2.117	The benefit of open space is wider than pure aesthetics, it also provides a valuable recreational resource, and contributes to wildlife habitats and biodiversity and has benefits in minimising noise and air pollution. The Borough has a long history and tradition of high-quality parks and gardens, such as Kensington Gardens, <u>Kensington Memorial Gardens, Emslie Horniman Pleasance</u> , the Physic Garden, Holland Park, Royal Hospital and Ranelagh Gardens as well as garden squares. <u>In addition, Grade II listed Kensington Roof Gardens is the only roof garden on the Register of Historic Parks and Gardens.</u> These are important features of the Borough that are characteristic of the area and enjoyed by residents and visitors.	To reflect comments from Kensington and Chelsea Social Council and Mark Macleod and recognise a unique roof garden in the supporting text.
20	GB16, Para 2.122	2.122 Cremorne Wharf is <u>designated as</u> a safeguarded Wharf <u>under a Ministerial Safeguarding Direction (2021)</u> ^{footnote} and is temporarily being used for the delivery of the Thames Tideway Tunnel. When works to the Thames	To reflect comments from Port of London Authority that Cremorne Wharf is safeguarded under a ministerial direction for waterborne freight handling and London Plan

		<p>Tideway Tunnel are complete in 2025 Cremorne Wharf will have the potential to provide additional waste management capacity in the Borough and can be brought back into use for waterborne freight handling and waste uses. The London Plan⁹⁷ supports temporary uses on vacant safeguarded wharves providing that any existing freight-handling infrastructure is maintained at <u>to</u> a specified standard and limited by a temporary permission with a specific end date. Any proposals will need to comply with Local Plan and relevant London Plan policies on safeguarded wharves, water transport and waste. The south of the Borough has a smaller number of publicly accessible open spaces⁹⁸ and the creation of new temporary open space at Cremorne Wharf will be beneficial. Therefore, the Council supports a temporary open space meanwhile use at the Cremorne Wharf until such time the wharf is brought back into use. The Council supports sports facilities supporting health and well-being.</p> <p>Footnote https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/safeguarded-wharves-directions</p>	<p>policies. Clarity has also been provided that any proposals would need to comply with London Plan policies.</p> <p>The sentence referring to support for sports facilities supporting health and well-being, reinstates text from the Draft Policies (Regulation 18) as this was deleted inadvertently in Publication Policies (Regulation 19). It indicates the Council's aspiration for the use of the meanwhile open space.</p>
21	GB17 - 2.1 (changed para 2.130)	<p>The following sentence to be added to the paragraph:</p> <p>Applicants will need to provide a minimum 10 per cent net gain in each habitat type that are independent and cannot be offset by a greater gain within a different habitat type. Habitats must be secured for at least 30 years via a legal agreement. Sites <u>s</u> that offer significant potential for achieving biodiversity net gain, e.g. currently characterised by very hard landscaping, will be most appropriate to deliver</p>	<p>To reflect consultation comments from the Environment Agency. The Council supports this modification as it provides greater alignment with the Environment Act 2021 and makes the policy more effective.</p>

