

# **REGULATION 19 PUBLICATION POLICIES CONSULTATION**

Summary of Comments received

January 2023

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## **1. Introduction**

- 1.1 This document provides a summary of the responses received on the Royal Borough of Kensington and Chelsea's Publication Policies (Regulation 19) as required by Regulation 22 (c) (v) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

### Q.i Participation in examination hearing

If your representation is seeking a modification of any of the policies, would you like to participate at the oral part of the examination, the examination hearing?

Yes	43
No	24

### Q.ii Confirmation of notification regarding next steps

*Please note it is the Inspector who will decide who he wishes to attend the hearing.*

**Please confirm whether you wish to be notified of any of the following:**

	Yes	No
That the policies have been submitted for the independent examination	56	6
if/when the planning inspector issues and recommendations to change the submitted Local Plan	56	5
When the Local Plan is adopted?	57	3

## Q.1 Policy V1: Vision for the Borough

The vision supports good growth and requires future development in the Borough to be green, inclusive and liveable.

**Do you consider this vision to be...**

	Yes	No
Positively prepared?	20	15
Justified?	17	17
Effective?	11	23
Consistent with national policy?	16	15
Legally Compliant?	15	11

40 individual responses were received to this question.

A number of positive comments were received, with stakeholders supporting a vision which puts the environment at the heart of our new Local Plan.

Comments were received on each of the main elements of the vision, as well the vision as a whole:

### **Green**

Whilst there was support to include “green” at the centre of the Local Plans’ vision, comments were received which questioned whether the vision was merely “green washing” and was not backed up by the necessary policies. This included the need for policies which support active travel and reducing car traffic and support for cycle lanes and the provision of electric car charging infrastructure. There should also be an explicit commitment to keep up-to-date with latest science with regard green/building technologies, and policies which go beyond merely retrofitting housing estates.

[These comments relate to the effective implementation of the vision. The Council is satisfied that the Plan contains the suite of policies IN Chapter 8: Streets and Transport and Chapter 2: Green -Blue Future which will help ensure that new development is truly green. The policies in Chapter 2 are flexible enough to allow the use of latest clean technologies that enable the vision to be realised.](#)

### **Inclusive**

There was support for an “inclusive plan”, with comments centred on the need to reduce inequality and provide truly affordable homes. However, there is concern from the Backdoor Housing Cooperative, the Kensington and Chelsea Labour Group as well as some residents that the plan doesn’t have the policies in place to achieve this aim.

In particular, the Backdoor Housing Cooperative is concerned that the Council does not explain what it means by genuinely affordable homes and is concerned that the provision of community led housing is not adequately supported, with there not being an adequate process for community led housing groups to submit their proposals.



These comments relate to the effective implementation of the vision. The Council is satisfied that the Local Plan contains a suite of policies which will help ensure that new development will be inclusive and will help reduce inequality. The provision of truly affordable homes is an important element of this. The Council adopted a new term 'community housing' to signal genuinely affordable homes and identified housing products that would meet this new definition. This is addressed in some detail in Chapter 3.

Community-led housing is also supported in Chapter 3, paragraph 3.46 should a community bring forward such housing.

### **Liveable**

Chelsea Society and Kensington Societies suggested changes to the vision in order to emphasise the importance of preserving the Borough's built heritage.

The vision, as drafted, is considered to adequately reflect the Council's desires in this regard. The importance of preserving the Borough's townscape is central to good design.

### **General comments**

A number of other comments were received. These included that:

- The vision is not inspiring enough. It should include further strands – to inspire and challenge.
- The vision should address ongoing uncertainty associated with post covid-19 recovery and changing demographic patterns.
- The vision should make reference to urban agriculture, emerging food production and controlled environment technologies.
- Specific reference should be made to the need to optimise the use of brownfield sites to create sustainable mixed use places.
- The vision should prioritise "quality of life" rather than meeting central set targets.

These comments do not challenge the soundness of the vision, merely that a consultee is of the view that it should be different. The Council is of the view that the vision does inspire, that quality of life is important and that the policies elsewhere in the plan do require the optimal use of all sites.

In addition, a number of comments were raised about issues which did not relate to the vision, or which were only linked tangentially. These included concerns that the former Qatar building in Cluny Mews and the area surrounding Notting Hill Gate are not suitable for tall buildings.

In addition, two residents, Kensington and Chelsea Citizen's Advice and the Kensington and Chelsea Social Council were concerned that the plan has not been drafted as they would like. They consider that the Council has shown a lack of tangible commitment to the principles of resident participation, co-production, co-design, and a real desire to reduce inequality. There is a need to refer to the Council's Charter for Public Participation (CFPP). It is also unclear how the views of protected equality groups have been

considered and the Council's equality duties have been exercised with rigor and with an open mind.

The Council is satisfied that it has followed all the necessary procedures regarding community engagement. It has adopted a Statement of Community Involvement and has followed the provisions there in when drafting the Local Plan. This goes beyond the minimum requirement, with effort being made to engage those sectors of the community who have traditionally have not engaged. The Local Plan has also been produced having regard to the Council's Charter for Public Participation (CFPP).

The Council has carried out an EqIA and HIA as part of its wider Integrated Impact Assessment (IIA) and is satisfied that the policy will help reduce social and health inequality across the borough.

