

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PUBLIC REALM SCRUTINY COMMITTEE
30 JANUARY 2019**

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 2018 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:** February 2019
- **Full Council final adoption:** TBC March 2019
- **Monitoring:** 2019+
- **Commence work on an early review of the Local Plan:** 2019+

It has taken longer than originally envisaged to get the Inspector's report on soundness and legal compliance. However, it is hoped it will be received soon. The adoption of the Local Plan at full Council is contingent on when the Planning Inspector's report is issued.

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

The Council consulted on a second Draft of the Planning Contributions Supplementary Planning Document (SPD) from 27 November 2018 to 22 January 2019.

The existing 2010 SPD is being revised in recognition of the introduction of the Community Infrastructure Levy (CIL) and emerging policies in the LPPR. 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.

The Draft SPD includes text 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.

The Draft SPD also reflects government's response to the supporting housing delivery through developer contributions consultation. The Government is currently consulting on regulatory changes which will have to be taken into account before the adoption of the SPD.

Six responses have been received so far (16 Jan 2019) from Natural England, Port of London Authority, Sport England, Environment Agency, Surrey County Council and Councillor Spalding. The statutory bodies mostly have no comments or have minor comments.

The response from Councillor Spalding seeks the involvement of Councillors, residents and resident associations in negotiating planning obligations. In response, it should be noted that the purpose of the document is to move away from bespoke negotiations by setting out very clearly what contributions are required from various types of developments so a developer is aware up front what the infrastructure contributions might be and these can be factored into viability calculations and land costs.

The use of formulae based on evidence for undertaking the s106 calculations is intended to promote transparency and consistency across planning decisions and this is in line with government best practice. This does not take away the need to take into account financial viability of schemes as this is still supported in national policy. Financial viability appraisals are subject to independent scrutiny and the SPD requires that these are publicly available.

The Government guidance relating to the negotiation of planning obligations states clearly that it should be directly related to mitigating the impact of a development and related in scale and kind. This is primarily undertaken through the standard formulas contained within the SPD. It is not an opportunity to ask a developer to provide financial contributions which are outside of this guidance, however deserving these might be felt to be.

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.

A consultation meeting was held on 16 January 2019. This included residents, representatives of various residents' associations and a number of developers/contractors. The meeting was very constructive with positive feedback on the format of engagement and the aims and contents of the Code. The residents support the document and the developers/contractors did not

raise any substantive issues but made valid points, some of which were accepted by the residents.

Consultation started on 30 November and ended on 25 January 2019.

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 confirmed in December 2018. This will ensure that planning permission will continue to be required for such changes of use, and will come into force in this May. The Direction relates to the entire Borough.

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. Consultation on four draft CAAs – Thames, Hans Town, Oxford Gardens – St Quintin and Norland closed on 12 December and work is currently underway for any amendments to the documents as a result of the consultations before they are sent for a key decision.

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 had been agreed that a 6-week public consultation would start in the January. However, it is now understood that the applicant is submitting revisions to their planning application to the Mayor and the Mayor will consult on these revisions in late January. The timing of this is unfortunate and having the two consultations run in parallel is likely to confuse the two separate matters and conflate the issues. It also means residents would have the difficulty of splitting their resources and time between responding to the two consultations. The decision has therefore been made to delay the consultation on the garden square application.

2 PLANNING IMPLEMENTATION TEAM

2.1 Asset of Community Value (ACV) Nominations

An application to amend the Queen's Head Public House Asset of Community Value designation has been received by the Council. The owner is seeking to amend the designation to remove the upper floors of the property from the designation. This follows the granting of planning permission for residential uses in these areas. The original nominating group and ward councillors have been notified and a period of formal public consultation has since passed.

2.2 Housing Delivery Test Action Plan

The UK government has missed its own deadline to publish the result of the Housing Delivery Test (HDT) as set out in the updated National Planning Policy Framework. This test will assess the level of housing being built in local authority areas and may have consequences for those areas where the numbers of homes built falls below adopted targets.

In response to the HDT, an Action Plan was adopted by Leadership Group on 13 November 2018. The Plan is a statement of intent from the Council to set out possible actions the Council can take to boost housing delivery in Kensington and Chelsea.

Officers are beginning look at the actions set out in the Action Plan and any proposals and forthcoming projects will be brought for scrutiny in the coming months.

