

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PUBLIC REALM SCRUTINY COMMITTEE – 22 OCTOBER 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 COMMENT

1 TRANSPORT & HIGHWAYS

1.1 Local Implementation Plan (LIP) Transport

In November, the Leadership Team will consider the Council's draft third Local Implementation Plan (LIP), before it is then made available for public consultation over the winter. A LIP is a statutory document that sets out how a borough proposes to deliver the Mayor's Transport Strategy (MTS) in its area. It will set out our long-term objectives for the next 20 years but will also contain a three-year programme of investment starting in 2019/2020.

The LIP will be assessed by TfL in relation to nine strategic outcomes:

- London's streets will be healthy and more Londoners will travel actively
- London's streets will be safe and secure
- London's streets will be used more efficiently and have less traffic on them
- London's streets will be clean and green
- The public transport network will meet the needs of a growing London
- Public transport will be safe, affordable and accessible to all
- Journeys by public transport will be pleasant, fast and reliable
- Active, efficient and sustainable travel will be the best option in new developments
- Transport investment will unlock the delivery of new homes and jobs

In drafting the new LIP, officers have been mindful both of TfL's guidance as to how these outcomes might be achieved, and of comments and suggestions made by residents. In particular, prior to the formal public consultation that will begin in November, we ran an online engagement exercise using a platform called Commonplace, which allowed members of the public to identify locations where they wished to see changes made to the design or operation of our streets. Residents and others made hundreds of comments using this tool, and officers have seen that many of the themes emerging from this exercise align very well with the MTS's focus on improving conditions for walking and cycling, and improving air quality.

1.2 Changes to Bus Routes / Services

On 28 September 2018, Transport for London (TfL) launched a public consultation on proposed changes to central London bus services. The closing date for responses is 9 November 2018.

We have known for several months that TfL intended to reduce bus mileage operated in London, and that the reductions would fall mainly in central and inner London. We now know the details of the service reductions in Kensington and Chelsea that TfL propose.

TfL's consultation material shows that there has been a fall in bus passenger demand of around eight per cent in recent years, in Kensington and Chelsea. For each of the routes that is proposed to be removed, TfL says there is evidence of excess capacity. TfL's argument is that having too many buses can impact on bus reliability, journey times, congestion and air quality.

The proposed changes directly affecting routes in the borough are:

- Route 11: Cut back from Fulham Broadway to Victoria (this route would no longer serve the borough)
- Route 19: Cut back from Battersea to Holborn, New Oxford Street (this route would no longer serve the borough)
- New Route 311: New route to run between Fulham Broadway and Oxford Circus (via Victoria and Mayfair) to retain the links broken by changes to routes 11, 19 and 22

In addition, some routes that serve the borough are proposed to have changes to their alignments in other parts of London. These are:

- Route 9: Reroute from Pall Mall to Piccadilly
- Route 14/N14: Terminate at Russell Square instead of University College Hospital
- Route 22: Terminate at Piccadilly Circus instead of Oxford Circus

In addition, from November, Routes 10 and 23 will effectively be merged. Route 10 will be withdrawn and TfL will amend Route 23 to run between Westbourne Park and Hammersmith. The amended Route 23 will continue to run between Westbourne Park and Marble Arch, but will then follow the existing Route 10 from Marble Arch to Hammersmith, via Hyde Park Corner, Knightsbridge, Kensington Olympia and Hammersmith Bus Station.

Details of the consultation can be found at tfl.gov.uk/central-london-bus-consultation. Officers have written to all resident associations and ward members in the borough and will formulate a response to this consultation based on feedback received. I am particularly concerned that these changes will have the greatest impact on elderly and disabled passengers whose current trip patterns will no longer be possible, and who will need to transfer between buses to complete their journeys.

1.3 Quietway consultation

We have just completed a period of public consultation on proposals for a new cycle Quietway linking Kensington High Street to Shepherd's Bush. The proposals

included new traffic calming features on Russell Road, and allowing people to cycle past an existing No Entry restriction on Hansard Mews. At the time of writing, we had enjoyed a good response to the consultation, and I will be considering the results shortly.

1.4 Closure of London Overground ticket offices

London Overground's operator, Arriva Rail London (ARL), has reviewed its ticket offices and is considering closing 51 ticket offices across the London Overground network. The proposed ticket office closures are at stations where there are fewer than 12 ticket sales per hour throughout the day. Three stations – located near the border with the Royal Borough – in Hammersmith and Fulham are included in this review. They are: **Shepherd's Bush, Imperial Wharf and Kensington Olympia.**

The proposals include making staff more visible and available at stations, providing assistance and information where it is most needed, and modernising the process for selling tickets to reflect changes in how people are paying for their travel. All stations will continue to be staffed from 15 minutes before the first train of the day until 15 minutes after the last.

Officers have informed local ward councillors and residents' associations.