## 2. Green-Blue Future

### Q2. Policy GB1: Sustainable Retrofitting

This policy sets out how buildings can be retrofitted to be more energy efficient and use cleaner energy.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	14	10
Justified?	13	10
Effective?	9	15
Consistent with national policy?	11	11
Legally compliant?	12	6

28 individual responses were received to this question.

- The policy is generally supported by a range of consultees – residents, residents’ associations as well as property owners. Where there are any objections, these are to make the policy stronger although Warrior Property Group and Portobello Group would like to build consideration of viability into the policy.
- Changes sought include expanding Part A of the policy to cover all developments rather than just major development. A definition of ‘large’ should be included. Recognition that there could be other interventions that can enable retrofitting in addition to the ones included in the supporting text. Inclusion of triple glazing in Part C of the policy.
- The policy has been written to recognise that many retrofit projects to existing buildings do not require planning permission. Therefore, the trigger point is large scale development. **By large scale the Council means where a block of flats is being retrofitted although the standards such as Energiesprong can also apply to whole house retrofit of existing homes. This can be added as a main modification to the supporting text.**
- The Council cannot require small scale householder retrofit projects to meet third party voluntary standards The text already refers to a suitable standard for whole house retrofit and with the addition to the main modification to paragraph 2.5 the encouragement for whole house retrofit will be encouraged. Therefore, no change is required.
- Any technologies that help deliver the policy objectives will be supported. It is considered that the policy is flexible enough to accommodate this and not limited to the examples linked with what is currently available. **Minor modifications could be made to refer to other technologies in paragraph 2.4.**

- Triple glazing is generally not suitable in the context of historic buildings as slimline options are not available. Paragraph 2.12 mentions vacuum glazing which is slimline, can be fitted to existing frames and can perform as well as triple glazing.

### Q3. Policy GB2: Circular Economy

The policy considers how development should minimise waste during the building process.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	10	9
Justified?	9	9
Effective?	10	9
Consistent with national policy?	10	8
Legally compliant?	9	4

21 individual responses were received to this question.

- The policy is generally supported by a range of consultees – residents, residents’ associations as well as property owners. Where there are any objections, these are to make the policy stronger by increasing the scope beyond major developments and require rather than aim to be net zero waste.
- The Council considers major development is the correct threshold for policy as it will be too onerous for minor development to apply the policy as a requirement. Instead, paragraph 2.21 notes that while the requirements apply to major developments, proposals for minor development are encouraged to undertake and submit a circular economy statement at pre-app stage. Given the magnitude of the Climate Emergency, the approach is considered justified in encouraging developments of all scale to minimise waste and plan for Circular Economy.
- The requirement is to follow Circular Economy Principles which will result in significant waste reduction with 95% of construction waste to be recycled. It would be too onerous to mandatorily require developments to be net zero waste. Policies need to be deliverable to be effective.

### Q4. Policy GB3: Whole Life-cycle Carbon

This policy is intended to ensure that the carbon generated over the life-time of a building is reduced.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	9	6
Justified?	9	6

Effective?	6	9
Consistent with national policy?	9	3
Legally compliant?	8	4

14 individual responses were received to this question.

- A concern is raised by a resident about how compliance will be monitored and enforced, two further comments are made with regard to monitoring. The Kensington Society would like to see the policy extended to small scale development such as basement construction and the refurbishment of buildings involving the demolition and/or building of walls. There are some comments supporting the policy while a couple of comments do not think carbon is a problem that needs addressing.
- Paragraph 2.28 of the Publication Policies specifies that the requirement includes a post-construction assessment and that this will be secured through a condition or s106 legal agreement. This covers the concern raised regarding monitoring. In addition, paragraph 2.46 further elaborates on monitoring a building's performance.
- Extending the requirement to below 'major' development would be too onerous for the scale of development.

#### Q5. Policy GB4: Energy and Net Zero Carbon

This policy is intended to ensure that new development reduces energy demand and that major development is net zero carbon.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	9	8
Justified?	8	9
Effective?	4	13
Consistent with national policy?	7	7
Legally compliant?	9	6

25 individual responses were received to this question.

- Ballymore Group Ltd and Sainsbury's Supermarkets Ltd have commented that while they support the Council's ambitions to connect to District Heating Network, the policy should recognise that there could be other sustainable systems that could be supported where there are no networks in proximity to the site. ECDC are generally supportive of the policy they raise a valid point for Part F of the policy to include exploring opportunities to deliver heating, cooling in addition to energy networks. They also refer to the Evidence Study on Greening Issues' (July 2021) to clarify that "shell only schemes" such as schemes delivering ground floor retail space can only achieve BREEAM "very good" (page 100). This point is also raised by Turley on behalf of Warrior Property Group and Portobello Group.