		<p>significantly above the 10 per cent minimum requirement.</p> <p><u>Where it is not entirely possible to deliver on-site net gains, there will be a requirement to deliver them as registered offsite biodiversity gains in accordance with the Environment Act 2021 and forthcoming regulations.</u> This will help support the Council’s response to the climate emergency and biodiversity crisis, and secure long-term positive outcomes for both nature and communities. The Council will produce a new SPD on Biodiversity Net Gain to provide more guidance on how to achieve the mandatory components.</p>	
22	GB17, Part A	<p>The Council will protect the biodiversity in, and adjacent to, the Borough’s Sites of Importance for Nature Conservation (SINCs) and for require the provision of significantly.</p>	To reflect consultation comments from the Environment Agency
23	GB17 (new Part F)	<p>The following will be added to Policy GB17: <u>“F. Development will be refused where an applicant is unable to demonstrate that significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.”</u></p>	To reflect consultation comments from the Environment Agency and add clarity to the requirement. The Council supports this modification as it makes it more effective and justified in delivering the requirements of the Environment Act 2021.
24	GB19, para 2.15 (changed para 2.144)	<p>2.15 There are no operating licenced waste facilities in the Borough. Cremorne Wharf is <u>designated as</u> a safeguarded Wharf <u>under a Ministerial Safeguarding Direction (2021)</u>^{footnote} and is temporarily being used for the delivery of the Thames Tideway Tunnel. Following completion of the Thames Tideway Tunnel, part of the site will need to be permanently retained for ongoing maintenance access to the Tideway Tunnel. When these works are complete in 2025 Cremorne Wharf will have potential to provide additional waste management capacity in the Borough and can be brought back into use <u>for waterborne freight handling</u></p>	To reflect comments from Port of London Authority that Cremorne Wharf is safeguarded under a ministerial direction for waterborne freight handling and London Plan policies. Clarity has also been provided that any proposals would need to comply with London Plan policies.

		<p><u>and waste uses. Any proposals will need to comply with Local Plan and relevant London Plan policies on safeguarded wharfs, water transport and waste.</u></p> <p><u>Footnote https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/safeguarded-wharves-directions</u></p>	
25	GB19, para 2.16 (changed para 2.145)	<p>2.16 The London Plan supports temporary uses on vacant safeguarded wharves providing that any existing freight-handling infrastructure is maintained at a specified standard and limited by a temporary permission with a specific end date. Policy GB16 supports a temporary open space meanwhile use at the wharf until such time the wharf is brought back into use. <u>Any applications for development at Cremorne Wharf must be referred to the Mayor of London as set out in the Ministerial Direction (2021).</u></p>	To provide clarity sought by the GLA that any applications for development at Cremorne Wharf are referable to the Mayor.
26	GB19, para 2.20 (changed para 2.149)	<p>The Council has worked with London Borough of Hammersmith and Fulham, and the Old Oak and Park Royal Development Corporation who have agreed, through a statement of common ground, to share <u>32,400 tonnes</u> of surplus capacity arising within their area to meet the Borough's waste management needs. The Council will continue to work with WRWA Waste Planning Authorities, other London Borough's and the GLA on cross-boundary waste issues.</p>	To provide additional information as requested by the Environment Agency on sharing apportionments.

Chapter 3: Homes

Reference	Policy/Para	Modification	Reason
-----------	-------------	--------------	--------

1	Figure 3.1, para 3.10	<p>Starting the housing trajectory from 2019/20 which will show an additional shortfall against target of 138 homes to be distributed over 10 years. Therefore, for the first five years this results in an additional shortfall of 69 homes. As shown in Publication Policies (Regulation 19) there was a surplus of 252 homes in the first five years. Therefore, this additional shortfall of 69 homes can be accommodated in a updated housing trajectory. [NLPR's Appendix 1 shows a supply of 2,207 homes in years 1 to 5. This is against a target of 1,955 net homes (391 X 5) (see paragraph 3.10 of the NLPR) in the first five years taking account of a 20% buffer and the shortfall for the year 2021/22. This is a surplus of 252 homes].</p> <p>The Council has not submitted a modification at present, as the housing trajectory will need to be updated during the examination to reflect completions for 2022/23 which can only be done after 31 March 2023. It is also possible that the Government's consultation on reforms to national planning policy setting out transitional arrangements is in place at the time of the examination and the Council only needs to show a four year housing land supply without a 20 year buffer.</p> <p>This will result in a change in figures shown in paragraphs 3.10 and Figure 3.1.</p>	<p>In response to comments raised by the GLA and Home Builders Federation. This will align the trajectory with London Plan Table 4.1 which sets 10 year housing targets for 2019/20 – 2028/29.</p> <p>The Council used the base date of 2021/22 at Regulation 19 as the London Plan was published in March 2021. The policies before this date were not in use. The Government's housing delivery test (HDT) was measuring performance against the previous target of 733 homes per annum for the years 2019/20 and 2020/21 (with adjustments made to account for the house building slow down during the pandemic).</p> <p>The previous response from the GLA on the Regulation 18 consultation did not clarify this point. However, the Council can adjust the housing trajectory to show delivery from 2019/20.</p>
2	3.86 and 3.87	<p>3.86 The Joint Gypsy and Traveller Accommodation Needs Assessment (20162022) concluded that there will be a requirement for three additional pitches between 2015 and 2020, and nine in total across RBKC and LBHF between 2015 and 2030. <u>established a gypsy and traveller self-identified need of three pitches between 2022 and 2037. Applying the Planning Policy for Traveller Sites (PPTS)</u></p>	<p>Supporting text updated to reflect updated Gypsy and Traveller Needs Assessment October 2022.</p>