1.5 Consultation on changes to Local Service Permits

Transport for London (TfL) issues permits, called London Service Permits (LSP), to commercial operators who wish to operate buses or coaches in London. These are not services proposed by TfL, but TfL is obliged to consult on any new applications received. In recent months some wards have experienced a large number of applications for LSPs for new tour bus services.

On 14 September 2018 TfL launched a consultation on changes to the London Service Permit Guidance. The closing date for responses is 26 October 2018. Full details of the proposed changes can be found at

<https://consultations.tfl.gov.uk/lsp/guidance-updates/>.

Officers will be responding to this consultation recommending that:

- there is a strong presumption against any new LSP services unless they can demonstrably show that they add value and do not duplicate existing services (either LSP or London Buses);
- any new service must use roads already in use by the regular TfL bus network unless agreed by the Local Authority;
- TfL should do more to promote existing scheduled bus services serving the main tourist sights to visitors to London; and
- all new services must use fully electric vehicles.

2 Extension to the Public Spaces Protection Order (PSPO) for Vehicles

The Order:

<https://www.rbkc.gov.uk/sites/default/files/atoms/files/Final%20Order%20Update>

[d%20October%202015%20%282%29.pdf](#)

Boundary Map:

https://www.rbkc.gov.uk/sites/default/files/atoms/files/FINAL_PSPO%20Boundary.pdf

2.1 Background

The PSPO was launched in November 2015 after numerous nuisance complaints were received from residents and following a consultation with residents and the Police in the Knightsbridge area of the Royal Borough.

The growing problem of ASB from motor vehicles in the area had increased over the previous few years. The main issue was the noise generated by “super cars” that were being driven through the area on an increasingly frequent basis. These vehicles are seen by many as status symbols and as is often the case, the louder the better. There are additional ASB issues such as sudden acceleration, loud stereo systems, illegal parking and congestion on the pavements caused by bystanders.

In 2014, the new Antisocial Behaviour, Crime and Policing Act came into force. This new legislation provided the Council with new powers, including the use of PSPOs. A consultation took place during 2015 and the PSPO that now operates was implemented.

2.2 Positives and Negatives

There have been successes with the PSPO, but also limitations. The positives and negatives are listed below.

Positives

- A 55% reduction in complaints from 2016 to 2017
- A 36% reduction in complaints via the dedicated PSPO email box from 2016 to 2017
- Dedicated PSPO patrols by the Council and Police
- Permanent traffic signage installed
- Temporary pedestrian signage installed
- At the busiest times for vehicle ASB, the Police utilised dispersal orders

Negatives

- The PSPO cannot completely eradicate the ASB
- Tackling foreign plated vehicles is exceptionally difficult
- Unfortunately, the relevant embassies were not prepared to engage with this initiative
- Council and Police officers cannot be present all the time. Both have numerous competing priorities across the 18 wards in the Royal Borough
- Some witness statements from the public have generally been of a poor quality. The general public do not have the evidence gathering skills that Council and police officers possess
- There are no powers under the PSPO to seize vehicles

2.3 Amendments to the current order

It is clear that the PSPO is a useful tool in helping to manage vehicle related ASB. There are two amendments we recommend, that will help improve our ability to tackle the ASB and make the enforcement more effective.

Amendment One

We have noticed an increase in complaints about the noise generated by pedicabs. The noise is a result of the stereo systems that the majority of them have housed within the pedicab. There are also parking and congestion issues created by pedicabs.

The Pedicabs (London) Bill was introduced to Parliament on 23 January 2018. The second reading of the Bill will take place provisionally on 26 October 2018. The Bill will enable Transport for London to licence pedicabs, their drivers and operators in a manner similar to the licensing regime applicable to Taxis.

Until such time that the Bill becomes an Act of Parliament the inclusion of pedicabs in the PSPO is the only way of controlling the noise generated by pedicabs.

We propose amending the order as below, changes are highlighted below:

1. The activities described below are hereby prohibited as from the date of this Order.

Between the hours of 12 noon and 6am in the location described in paragraph 2 of this Order anyone being the driver of a vehicle performs any of the following activities:

- (a) Revving of engine(s) (as to cause a **public** nuisance);*
- (b) Repeated sudden and rapid acceleration (as to cause a public nuisance);*
- (c) Racing;*
- (d) Performing stunts (as to cause a **public** nuisance);*
- (e) Sounding horns (as to cause a **public** nuisance);*
- (f) Playing music **from a (removed "in a")** vehicle (as to cause a **public** nuisance);*
- (g) Using threatening, intimidating behaviour towards another person; and*
- (h) Causing obstruction on a public highway, whether moving or stationary, including driving in convoy*

In order to ensure that Pedicabs fall within the PSPO the use of the term "vehicle" will have to be defined in the PSPO to include "a pedal cycle, which includes a power assisted pedal cycle, or a pedal cycle in combination with a trailer, constructed or adapted for carrying one or more passengers".