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. On 10 January 2019 the Thames Regional Flood and Coastal Committee approved £500,000 levy funds to implement SuDS in North Kensington (Denbigh and Archer House, Henry Dickens Court and Avondale Park). An inception meeting is schedule for the 18th January.

4. Kensal Canalside Opportunity Area Team

4.1 Work continues 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.

Work is progressing on the evidence for the development of a Supplementary Planning Document (SPD) for the site. This has involved creating key development principles for the site, looking at capacity scenarios starting with the 3,500 Home minimum allocation a Social Infrastructure Needs Assessment and an Employment Study.

Officers continue regular meetings with the landowners to ensure that the Council is leading the conversation about the delivery of the site. Officers have also met with other key stakeholders, both on and off the site, including the Canalside House users group, Friends of Kensal Green Cemetery, Neighbourhood managers for local estates and local business leaders. Meetings with these stakeholders are ongoing. Meetings and briefings have also taken place with a number of Lead Members and Local Councillors, and officers hope to continue to work closely with Councillors on this project.

The Public Consultation for the project will step up in February, with a number of drop-in sessions to be held around the area, including within the Dalgano Ward and sessions aimed specifically at businesses and the third sector. Officers are working closely with the Community Engagement team to deliver these sessions.

In addition, the team will be using a new online engagement platform to try to broaden the reach and response of the community. Officers are working with the Comms team to set this up.

The team were recently successful in a bid to the GLA's Good Growth Fund for £1m to deliver a piece of work around employment and business in North Kensington, and how the Kensal site can boost the local economy. The team are currently waiting to find out if this will be match funded through the Council's Capital Programme. If successful, this project will begin in April 2019.

CLEANER, GREENER AND CULTURAL SERVICES

5 PROCUREMENT OF THE WASTE COLLECTION AND STREET CLEANSING CONTRACT

5.1 The current Waste and Street Cleansing contract with SUEZ will expire on 31 March 2021, therefore options for re-procuring this important service need to be considered.

One option for procurement, is to consider a joint procurement exercise with the other members of Western Riverside Waste Authority (WRWA). The other members being Lambeth, LBHF and Wandsworth, all have similar end dates for their respective contracts. However, in key meetings with colleagues from Legal Services, Procurement and the Waste service area, it has flagged up concerns with a joint WRWA procurement, especially whilst disaggregation of Environmental Services is taking place between LBHF and RBKC. Therefore, further work has taken place to clarify the process involved and timeline on a single borough procurement and the potential benefit of a short contract extension (maximum two years).

We currently have two years and two months to procure a new contract for a start date of 01 April 2021. Work for scoping and resourcing has begun and we will move in to the governance and specification aspects in the near future. PRSC will be fully involved in the process of securing a new contract and we will have a six-month public consultation in order to help put together the best possible specification.

A standalone detailed report on the contract procurement will come to the next PRSC.

TRANSPORT AND HIGHWAYS

6 Local Implementation Plan

Our Local Implementation Plan (LIP) sets out how we intend to implement the Mayor of London's Transport Strategy. We carried out the statutory consultation on our Consultation Draft LIP between 22 November 2018 and 6 January 2019. We received 30 responses from Transport for London (TfL), residents' associations, neighbouring authorities, residents, businesses, visitors and other organisations. Officers will respond to all the comments received and produce our Draft Final LIP for my approval, which we then need to submit to Transport for London for Mayoral approval by 16 February 2019.

Officers have met with their counterparts at TfL to discuss TfL's formal feedback and how we propose to address it in our Draft Final LIP. TfL officers have indicated that as long as we provide clarification in some areas of our Draft LIP and some additional details in others then they would be happy to recommend our Draft Final LIP for Mayor of London approval.

7 Electric vehicle charging points

We currently have 15 Source London charging points and 62 Ubitricity lamp column chargers across the borough. We have installed new Source London charging points at nine new sites and these will be operational at the beginning of February. Each site will have two charging points – one 7kw and one 22kw –

offering residents a choice of charging speeds. Later in February work will begin to install a further eight charging points in four more locations. This will bring the total number of locations to 28, and the number of charging points to 41.