- The Home Builders Federation consider that the policy requiring net zero carbon is unsound as it is not feasible technically to deliver this. Instead Building Regulations should be relied upon.
- A resident has raised concern that the policy does not refer to the energy hierarchy or self-reporting by way of monitoring sufficient. The Kensington & Chelsea Citizens Advice have raised that the policy does not refer to the cost of living crisis. The Knightsbridge Neighbourhood Forum would like the policy to be extended to cover minor developments. Some comments are raised regarding the use of carbon offset as a mechanism is not supported while the Kensington Society would like indexation to apply to the offset payments.
- A couple of comments conversely consider net zero should be scrapped, is too expensive and expected too soon.
- **A main modification to Part F of the policy could be made to include the wording in red – “Large-scale development schemes, such as those in Opportunity Areas, must explore opportunities to deliver heating, cooling and energy networks....”. In addition the policy can also recognise that there could be other sustainable technologies available and a main modification made to reflect this.** Part I of the Policy – the wording 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 as a main modification. It can say – **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.**
- Policy requirement for net zero carbon has been in place in London through the London Plan since 2015. Removing this requirement would be a retrograde step.
- Energy hierarchy is referenced in Part A of the policy and the policy is structured to reflect the energy hierarchy. Part A relates to ‘Be Lean’, Part B, C, D and E to ‘Be Clean’, Part F to ‘Be Green’ and Part G to ‘Be Seen’. The Council’s [Greening SPD, June 2021](#) provides further detail and includes the energy hierarchy. The monitoring requirement is in-line with the GLA’s [‘Be Seen’ Energy Monitoring Guidance](#).
- The policy requirements will mean more energy efficient buildings which will result in reduced energy bills for occupiers.
- The Council does not have the evidence to require further improvements over 2021 Building Regulations for minor developments. This would be a disproportionate requirement for minor developments.
- The policy recognises that in highly constrained urban environment it will not always be possible for new development to be net zero carbon. For example, there may not be sufficient roof space for renewable energy sources. Therefore, while not preferred, an offset payment may be taken to reduce carbon emissions elsewhere in the Borough. The London Plan Policy SI 2 D requires the Council to set up and administer a carbon offset fund. The carbon offset price is in-line with the London Plan which does not include

indexation. The payment when made reflects carbon tonnage over 30 years and is not paid over 30 years, so indexation is not applicable.

## Q6. Policy GB5: Overheating

This policy is concerned with how best to ensure that major development minimises overheating risk and reduces reliance on air conditioning.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	7	3
Justified?	7	3
Effective?	5	5
Consistent with national policy?	6	4
Legally compliant?	7	2

11 individual responses were received to this question.

- No substantive comments were received on his policy. The Environment Agency would like a cross reference to policies GB15-18 which relate to providing a green cover as this would assist in reducing the urban heat island effect. The Kensington Society would like to see all air conditioning to be resisted including to existing buildings. Some comments were made that the policy should not inhibit the choice to how to cool your premises or that the policy would be meaningless without post occupancy monitoring as award winning buildings had failed to perform.
- **A minor modification could be made to supporting text to refer to Policies GB15-18 as it is agreed this would be helpful.**
- The Council cannot include a policy resisting all applications for air conditioning. This would not be positively prepared or proportionate and as such would not pass the tests of soundness.
- Following previous responses raising similar concerns, paragraph 2.56 was added. This could be amended to take on board some of the suggestions by the Kensington Society as shown in the red text *“Applicants proposing air conditioning, be it a single unit or at the whole building scale, should carefully consider the harmful environmental impact of air conditioning and fully explore passive cooling (including roof and wall insulation as per Policy GB1: Sustainable Retrofitting) and ventilation measures/solutions in the first instance. Where a number of air conditioning units are proposed, applicants should consider a whole system/property passive approach **could** and implement the most efficient solution possible.”*

## Q7. Policy GB6: Air Quality

This policy is concerned with how to ensure that development is undertaken in a way which minimises its impact on air quality.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	8	10
Justified?	8	9
Effective?	4	14
Consistent with national policy?	7	10
Legally compliant?	7	7

27 individual responses were received to this question.

- The policy is generally supported by a range of consultees – residents, residents' associations as well as property owners. However, most residents and the associations they represent raised concerns that aspects of the policy do not go far enough.
- Representations were made about the locations and limited number of Air Quality Focus Areas. Changes sought include the addition of the Westway as an AQFA. AQFAs are designated by the GLA and have recently been reviewed following the publication of new air quality data with the London Atmospheric Emissions Inventory 2019.
- The Council is not able to designate the part of the Westway within its borough as an AQFA. In preparation for the Council's new Air Quality Action Plan, the Council commissioned consultants to model the Westway as an elevated road to account for the increased dispersion and dilution of air pollution (which has not been done before). This showed it was not a hotspot as previously thought. We will be carrying out additional modelling later this year and will review the latest information then with a view to sharing with the GLA. The Council is aware the Westway remains a concern when it comes to being a source of air pollution and within our Action Plan (action M3) have committed to installing additional monitoring equipment in the vicinity of the Westway and the railway line to obtain more data so we can be confident in the accuracy of the air quality modelling undertaken. **No change is proposed to the policy, but we would support an update to the text in para 2.63 to acknowledge that the three AQFAs are not an exhaustive list of locations where air quality is of concern to the Council.**
- Representations were also made for requiring all new developments to be Air Quality Positive.