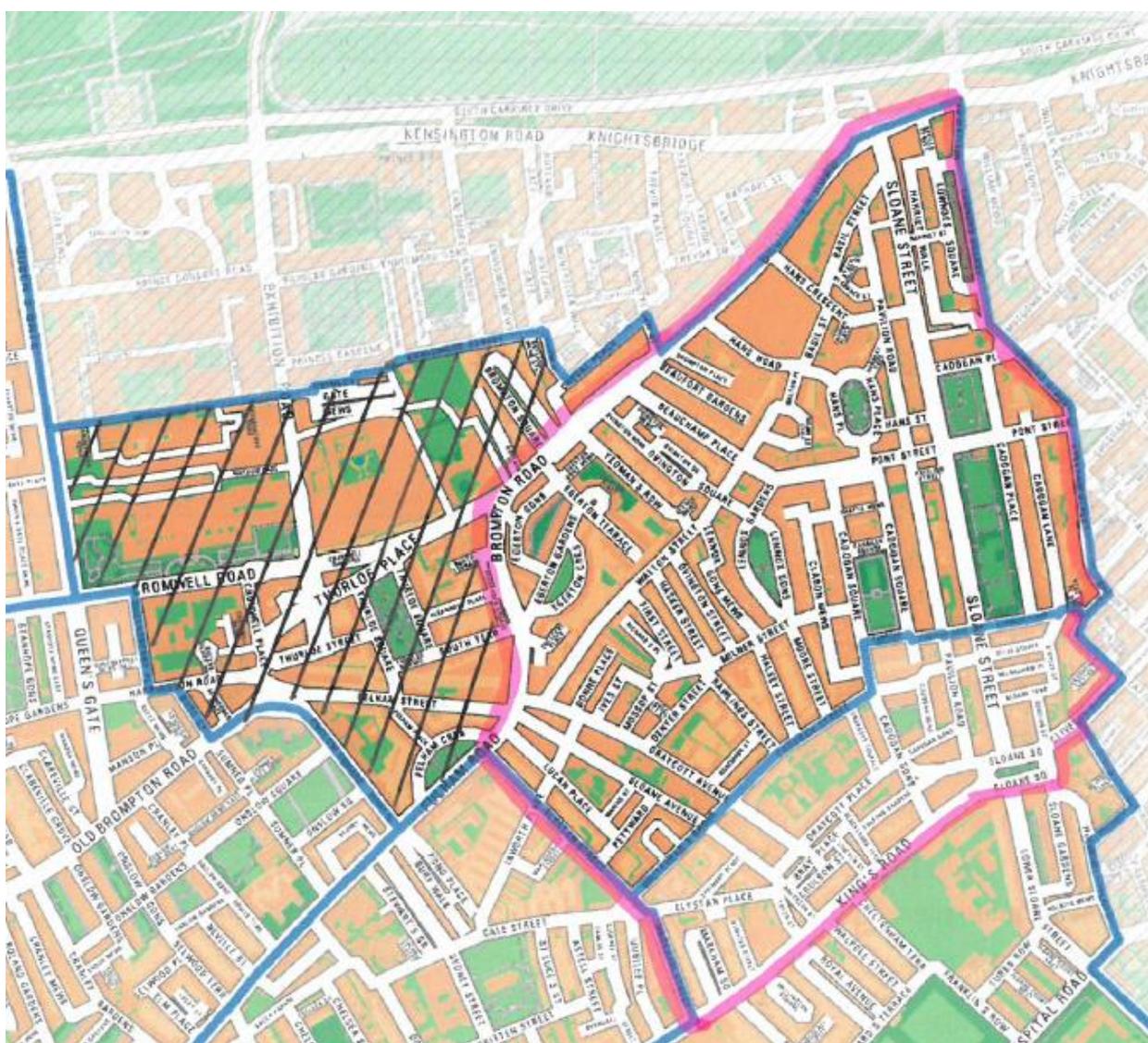
Amendment Two

The current boundary area is too big and encompasses locations where vehicle

ASB is not present. The overwhelming majority of offences take place in the following streets:

- Basil Street
- Beauchamp Place
- Beaufort Gardens
- Brompton Road
- Egerton Gardens
- Hans Road
- Sloane Avenue
- Sloane Street
- Walton Street

As such, we recommend an adjustment to the boundary as detailed in the map below.



The area within the pink line would be the new boundary. The lined area would no longer be within the boundary. This will provide Council and Police officers a more focussed area to concentrate on, which is a better use of the available resources.