		<p><u>planning definition the assessment concludes that there is no additional pitch requirement.</u></p> <p>3.87 We will need to do further work together with London Borough of Hammersmith and Fulham on establishing and meeting the need of our Gypsy and Traveller community living in Stable Way. An update of the Gypsy and Traveller Accommodation Needs is underway, following the completion of this, the two Council's will actively explore options</p> <p>3.87 We will need to do further work together with London Borough of Hammersmith and Fulham on establishing and meeting the need of our Gypsy and Traveller community living in Stable Way. An update of the Gypsy and Traveller Accommodation Needs is underway, following the completion of this, the two Council's will actively explore options</p>	
--	--	---	--

Chapter 4: Conservation and Design

Reference	Policy/Para	Modification	Reason
1	Policy CD4	<p>To reinstate clauses of this policy lost due to an IT glitch in the Reg. 19 publication: -</p> <p>CD4 Heritage Assets - Listed Buildings</p> <p>D. Require the preservation of original architectural features and later features of interest both internal and external.</p> <p><u>In delivering this take opportunities to:</u></p> <p><u>1. reinstate internal and external features of special architectural or historic significance, commensurate with the extent of proposed development.</u></p> <p><u>2. take opportunities to remove internal and external features that harm the architectural or historic significance of the</u></p>	<p>The text disappeared due to a technical glitch when the document was made accessible. In the on-line version if the cursor is run over the blank area it is evident that the text is sitting behind the box, it is possible to copy it over into a word file which shows that the intent was to include it in the Regulation 19 Publication Policy CD4. Full policies showing how they changed from Draft Policies (Regulation 18) were included in the Policy Formulation Reports and Policy CD4 can be seen in the document PFR CD3 - CD6 (Conservation areas, listed buildings ancient monuments and registered parks and gardens) (page 11). The IIA has assessed the whole Policy CD4 including criteria D (i) and (ii) and E to G. Furthermore, with the exception of the new Part G which was to be included following Regulation 18,</p>

		<p><u>asset, commensurate with the extent of proposed development.</u></p> <p><u>E. Resist the change of use of a listed building that would materially harm its character.</u></p> <p><u>F. Require any work to a listed building to sustain the significance of the heritage asset and as such strongly encourage any works to a listed building to be carried out in a correct, scholarly manner informed by appropriate specialists.</u></p> <p><u>G. Take opportunities to secure the repair of listed buildings which have been identified as being at risk.</u></p>	<p>Parts D (i) and (ii), E and G are exactly the same as existing Local Plan Policy CL4 d (i) and (ii), e and f.</p> <p>The omission was noted and pointed out by The Kensington Society and The Friends of Kensal Green Cemetery.</p>
2	Para 4.38	<p>Listed buildings can be negatively affected not only by inappropriate additions, internal and external alterations, and demolition, but also by inappropriate use and unsympathetic neighbouring development. Such changes can diminish the architectural and historic value and detract from their setting.</p> <p><u>Conversely, additions to historic buildings over time may add to or enhance their special interest.</u></p>	<p>A clarification suggested by the Kensington Society and a helpful reminder of how the special interest of listed buildings may evolve over time.</p>
3	CD7 4.51	<p><u>It should also be noted that the King Henry's Mound to St Paul's Cathedral linear view crosses the southern part of the Borough as indicated in figure 4.5, which places further constraints to building heights in the area as designated in the LVMF.</u></p>	<p>As requested by the GLA and for compliance with the London View Management Framework (LVMF).</p>