- The Council has expanded upon the requirement of existing GLA guidance to require all Major Development within its GLA designated Air Quality Focus Areas to follow an Air Quality Positive approach. These areas have been determined by the GLA as not only exceeding the EU annual mean limit value for NO<sub>2</sub> but are also locations with high human exposure. Given the current impacts of air quality on health and the local environment the Council considers this to be the correct threshold for the policy.
- Policy GB6 has been written to support several policies set out in the LP2021. Whilst supported by the Environment Agency, GLA and TfL, these organisations have asked for minor changes to be made.
- **We propose to update policy GB06E to refer to Agents of Change (Policy D13 of the London Plan) and the supporting text in paragraph 2.67 to refer to Healthy Streets, sustainable transport and active travel which are further covered in Chapter 8 of the Local Plan ‘Streets and Transport’.**
- Policy GB6D refers to the requirement for non-combustion energy technology, where available. The present policy CE5 explicitly resists biomass combustion and CHP/CCHP. Whilst this is implied in GB6D it is no longer as clear as it was previously.
- **The Council would support the addition of this and reference to the Council’s Greening SPD which has not been included at present.**
- A representation from an Estates Services Company has been received regarding policy GB6C and GB6F, suggesting that an Air Quality Positive approach should only apply to Major Developments requiring an EIA and that Dust Risk Assessment should not be required for smaller scale works.
- Given the current impacts of air quality on health and the local environment (especially particulate matter) the Council considers this to be the correct threshold for the policy and no change is proposed.
- Policy GB6F recognises that some smaller scale works may not meet the definition of a Major Development but can still generate dust (such as basement excavation, soil export or import) and contribute to poor air quality - especially when there are a number of developments within a local area. The definition of ‘smaller scale’ has been queried.
- **The Council would support a minor modification to the text to refer to the smaller scale developments as ‘Minor Developments’ instead as this would be in line with current planning definitions.**

## Q8. Policy GB7: Construction Management

This policy is concerned with how to ensure that the impact of noise and vibration generating sources are minimised during both the construction and operational phases of development.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	8	6
Justified?	8	5
Effective?	7	6
Consistent with national policy?	8	5
Legally compliant?	8	4

18 individual responses were received to this question.

- Six respondents support the policy, including the St Quintin and Woodlands Neighbourhood Forum and Natural History Museum.
- One representation suggests a modification that applications are not to be considered if Construction Traffic Management Plans are not submitted at the same time as the application.
- [The Council recognises that it would be unreasonable to require a CTMP from every development and already requires them in number of development scenarios where there will be impacts, this includes sensitive locations such as mews.](#)
- Two respondents, including the Labour Group of Councillors support the policy but comment that there is not enough staffing/ resources for enforcement. Resourcing issues are also raised by a number of other respondents including by Lots Village Residents Association.
- A number of other representations relate to operational issues of registering complaints, responding to complaints and also highlight resourcing constraints
- [These issues sit outside of the local plan and relate to operational aspects rather than a change to the draft policy wording.](#)

## Q9. Policy GB8: Noise and Vibration

This policy is concerned with how to ensure that developments minimise construction impacts.

**Do you consider this policy to be...**

	Yes	No

Positively prepared?	9	7
Justified?	9	6
Effective?	6	9
Consistent with national policy?	8	6
Legally compliant?	7	6

73 individual responses were received to this question.

- Some positive comments were received supporting the policy in particular from Ballymore who own a large parcel of the Kensal Canalside Opportunity Area, however there were some issues over clarity on where to find detailed information regarding the local noise and vibration standards.
- **The NLPR shows the relevant information in relation to the control of noise and vibration however it is acknowledged that details on where to find more detailed specific information is not contained within the NLPR, amendments can be proposed to provide this information.**

#### Q10. Policy GB9: Odour

This policy is concerned with how to ensure that odour is properly taken into account in the planning process.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	3
Justified?	5	3
Effective?	5	4
Consistent with national policy?	5	3
Legally compliant?	4	2

40 individual responses were received to this question.

- Some positive comments were received supporting the policy, in particular from Thames Water. However, comments were raised regarding the current wording of the policy, invoking confusion and inconsistency with Policy D13 of the London Plan.
- **The NLPR shows consistency with the London Plan, but it is agreed the current wording of the policy in its current form invokes confusion and inconsistency with Policy D13 of the London Plan, as such amendments have been proposed incorporating comments from Thames Water.**

### Q11. Policy GB10: Light Pollution

This policy is concerned with how to ensure that light pollution is properly taken into account in the planning process.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	7	5
Justified?	7	4
Effective?	4	8
Consistent with national policy?	5	3
Legally compliant?	4	2

49 individual responses were received to this question.

- The policy was generally supported with some positive comments received, comments were raised regarding the policy being insufficient to prevent problems arising and insufficient to remedy the disconnect between the planning process and the need to avoid light pollution.
- The comments have been noted and will be addressed in a new nuisance supplementary planning document that covers Noise, Vibration, Odour and Artificial Light to update the current SPD to the most recent national standards, legislation, local and national policy

### Q12. Policy GB11: Flood Risk

This policy requires flooding, flood risk and safety to be considered for any relevant planning application.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	8	5
Justified?	8	4
Effective?	4	9
Consistent with national policy?	6	4
Legally compliant?	5	5

16 individual responses were received to this question.

- Consultation responses were generally supportive of the policy wording. The Environment Agency supported the amendments to the policy from the Regulation 18 consultation.

- Some residents associations, including the Kensington Society, commented that the restrictions on sleeping accommodation currently associated with fluvial and tidal flooding from the River Thames should be extended to include surface water flooding by restricting sleeping accommodation below ground floor level in Critical Drainage Areas.
- Critical Drainage Areas cover large areas of the borough and do not necessarily define the locations that are directly at risk of flooding. As such it would be disproportionate to restrict all sleeping accommodation in lower ground or basements in such areas where there may not be a direct risk of flooding to the property. Where there is evidence in the Flood Risk Assessment of a significant risk of flooding, restrictions may be considered on a case-by-case basis where the risk of flooding cannot be mitigated. This is already covered in the rest of Policy GB11.

### Q13. Policy GB12: Sustainable Drainage

This policy is concerned with surface water management and Sustainable Drainage Systems.