2.4 The next steps

The consultation was launched on Monday 24 September and will last for six weeks. Contact has been made with the relevant residents' groups, other property owners (Cadogan Estates and South Kensington Estates) and Councillors in the affected area (the wards of Brompton and Hans and Royal Hospital), the London Pedicab Operators Association and with the Police. Details of the consultation have also been uploaded to the Council PSPO webpage <https://www.rbkc.gov.uk/community-and-local-life/community-safety/public-spaces-protection-order-knightsbridge> . The Council will also promote the consultation via social media.

At the end of the consultation, we will collate the feedback and then finalise the proposal. The finalised proposal will be submitted to Leadership and SMT in early November.

We aim to be in a position to launch the amended extension for a further three-year period in mid-November 2018.

PLANNING AND BOROUGH DEVELOPMENT

3 PLANNING POLICY TEAM

3.1 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

Timetable

¹ www.rbkc.gov.uk/planningpolicy

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:** October/November 2018
- **Full Council final adoption:** TBC December 2018
- **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>.

3.2. 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.

Consultation will commence in October/November for a period of six weeks.

3.3 Code of Construction Practice

The Council adopted its current Code of Construction Practice in April 2016. The Code of Construction Practice is being revised to cover all development sites in the borough. A financial bond for site monitoring purposes is being considered. The challenge will be to establish a system which is cost neutral given that the borough is characterised by smaller development sites. The City of Westminster operate a system of charging for site monitoring, but it only applies to their major sites and in some cases basements.

The Code will bring in further requirements to mitigate noise and air quality on construction sites possibly through requiring a site inventory. In addition, widening the use of Construction Traffic Management Plans (CTMPs) beyond large sites and basement development is being considered. This is likely to be used for smaller sites where there are particular highway challenges.

Consultation is aimed to start in late October/early November 2018.

3.4 Greening SPD

The new SPD on Greening is being prepared to provide guidance on the Council's policy requirements for energy efficiency, flood risk, biodiversity and green infrastructure. The SPD will mainly focus on new developments but will also cover retrofitting existing buildings with energy efficiency measures such as double glazing and solar panels. The SPD will seek to emulate proposals in the Draft London Plan.

Consultation is aimed to start early 2019.

3.5 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 process likely to start in October and be completed in November 2018 will confirm the Article 4 direction but it will come into force in-line with the permitted development rights in May 2019.

3.6 Conservation Area Appraisals

The Council has adopted 26 Conservation Area Appraisals (CAAs). Two further CAAs – Nevern Square and Philbeach have recently been adopted (October 2018).

3.7 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.

The planning application was referred to the Mayor when it was validated as it met the criteria for referral – in this case being over 30 metres in height (outside the City of London). The Mayor has already provided comments on the application which assessed whether it complied with London Plan policies (known as a Stage 1 response).

Consequently, following the planning committee's decision to refuse, the application will be referred back to the Mayor for his final decision, known as a Stage 2 referral. The Mayor has 14 days to make a decision to allow the decision to refuse to stand, to direct refusal, or to take over the application, thus becoming the local planning authority.

It is likely that the applicant will wait for the outcome of this process before making a decision as to whether to continue with the application under section 4 of the London Squares Preservation Act 1931.

4 PLANNING IMPLEMENTATION TEAM

4.1 Crossrail 2 (the former Chelsea-Hackney Line)

The next round of consultation on Crossrail 2 is not now expected until the end of 2018.

4.2 Kensal Portobello Crossrail station

Work on this project with Network Rail continues, and is focused at present on "Route Theory" work, which concerns the impact that the station would have on the train timetable, and in particular on how it would change the train operator's ability to recover from service disruption in the event of an initial train being delayed. Once this work is complete, and assuming a positive outcome, I intend to seek the Leadership Team's support for moving to the next stage in the development of the station project.

4.3 Asset of Community Value (ACV) Nominations

No new applications have been received.

4.4 The 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.

In order to be proactive an Action Plan is being produced. The Action Plan aims to identify the barriers to housing permissions being implemented in the borough and the options available to the Council to increase delivery.

5 LEAD LOCAL FLOOD AUTHORITY

5.1 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.

5.2 Counters Creek

Thames Water has 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. Thames Water are also working on the design of local sewer improvements to increase the capacity of the sewer and the implementation of SuDS to reduce rainfall entering the sewer system. There are currently two proposed locations in the borough for the local sewer improvements: Queensdale and Stratford Road. It is likely that only Queensdale will require planning permission as it will include a ventilation column, but the designs have yet to be finalised. Further information will be available next year.

Thames Water has been asked for further detailed evidence to substantiate their decision to withdraw the Counter's Creek strategic sewer scheme. 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.

6. 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, a 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). Regular meetings have been arranged with the Council's public engagement team in order to ensure a co-ordinated approach to early engagement with a view to begin in November/ December 2018. Meetings with relevant Lead Members and Ward Councillors will brief them on this early engagement strategy.

COUNCILLOR WILL PASCALL

Background documents: None

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