Chapter 5: Town Centres

Reference	Policy/Para	Modification	Reason
		No modifications.	

Chapter 6: Business

Reference	Policy/Para	Modification	Reason
1	Policy BC1	<p>G(2) Where planning permission is required, protect</p> <p>2. storage and distribution uses unless to an office Class E (e) or light industrial (E(g)) use; and</p>	<p>A correction within the policy to ensure that correct use class for (former B1) offices is used.</p>

2	Policy BC1(F)	(F) New large scale offices outside of existing town centres <u>and the Employment Zones</u> will be subject to an impact assessment.	As requested by Savills for Adena Property Investments Incorporated in order to ensure consistency with Policy BC1
	6.11	The Council will, therefore, direct new large scale offices (1,000 sq m + GEA) to town centres, to edge of centres sites, to other accessible areas <u>and to the Opportunity Areas and the Employment Zones</u> . An accessible location is one with a Public Transport Accessibility (PTAL) score of 4 or greater. This will allow new offices to support the continued viability of the town centres and ensure that as many people as possible can reach these areas by public transport, or by foot or bicycle. <u>It will also support the vitality of our Employment Zones, the main concentrations of commercial uses outside of our larger town centres</u> . Large scale offices may be appropriate in other areas, in particular the Employment Zones , where shown to meet the requirements of the sequential test and where this is supported by proportionate improvements to walking, cycling and public transport connectivity and capacity. Outside of our larger town centres it is the Employment Zones that are the main concentrations of commercial uses, and centres of economic activity.	As requested by Savills for Adena Property Investments to be consistent with Policy BC1 and recognises that new large scale offices will be appropriate in our OAs and the three Employment Zones.
3	6.14	The Council's Employment Land Study, October 2021 has considered the future need for industrial floorspace over the lifetime of the plan. It has identified a modest additional need of 9,000 sq m. <u>Whilst</u> we recognise that the development economics of the Borough means that new industrial floorspace is very unlikely to come forward, <u>Policies E4 and E7 of the London Plan are relevant. These state that proposals for mixed-use or residential development on an industrial/ warehousing site should only be supported where there is no reasonable prospect of the site being used for the industrial or related purpose or the industrial or related use is</u>	As requested by the GLA, reference to London Plan policies E4 and E7 added. Amendment to second para added by Council to explain how the policy C1(G) does go further than this – in not permitting the loss of any industrial uses unless it is to an E(g) use.

		<p><u>being provided as part of a mixed-use intensification. The London Plan is clear that this is not relevant where the site has been allocated in the Local Plan. Given the differential in value between commercial and residential uses across much of the Borough and the lack of opportunities for new business floorspace, Therefore, the most appropriate approach is to the Council will</u> protect those industrial uses that we do have and to encourage the provision or intensification of industrial uses when they come forward. This may include within our Employment Zones or the Opportunity Areas where industrial/light industrial uses may form part of the mix of active uses which make these areas successful. Light industrial uses may also be suitable for smaller sites, such as beneath railway arches, where the Council is satisfied that they will not harm the living conditions of those living nearby.</p>	
4	Para 6.22	<p>The Council recognises that whilst many of these changes of use no longer require planning permission, the creation of new space does. In these circumstances the Council will ensure that the wider business function of our Employment Zones is maintained. This may include a mix of Class E uses <u>or other appropriate uses that contribute to the vitality of the zone and to the wider area, as well including as</u> light industrial or warehousing uses.”</p>	As requested by Savills for Adena Property Investment to better reflect the intention (and wording) of BC1.
5	Para 6.24	<p>The Council recognises that our Employment Zones are locations which may have the potential to accommodate new homes. These new homes, be they part of residential or business led redevelopment, may also introduce “value” into an area and help deliver new business floorspace. In order to ensure that the business potential of these zones is</p>	Clarity requested by Turley on behalf of Warrior Property Group and Portobello Group.