#### Do you consider this policy to be...

	Yes	No
Positively prepared?	8	6
Justified?	8	5
Effective?	4	10
Consistent with national policy?	6	5
Legally compliant?	5	4

18 individual responses were received to this question.

- Consultation responses were generally supportive of the proposed policy wording, including the Environment Agency.
- There were concerns regarding the strictness of the policy to require greenfield runoff rates from all major development in the Borough from the Earl’s Court Development Company, the Home Builders Federation and the Commercial Estates Group. All three responses requested that the policy be changed to “must aim to achieve” rather than “must achieve” to take into account the potential for site constraints to not allow for runoff rate restrictions to greenfield.
- The requirements for runoff rates in Policy GB12 are intentionally ambitious and are proportionate to the scale of development. The supporting text acknowledges that there are constraints that may hinder applications meeting this target, which would be considered on a case-by-case basis.
- **This has been suggested as a Main Modification to reflect the wording of the current Non-Statutory SuDS standards and acknowledge the flexibility required in**

certain circumstances. The potential for offsite SuDS delivery secured through a legal agreement where greenfield runoff rates cannot be achieved has been proposed as a Main Modification for Policy GB12.

- The Kensington Society requested that additional detail be included to set out the expectations for submissions to demonstrate compliance with policy GB12.
- **Additional clarification has been proposed as a Main Modification to the supporting text for Policy GB12.**

#### Q14. Policy GB13: Water and Wastewater Infrastructure

This policy is concerned with the provision of water and sewage infrastructure.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	7	4
Justified?	7	4
Effective?	5	6
Consistent with national policy?	6	4
Legally compliant?	5	4

13 individual responses were received to this question.

- Consultation responses were generally supportive of the policy, particularly the changes made to the policy since the Regulation 18 consultation. Thames Water, the Environment Agency and the London Borough of Hammersmith and Fulham were supportive of the current policy wording, although the London Borough of Hammersmith and Fulham requested additional text relating to the requirements for an Integrated Water Management Strategy for the shared Opportunity Area at Earl's Court.
- **Main Modification are proposed to the supporting text to reflect the need for the IWMS to account for the whole Opportunity Area, include parts outside the Borough.**

#### Q15. Policy GB14: Waterways

This policy is concerned with how development must protect and enhance the borough's waterways.

**Do you consider this policy to be...**

	Yes	No

Positively prepared?	6	2
Justified?	6	2
Effective?	6	2
Consistent with national policy?	5	2
Legally compliant?	5	2

13 individual responses were received to this question.

- A response was received from the Canal & River Trust regarding the clarification of the location of permanent residential moorings and referring to eco moorings.
- The Council considers that the current provisions in Policy GB14 are adequate to protect visitor moorings along the tow path.
- The Chelsea Society noted the need to provide additional links to the biodiversity and heritage value of the River Thames in Policy GB14.
- Biodiversity and conservation are covered in detail elsewhere in the plan and it is not considered necessary to duplicate these policies in GB14.

#### Q16. Policy GB15: Green Infrastructure

This policy is concerned with the provision of green infrastructure, or parks, grassed areas, street trees and physical greening. It is also concerned with the quality of the green infrastructure being provided.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	11	13
Justified?	12	11
Effective?	9	15
Consistent with national policy?	10	7
Legally compliant?	10	4

31 individual responses were received to this question.

- The comments were generally supportive of the ambition for green infrastructure as part of development applications, although there were concerns over the general effectiveness of the policy. Comments were received from Ballymore Group Limited and TfL Commercial Development regarding the specific wording of the policy in requiring an Urban Greening Factor rather than for developers to target an Urban Greening Factor.

- **While there is the desire for development to achieve higher UGF, the Council has proposed to change the wording of Policy GB15 to align with the London Plan Policy G5.**
- The Environment Agency commented and requested that the supporting text include reference to Sustainable Drainage Systems.
- **The Council has proposed to include an additional sentence in the supporting text to include this cross-reference as a Main Modification.**
- The Earls Court Development Company suggested a change to the supporting text of Policy GB15 regarding the specific requirements on phased developments, stating that the current wording is too restrictive for larger sites where some phases will overdeliver on UGF whereas some phases are likely to under deliver.
- **The Council acknowledges that there will be instances where there will be a balance in phased development for the delivery of green infrastructure. The current wording of the policy, however, is responsive to those balances and no changes are proposed.**
- The Kensington Society proposed supplementary text to set out the requirements for submissions to demonstrate compliance with Policy GB15 as there were concerns with the effectiveness of the current policy wording.
- **The Council considers the current wording and guidance to be effective. Additional information, where required, can be provided at planning stage or within the forthcoming Biodiversity Net Gain SPD.**

### Q17. Policy GB16: Parks, Gardens and Open Spaces

This policy is concerned with the provision of new and protection of existing parks, gardens and open spaces.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	11	13
Justified?	11	13
Effective?	7	17
Consistent with national policy?	9	12
Legally compliant?	7	9

32 individual responses were received to this question.

- 8 comments raised concerns over the public access to existing and newly created open spaces, also mentioning public rights of way. Some suggested to amend the policy stating that the newly provided open space should not be merely “publicly accessible” but be transferred into the public ownership completely upon completion. On a similar note, 3 respondents called for all private communal gardens to be opened to the general



public. 2 comments also called for feasibility study to be commissioned to explore opportunities to develop community housing in some of those garden squares.