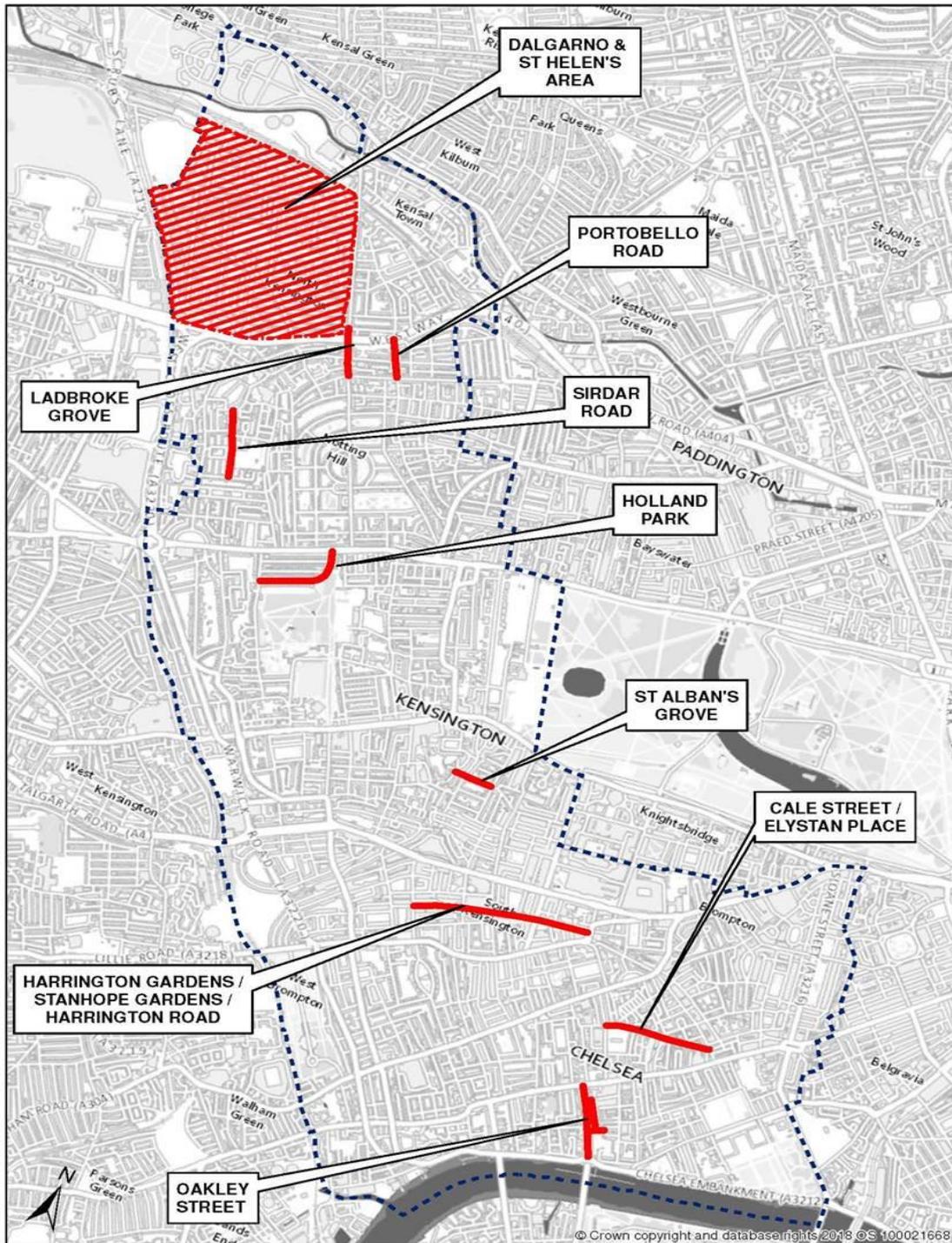
Use of the Source London charging points remains high with the existing 15 points being used for over 31,000 hours by 1,131 customers during 2018. Pembroke Villas is the most used site with over 3000 hours in the past year. Source London will publicise the new charging points on their website and by sending details to their members. The Council's Media Team will be issuing a press release and posting details on their social media channels.

We intend to procure around 200 lamp column sockets using the Go Ultra Low Cities Scheme funding, to be installed this Spring, and we will work with the chosen supplier to produce a marketing plan for those.

8 20mph limits

The consultation on proposals to introduce pilot 20 mph speed limits in St Helen's and most of Dalgarno wards, and several streets across the borough as shown in the plan below, closed on 6 January. I am pleased to report that we have received over 900 responses received across all channels. Officers are now collating them and drafting the report of the consultation responses and the way forward with the pilot schemes for my approval in February. Subject to the outcome of the consultation I would expect the first of our 20 mph signs to be installed on-street in April. We would implement any 20 mph limits using an experimental traffic order that would last for up to 18 months. During that time, we would need to monitor their impact and how they are received and then decide whether to make them permanent.