		enhanced, residential uses will normally only be permitted when they also include a significant uplift in business floorspace. This floorspace must be at least of equal quality as that which currently exists. <u>This increase will normally be measured in terms of a gross internal area (GIA), although there may be circumstances where other measurements may be appropriate.</u>	
--	--	---	--

Chapter 7: Social Infrastructure

Reference	Policy/Para	Modification	Reason
1	SI1 - 7.4 (first bullet)	Health and social care facilities, including (both private and NHS) GP practices, hospitals, <u>care homes (Use Class C2)</u> , community pharmacists, dental surgeries and other diagnostic and healthcare services.	In response to comment from the Kensington Society.

Chapter 8: Streets and Transport

Reference	Policy/Para	Modification	Reason
1	8.8	To ensure the public function of the road network is fulfilled, roads are 'adopted' by the local authority. This ensures that they are built to proper standards, <u>well lit</u> , and maintained for the expected levels of different types of traffic and pedestrians. Designing streets so that they appear as a continuation of the surrounding streetscape also contributes to protecting the character of the Borough, ensuring a level of uniformity and so aiding, to an extent, social cohesion. <u>The Council expects new walking routes through development areas to be dedicated as highway so that they can be enjoyed by the public by right.</u>	<p>The Kensington Society highlighted that Policy T1 on Street Network and its supporting next did not mention lighting. Good lighting is integral to "a safe public street network". The words "well lit" were added to paragraph 8.8 to address this comment.</p> <p>Notting Hill and North Kensington Liberal Democrats and The Pembridge Association both submitted that new walking routes should be publicly available by right and that affording permissive access (that can be closed) is not sufficient. The Council agrees that such access rights will often be beneficial and necessary. We have added the final sentence to Paragraph 8.8 to address this point.</p>

2	8.23	<p>Development that generates a high number of new trips must be located in areas that have good public transport accessibility and where public transport has the capacity to accommodate the new demand. Public Transport Accessibility Level (PTAL) 4 is recognised as a 'good' level of accessibility by Transport for London (TfL) and is the threshold at which the London Plan requires car-free development for Inner London Boroughs. The Council's aim is to minimise the impact of new development on the transport network and maximise opportunities for sustainable travel. Areas with a PTAL of 4 or higher are appropriate locations for high trip generating development to achieve this aim. Higher density developments should generally be promoted in locations that are, or will be, well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.</p>	<p>At the request of TfL to avoid misrepresenting TfL's position on public transport accessibility. They state; "we discourage references to PTAL being described as 'good' or 'bad' and suggest that any references to PTAL 4 as 'good' as in paragraph 8.23, should be removed. In some places, PTAL 2 represents 'good' connectivity, and it should be noted that the connectivity of areas depends on several factors, such as walking and cycling links or the presence of amenities in close proximity".</p>
3	T8 Part B	<p>Require it to be demonstrated that following mitigation, development will not adversely result in any material increase in traffic congestion or on street parking pressure.</p>	<p>The Council recognises the wording of the policy could be interpreted as not being consistent with NPPF Paragraph 111. This modification aims to avoid that possibility.</p>