- The Council does not have the powers to make privately owned spaces public. Where appropriate such as at Wornington Green the Council does receive the new open space transferred under its management. With regard to provision of new parks and open spaces, Part E of the Policy GB16 specifically states that any new provision should be publicly accessible and suitable for a range of outdoor activities and users of all ages.

Regarding building community housing on garden squares grounds, the overwhelming majority of garden squares are protected under the London Squares Act of 1931 from being built over and development is not permitted on their grounds. The policies in the Plan seek to find a balance where development can take place but not at the cost of public open space.

- Ballymore argued that it should be recognised within the policy that in areas of growth (such as the Kensal Canalside Opportunity Area), development could result in change to the setting of Registered Parks and Gardens, and it is unreasonable to expect large scale developments to result in no harm at all. It was requested to amend the policy so that it is clear that where the harm identified is less than substantial, this may be considered acceptable where it is weighed against public benefits delivered as part of the development.
- The Kensal Canalside development will be assessed against this policy and a planning balance formed by considering the full range of policies and mitigation of any harm against public benefits.
- Home Builders Federation noted that parts of the policy lacks clarity and asked whether improvements or provision of new open spaces together with optimisation of biodiversity and wildlife habitat, as required in Parts E and G of the Policy, will count towards the applicants meeting their biodiversity net gain requirements.
- Net gain requirements will be met in accordance with Policy GB17 by following the Environmental Act 2021 and forthcoming Regulations. Improving habitats can be used to demonstrate the net gain amongst other measures specific to a site.
- 4 respondents noted that the policy does not sufficiently protect open spaces within the estates with concerns raised over potential loss of these spaces in case of estate renewal and regeneration.
- There is no justification for revisiting the Neighbourhood Plan designation as part of the Local Plan examination process. The site designation is not unsound and there is not a critical need for care home accommodation in the borough which dictates that a care home needs to go on this site. Paragraph 103 of the revised NPPF (2021) makes clear that a Local Greenspace designation carries significant weight.
- The Port of London Authority suggested amendments to the supporting text regarding Cremorne Wharf to ensure that the waterborne freight handling capacity is not reduced.
- This is a requirement of London Plan Policy SI15 which the Council does not intend to replicate, **a reference to relevant London Plan policies has been included in supporting text.**

## Q18. Policy GB17: Biodiversity

This policy is concerned with the protection of existing, and provision/ enhancement of new features to support biodiversity.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	14	4
Justified?	13	5
Effective?	8	11
Consistent with national policy?	10	6
Legally compliant?	11	4

24 individual responses were received to this question.

- Consultation comments were generally supportive of Policy GB17 Biodiversity.
- Multiple consultees, including DP9 Limited, the Environment Agency, Home Builders Federation and Savills requested modifications to the policy wording to account for offsite delivery of Biodiversity Net Gain where this is not possible onsite.
- While the Council's position remains that all opportunities to deliver Biodiversity Net Gain onsite should be explored, **it is acknowledged that there needs to be some flexibility for the circumstances where this is not possible as this is in-line with the Environmental Act. The Council has proposed a Main Modification to update paragraph 2.130 (currently 2.1) to reflect this.**
- Consultation responses were provided by the Brent and Westminster Swifts Group and the Swifts Local Network regarding the specific inclusion of swift bricks in the policy wording.
- The Council considers that the current provision is adequate, and these will be considered along with other opportunities to support wildlife, particularly priority species, on a case by case basis.

## Q19. Policy GB18: Trees and Landscape

This policy is concerned with the protection and provision of trees and landscape design.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	7	11
Justified?	9	9
Effective?	8	10

Consistent with national policy?	6	10
Legally compliant?	7	5

23 individual responses were received to this question.

Comments received fell into the following categories.

### **Retain/ protect existing trees**

The Council should take a “trees first” approach which requires development to be designed around existing trees.

Trees should never be lost or lopped.

No trees should be lost in North Kensington.

Developers should not be allowed to destroy important trees, and the bar to allow loss of any trees must be very high.

The policy fails to provide sufficient protection to trees.

The role of trees as a valuable and essential part of the urban infrastructure should be better recognised.

The policy too restrictive and should explicitly recognises that trees can be lost when part of a larger development and allows for “optimal redevelopment of a site.” The Council should publish criteria which sets out if and when trees can be lost.

The Council is of the view that it has the necessary policies to effectively protect trees.

The policy needs to be robust in its intention to prevent the loss of trees. As such it is not considered appropriate to provide caveats to accept the loss of trees in certain development scenarios. If existing trees were impacting on the successful development of a site, then the loss of trees would be weighed up against other policies in the Local Plan.

### **Additional trees**

The Council should plant additional trees, particularly in areas with high levels of multiple deprivation, and recognise role in mitigating effect of climate change and flood risk.

Residents need to be able to participate in decisions about trees, including planting and removal.

The Council recognises the value of additional trees and have a comprehensive program of tree planting.

## Q20. Policy GB19: Waste Management

This policy is concerned with the Borough's strategic waste targets and local site specific waste management principles.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	8	5
Justified?	8	5
Effective?	5	8
Consistent with national policy?	7	4
Legally compliant?	7	3

16 individual responses were received to this question.