Plan of proposed 20mph limits



9 Kensington High Street to Shepherd's Bush Quietway

In September and October 2018, the Council consulted on a new Quietway cycle route from Kensington High Street to Shepherd's Bush. Eighty-one per cent of residents supported the proposals in full (59 per cent) or in part (22 per cent). I have proposed a Key Decision to proceed with most of the proposals in the

consultation, and I expect to see construction of the route beginning shortly – subject to the Key Decision being implemented.

Officers will begin consultation on an additional route, in the north of the borough, next month.

10 Changes to bus routes in the borough

Following the motion at the December Council meeting, I wrote to the Mayor of London to reiterate the Council's concerns over the proposed cuts to bus services in the borough. I have not received a response to that letter but I expect the results of the Transport for London (TfL) consultation to be published in the next few weeks.

On 24 November, routes 10 and 23 were merged to form a new route 23. The new route 23 travels along the old route 10 from Hammersmith to Marble Arch and then from Marble Arch follows the old route 23. Officers have asked TfL to improve the information at bus stops concerning the new route as passengers are confused regarding the line of route taken from Hammersmith to Westbourne Park. For many journeys it would be much quicker to take other routes from the same bus stop., e.g. it would be quicker to take the route 52 from Ladbroke Grove to Kensington High Street than the 23.

The route 94 will terminate at Marble Arch at the end of this year or early 2020 (the nightbus N94 will continue to run along Oxford Street). This change was consulted on as part of the Oxford Street pedestrianisation proposals. Officers will update residents' associations with more information when we know the date of the withdrawal.

11 Extending the West London Line to Gatwick

Just before Christmas I wrote to the Secretary of State for Transport requesting that the West London Line, which serves Kensington Olympia, Imperial Wharf and West Brompton, be extended to Gatwick Airport and that unused freight paths be removed from this line so that passenger train capacity can be increased. I am awaiting a response from the Secretary of State.

12 Trial taxi feeder rank on Basil Street

On 10 December the Council painted a yellow box marking near Harrods at the junction of Hans Road/ Basil Street/ Walton Place. On 10 January a trial taxi feeder rank started. Initial results are mixed with residents reporting an improvement in congestion in the area but also of a new problem of taxis waiting illegally in Hans Road between Hans Place and Basil Street. Officers have fed back resident concern to the taxi trade organisation and is monitoring the trial taxi feeder rank using traffic monitoring cameras and air quality monitoring equipment.

13 Chelsea Football Club matchday parking consultation

The Council consulted residents regarding matchday parking and traffic controls around the Chelsea Football Club in September/ October 2018. Members of this Committee will have received the Key Decision Report outlining the results of that consultation. I have decided not to proceed with any of the proposals included in the consultation because the response rate for this consultation was very low (two per cent). Although the majority of those who responded were in favour of matchday parking controls, it is unclear whether such significant changes would be supported by the majority of residents as a whole in any part of the area surveyed. When we identified the area to consult, we made it very large. This was because football fans walk quite a distance to the stadium and we did not want to exclude anyone who may be affected. We expected that we would get a high response rate in areas nearest to the stadium and that the response rate would fall in areas further away from the stadium. However, the response rate was universally low across the whole area and there was no part of the consultation area where the consultation results suggested a clear desire for matchday controls.

14 Gasworks on Brompton Road

Cadent Gas will be embarking on the next phase of their 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. Following exploratory studies, Cadent has concluded that in order to accommodate the works, 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 be holding a public exhibition on 26 February to outline their proposals and will follow this up with more targeted communications to local residents and businesses prior to starting the works.

15 Exhibition Rd / Portobello Rd – safety measures

We continue to investigate how we can improve public safety at two of the borough's key visitor attractors, Exhibition Road and Portobello Road.

At Portobello Road we recently closed a public consultation seeking the views of residents and traders on how the market is used in future. The results of the consultation are being analysed and the results will help determine the most appropriate measures based on their feedback and how the market is managed in future.

On Exhibition Road, I have a 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. These meeting have helped identify and discuss what measures are appropriate and we will shortly be continuing our public engagement with an Exhibition Road Access Group to ensure that all users' needs are considered. We will continue to develop the design and implement measures later this year.

COUNCILLOR WILL PASCALL
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Background documents: None