4	T9 Part F	Where developments cannot provide onsite servicing space or coach parking, applicants must demonstrate that proposal can function satisfactorily without giving rise to adverse effects on traffic congestion, <u>emergency vehicle access</u> , pedestrian safety, residential amenity or impact on bus routes. A Servicing Management Plan and/or Coach Management Plan will be required in these instances.	Silvera Williams highlighted that the policy did not include a reference to emergency vehicle access. The inclusion of this reference means that this important requirement will be brought to the attention of applicants rather than relying on implicit assumption.
5	T9 Part G	Proposals for restaurants or take-aways, requiring planning permission, must be supported by a Delivery Management Plan to explain how any food delivery service would operate and to demonstrate that there would be no resultant impact upon the function of the highway <u>or the amenity of residents</u> .	Some restaurants and take-ways can generate significant activity with waiting delivery people with mopeds and other vehicles. This can impact on highway operation. However, we agree with Amanda Frame of the Kensington Society that local amenity should also be a material consideration in circumstances where a planning approval is required.

Chapter 9: Places – Areas for Growth and Change

Reference	Policy/Para	Modification	Reason
1	9.32	Amend 'It must, however, be clear that protecting and improving commercial spaces remains the priority for our Employment Zones <u>as Policy BC1 ensures</u> .	Q60. No.3 - To ensure alignment with relating policy and reference
2	PLV4 - Para 9.37	Delete paragraph "The three Employment Zones combined with the land underneath the Westway and the new commercial space in the Earl's Court and Kensal Canalside Opportunity Areas form a 'spine' of creative activities and employment opportunities. The Council is seeking accreditation from the GLA to designate this spine as one of London's Creative Enterprise Zones (CEZs). CEZs are zones where artists and creative businesses can find permanent affordable space to	Application for CEZ accreditation was unsuccessful.

		work; are supported to start-up and grow; and where local people are helped to learn creative sector skills and access pathways to employment. Residents who are unemployed and/or claiming benefits are concentrated in the north and parts of the south-west 199 of the Borough, while those with no qualifications and/or occupied in lower paid occupations are particularly concentrated in the north of the Borough. These are the same areas that are home to the Borough's three Employment Zones, all of which have many creative and cultural businesses. The CEZ would provide a focus to link these communities with these sectors, providing important local employment opportunities and affordable workspace for local people."	
3	PLV8 - 9.58 1.	Support of more regular and seasonal events and markets such as Phillimore Walk farmers market and events outside of the Town Hall, as part of the Council's emerging Cultural Placemaking Strategy.	Factual correction to title of the emerging document.
4	PLV8/ Para 9.57	Para 'Ken High Street benefits...' to include <u>Public realm improvements should be brought forward in partnership with the BID, including the creation of a new public space between the Odeon cinema and the Design Museum.</u>	Helpful emphasis on the important role that the BID will play in shaping the area, and supports the work currently being explored to deliver a new public space between the Cinema and Museum (Comment from the Kensington Society (Amanda Frame))
5	PLV9	Vision statement amended to include Golborne Market	Drafting error, the markets are typically grouped together (Kensington Society (Amanda Frame))
6	Fig 9.9	Map outline should be extended to include Golborne Market.	Drafting error, the markets are typically grouped together (Kensington Society (Amanda Frame))