- Most respondents support GB19.
- Some comments were received on the waste collection service in the Borough.
- These relate to operational aspect of waste collection and are not issues that can be addressed in the Local Plan.
- The GLA response does not raise conformity as an issue. The response suggests that the Local Plan should indicate when the waste management facility in LBHF/OPDC which will provide RBKC with assistance to meet its London Plan waste apportionment will be optimised. The GLA also state that until they can monitor how much waste is exported outside of London that RBKC's approach presents a risk that London will not be able to meet the Mayor's net self-sufficiency target.
- The Council is satisfied the waste management facility within the LBHF/OPDC will be optimised during the plan period. In respect of waste exported, these primarily relate to hazardous waste, and construction, demolition and excavation waste. The Council notes that waste movements are subject to commercial, contractual and operational arrangements as well as geographical convenience, the market will direct waste to available and appropriate facilities.
- The Environment Agency support the policy and reiterate additions suggested at Regulation 18 consultation to the policy and supporting text. These are more information on sharing apportionments with LBHF and OPDC; encourage retrofitting existing waste sites that have known odour and air quality issues; designing public realm and outdoor space to provide opportunities to move waste up the waste hierarchy, e.g. more receptacles for different recycling streams.
- Additional information on the amount of waste capacity LBHF and OPDC have agreed to provide has been included in supporting text. There are no existing licensed waste facilities in the borough therefore the suggestion that existing facilities are encouraged to

be enclosed has not be taken forward. GB19 part J requires development proposals to provide “one or more litter bins within the surrounding area, as appropriate to meet likely needs.” GB19 K.3. includes “..developments should provide enough receptacles for different recycling streams.”

- Ballymore Group support the requirement for waste management facilities at KCOA but notes that it is not yet evidenced that KCOA can support waste management facilities on site and that this will be part future details design.
- The council is satisfied that the policy is justified and effective. The opportunity area will have an impact on the Boroughs population and in turn will increase the amount of waste produced. GB19 Part F provides flexibility for developers to design appropriate solutions into their schemes and it will be for developers to bring forward appropriate solutions, including innovative measures, to manage waste produced by the development. Supporting text 2.23 recognises and clarifies that “*Where on-site waste management facilities are not feasible, detailed justification will be required including explanation of the options that were considered and the reasons they cannot be pursued.*”

### Q21. Policy GB20: Contaminated Land

This policy is concerned with how new development must address the issue of contaminated land and water pollution.

#### Do you consider this policy to be...

	Yes	No
Positively prepared?	4	2
Justified?	4	2
Effective?	3	3
Consistent with national policy?	3	2
Legally compliant?	3	2

8 individual responses were received to this question.

- The Environment Agency requested that the Council strengthens policy GB20J to state that certain types of development are not allowed within SPZ1, including petrol stations, the storage of hazardous substances, new landfills and cemeteries. It goes on to say that developers should avoid potential dewatering activities in the most sensitive locations for groundwater (such as SPZs).
- The SPZ within the borough relates to the extraction of groundwater from the Major Chalk Aquifer at great depth. Therefore, while the SPZ is a necessary precaution, it is unlikely that the major aquifer will be significantly polluted from near surface activities within the borough. It is unlikely that any of the identified development types will be applied for in the southeast of the borough and even if they are, the EA would be consulted and so could provide its advice at this point. Dewatering activities are a necessary part of development and so would need to be considered as part of Policies

A-E. Dewatering groundwater from the shallow Secondary A Aquifer, even within the area of a SPZ, is very unlikely to have an impact on the major aquifer at depth. We consider that the existing wording of policy J is sufficient in this borough.

- The Environment Agency requested the addition of two new policies that says 'No infiltration based sustainable drainage systems (SuDS) should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.

Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A Foundations Work Risk Assessment (FWRA) will be required for sites where piled foundations extend into deeper more sensitive aquifers to ensure all risks to groundwater are appropriately assessed, mitigated and managed.

- While in principle this is a reasonable policy, it will be difficult to enforce in many instances. Given the urban nature of the borough, most land is potentially affected by contamination and so such a policy would need to refer to land affected by significant contamination. SuDS schemes are now required in a wide range of developments, including many minor developments. To enforce this policy, we would need to request a contamination assessment for any scheme including an infiltration based SuDS, which would in many instances be disproportionate. A wide range of developments are captured by policies A-E and so the potential impact of SuDS on land contamination and groundwater quality should be considered on a site-by-site basis during development.
- In terms of piling, very few developments have piling which penetrates the London Clay Formation within the borough and so this issue may be satisfactorily addressed through policies A-D on a site-by-site basis.

### 3. Homes

#### Q22. Policy HO1: Delivery and Protection of Homes

This policy is concerned with how the Council will support the delivery of new homes, protect the homes that we have, but also set out those circumstances where the loss of a home may be appropriate.

The Council is seeking to confirm that it has a five year housing land supply through the forthcoming Local Plan examination.

**Do you agree that we have a five year housing land supply and/or consider this policy to be...**

	Yes	No
Positively prepared?	5	15
Justified?	5	16
Effective?	2	18
Consistent with national policy?	3	14
Legally compliant?	4	8

34 individual responses were received to this question.

#### **Housing Delivery**

Some positive comments were received supporting the housing trajectory, in particular from Ballymore who own a large parcel of the Kensal Canalside Opportunity Area stating that the NLPR trajectory broadly aligns with their own trajectory.

The most significant comments on Policy HO1 have been from the GLA and the Home Builders Federation. Both of them have stated that the NLPR housing trajectory should have a start date of 2019/20 rather than 2021/22. This would mean that the Council would need to add a further 138 homes shortfall in housing delivery for two previous years.