7	PLV9	<p>Vision statement wording adjusted to include add additional sentences:</p> <p><u>The Portobello and Golborne Road Market will continue to be a vibrant and distinctive street market serving the day-to-day needs of local residents and attracting visitors from across the world. The area will maintain a rich variety of commercial, business and services uses as well as small independent shops offering 'something different', including art, antiques and collectibles. This includes renowned antiques arcades and the vintage and flea markets of Portobello Road and Golborne Road. Improvements to market infrastructure will be supported, as will public realm improvements that are delivered in a cohesive and holistic approach with the community.</u></p>	<p>Helpful expansion on the market offer as well as the unique cluster of shops and businesses</p> <p>Useful supporting context and reflection of the importance that the market plays in creating a lively area</p> <p>Comments from:</p> <p>The Pembridge Association (Fiona Fleming Brown)</p> <p>Kensington and Chelsea Social Council (Joe Batty)</p> <p>Molly Dineen</p> <p>Turley on behalf of Warrior Property Group and Portobello Group (Alice Hawkins)</p>
8	Para 9.59	Sentence should read <u>Portobello and Golborne Market</u>	Drafting error, the markets are typically grouped together
9	Additional para after 9.62	<p><u>Improvements to the junction and crossing on Notting Hill Gate and Kensington Church Street would prioritise pedestrians by supporting a safer user experience. Improvements to Pembridge Road would reflect that this is a gateway to Portobello Road, which currently functions poorly, particularly when overcrowded.</u></p>	<p>Useful clarity on the current pedestrian experience and the lack of safe crossings</p> <p>Comments from:</p> <p>Notting Hill and North Kensington Liberal Democrats (Samuel Dodgshon)</p> <p>The Pembridge Association (Fiona Fleming-Brown)</p>
10	PLV16	<p>Vision text amended to reflect comments:</p> <p><u>Westbourne Grove will maintain its reputation for offering a range of high quality commercial and business uses including international designer boutiques and fashion retailers, as well as a core hospitality offer. It will continue to function as a second retail spine for the Notting Hill Gate area and will</u></p>	<p>Recognises the supporting role it plays in bringing visitors to the area, as well as providing for local residents</p> <p>Comment from:</p> <p>Notting Hill and North Kensington Liberal Democrats (Samuel Dodgshon)</p>

	<u>expand its offer of community services that meet the needs of local residents.</u>	The Pembridge Association (Fiona Fleming-Brown)
--	---	---

Chapter 10: Site Allocations

Reference	Policy/Para	Modification	Reason
1	SA1 (C)	Amend: 'A minimum of 12,000 sq m of <u>non-residential floorspace (in addition to the relocated supermarket), including workspace, community, and local shopping facilities commensurate with the site's Neighbourhood Centre designation</u> of which 5,000 sq m is E(g) office, research and development or light industrial, as part of a new Neighbourhood Centre.	To provide greater flexibility in the offer of non-residential floor space and clarify what is meant by E(g) (minor mod).
2	SA1 (S)	<i>Replace with:</i> <u>Delivery on site, or financial contributions towards social and community facilities (including health and education) to address increases in demand resulting from the anticipated population change</u> Social and community facilities (including health, education and police) depending on the population change.	For clarity and to reflect the DIFS update.
3	SA1 (F)	Delete: F. On-site renewable energy sources.	Duplicated at (Y)
4	SA1 (W)	<i>Amend:</i> Improved transport infrastructure including better bus links <u>improvements to bus service capacity, better bus links, improved bus facilities</u> , enhancements to Ladbroke Grove underground station, and new roads, <u>a new junction to Barlby Road, a road connection towards Scrubs Lane</u> , and improvements to the junctions with on Ladbroke Grove,	To clarify what off site highway works would be required to respond to Ballymore/ Sainsbury's

		including and east-west connections to the south <u>with Canal Way, Kensal Road and Barlby Road.</u>	
5	SA3, Part E	"E. Provision of car parking and open amenity space."	Any car parking would be provided in respect of the Land Uses listed at Parts D, C, and D of SA3 in accordance with development plan policies including those within the London Plan. Car Parking would not be a distinct land use and should not be listed as such.
6	SA6, Site information table, Planning constraints box	Delete and add text as follows: An undeveloped buffer of at least 10m incorporating intertidal terracing will be required from the statutory flood defence line, to allow access for future flood defence raising, maintenance and betterment in line with the Thames Estuary 2100 Plan/Thames River Basin Management Plan. The submitted Flood Risk Assessment will also need to demonstrate that any tidal flood defences along the Chelsea Creek can be raised in line with the TE2100 plan as required by Policy G11 of this Local Plan and Policy SI 12 of the London Plan and that the design life of the flood defence is commensurate to the lifetime of the development. A 16-metre buffer should be provided from the outer edge of these flood defences (including any buried elements such as any tie rods or anchor blocks).	Requested by Environment Agency. To ensure the correct buffer and requirements are set out to comply with the requirements of the TE2100 plan.
7	SA7, Part E	"A suitable setting for the designated heritage assets including the Grade II* listed Trellick Tower <u>and Grade II listed Cheltenham Estate.</u> "	To more accurately reflect the surrounding setting of the site and listed buildings.
8	SA9, Site Information table, Planning Constraints box	To add new paragraph: <u>"The site lies inside the North Kensington Critical Drainage Area. Any application must satisfy drainage requirements in line with Policy GB11, and a site-specific Flood Risk Assessment is required."</u>	To satisfy the Policy GB11 and ensure consistency with listing planning constraints as per other site allocations.

9	SA11, Site Information table, Planning Constraints box	Amend: “The site partially lies within Flood Risk Zone 2. <u>Any application must satisfy drainage requirements in line with Policy GB11, and a site-specific Flood Risk Assessment is required.</u> ”	To satisfy the Policy GB11 and ensure consistency with listing planning constraints as per other site allocations.
---	--	---	--

Chapter 11: Infrastructure and Planning Contributions

Reference	Policy/Para	Modification	Reason
		No modifications.	

Glossary

Reference	Policy/Para	Modification	Reason
1	Energy Use Intensity	<u>Energy Use Intensity (EUI), or metered energy use, is the total energy needed to run a building over a year (per square metre). It is a measure of the total energy consumption of the building (kWh/m2/yr).</u>	Define new terminology being introduced in Chapter 2: Green-Blue.
2	Good Growth	<u>By “Good Growth” we mean growth that is socially and economically inclusive and environmentally sustainable. It means that we need to build new homes and workspaces and provide the services needed by a growing population, but development will not be allowed at any cost. We expect it to be of the highest quality and create successful, inclusive and sustainable places. It must benefit all of those who live here, be sensitive to local context and be environmentally sustainable and physically accessible.</u>	This is included in paragraph 1.18 and would aid clarity if included in the glossary as the word is used many times in the Plan.
3	Historic Fabric:	<u>Original or added building or construction materials, features, and finishes that are deemed as historically or architecturally significant.</u>	Adds clarity
4	Open Space	<u>This includes “all open space of public value, including not just land, but also areas of water (such as rivers, canals,</u>	To provide clarity on what is considered open space.

		<u>lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity". (NPPF 2021)</u>	
5	Relevant street frontage	<u>The row of commercial uses between successive intersecting vehicular highways.</u>	Adds clarity
6	Space heating demand	<u>The space heating demand is the amount of heat energy needed to heat a home over a year and is expressed in kWh/m2/yr.</u>	Define new terminology being introduced in Chapter 2: Green-Blue.
7	Specialist Older People's Housing	<u>Government guidance on housing for older and disabled people (paragraph 10) specifies the types of specialist older people's housing. This includes retirement living or sheltered housing, extra care housing or housing with care and residential care homes including homes suitable for people with dementia and nursing homes.</u>	Adds clarity

Appendix 1: Sites within the Housing Trajectory

Reference	Policy/Para	Modification	Reason
		No modifications.	

Appendix 2: Schedule of Saved and Superseded Policies

Reference	Policy/Para	Modification	Reason
		No modifications.	

Appendix 3: Strategic Policies

Reference	Policy/Para	Modification	Reason
		No modifications.	

Appendix 4: Monitoring

Reference	Policy/Para	Modification	Reason

		No modifications.	
--	--	--------------------------	--

Proposals Map

Reference	Policy/Para	Modification	Reason
1	GB17	Update layer showing Sites of Nature Conservation Importance (SINC) on the proposals map to reflect on-going surveys of sites when that work is complete. Likely to be available at the point of examination.	Reflect new SINC boundaries accurately and address comments raised by the Kensington Society.