The NLPR shows delivery against the London Plan target when it came into being in 2021. However, if we were to amend the housing trajectory and show delivery from 2019/20 the Council can accommodate this shortfall and still demonstrate a five year housing land supply. **The Council will propose a main modification to the Publication Plan to update the housing trajectory during the examination so that it starts from 2019/20. This update will also include completions for 2022/23 and show supply from 2023/24.**

## HMOs/amalgamations

Leufroy who deal with HMO properties in the Borough suggest that the policy on resisting loss of HMOs is amended to revert to the existing policy to allow conversions to studios. Other developers have submitted similar points with regards to the amalgamations policy to be more flexible. A couple of responses are made to clarify that HMOs are permanent accommodation and different from short term lets.

The NLPR has provided the justification and has built in flexibility to upgrade HMOs. The planning system also allows for other material considerations to be taken into account at the decision making stage. **Minor amendments can be made to the policy text to clarify that HMOs are permanent accommodation and different from short term lets.**

## Other points

Other points are raised with regard to planning policy addressing empty homes issue in the Borough and using compulsory purchase powers. Some comments have raised the prospect of changes in national policy that are currently out for consultation and if based on this our housing target can be reduced.

The issue of empty homes is one that the Council is looking at outside of the planning system. The changes to national policy are not currently in place. The Government is in any case not proposing to change the method of assessing housing need. Under transitional arrangements the Council may only need to demonstrate a four rather than five year housing land supply. If this is the national policy at the time the NLPR is being examined, the Council will propose a main modification to the Plan and update the housing trajectory.

## Q23. Policy HO2: Small sites

This policy is concerned with how the Council will support the delivery of new homes on small sites.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	9	11
Justified?	9	9
Effective?	4	16
Consistent with national policy?	6	8
Legally compliant?	5	8

23 individual responses were received to this question.



A number of comments are made regarding support for community led housing and housing co-operatives. These are from Backdoor Housing Co-operative Ltd, Kensington and Chelsea Social Council and other residents.

Concern is raised about cramming/increasing densities by building on small infill sites particularly in the north of the Borough.

Frank Knight on behalf of Frasco Investment Limited would like to see their site at 136-142 Bramley Road allocated as a small site for Purpose Built Student Accommodation.

Paragraph 3.46 of the Publication Policies supports community-led housing development. Setting up housing co-operatives or working with them are matters outside of the Local Plan policy process.

The policy is written to 'optimise' rather than 'maximise' development on sites. It is to signal appropriate development for a given site taking into account its surrounding built environment and other constraints.

The Council has considered the site at 136-142 Bramley Road. It was noted in Appendix A of the Site Allocations Paper, October 2022 that *"If it is robustly justified that the current office use is no longer viable, the principle of the loss of office floorspace and change of use to the purpose built student accommodation may be considered. However, the suggestion to allocate the site for 250-300 PBSA units is not supported as it would require a significant increase in height and density in order to deliver such a high number of units on site. The NLPR does not identify this as a suitable location for tall buildings."* There is no change in this position.

## Q24. Policy HO3: Community Housing

This policy is concerned with the nature and quantum of community (affordable) housing which will be required on relevant sites. It also sets out the tenure of community homes that we will seek.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	6	17
Justified?	5	17
Effective?	3	20
Consistent with national policy?	4	17
Legally compliant?	4	11

31 individual responses were received to this question.

### Floorspace threshold

A number of comments have been made by developers/landowners and the Home Builders Federation stating that the policy is unsound as it conflicts with the national policy in requiring community housing on development of 650 sq m GIA or more. The national requirement is that “Provision of affordable housing should not be sought for residential developments that are not major developments” (para 64 of the NPPF). A converse view is expressed by residents, Kensington and Chelsea Social Council and the Kensington and Chelsea Citizens Advice that the threshold should be reduced to 500 sq m GIA.

The Council made an exception to national policy at the last Local Plan examination and has the current policy threshold of 650 sq m. The Council’s evidence has not changed in this respect and the latest Viability Study shows that it will be possible to seek contributions from schemes of 500 sq m GIA given the extremely high land values in the Borough. Keeping the 650 sq m threshold is considered effective. Further details are set out in paragraphs 2.3.1 to 2.3.3, 2.3.24 – 2.3.25 and 2.4.6 of the [Policy Formulation Report HO3-HO7 \(Community housing, housing size and standards, specialist housing, other housing products and estate renewal\)](#). Setting the threshold too low at 500 sq m is considered to be out of kilter with the objectives of the NPPF.

### **Percentage of community housing**

A number of comments from residents, Kensington and Chelsea Social Council, and the Kensington and Chelsea Citizens Advice ask for a greater proportion of community housing being sought.

The 35 per cent is a minimum and is designed as a fast track approach which has been proving effective in securing more on-site community housing. The strategic target is 50 per cent as noted in paragraph 3.30 of the NLPR.

### **Community-led housing**

A number of comments from residents, Kensington and Chelsea Social Council, Backdoor Housing Co-operative Ltd and the Kensington and Chelsea Citizens Advice state that the NLPR does not include a policy on community-led housing.

The Council fully supports community led housing as articulated in paragraph 3.46 of the Publication Plan. However, a Local Plan is not considered the correct vehicle to provide guidance as requested on the myriad possibilities of schemes. Where a community group comes forward with a scheme it will be welcome and supported. Policies in the Local Plan that support housing and community housing will apply as they do regardless of land ownership.

### **Tenure Mix**

The landowners for Earl’s Court and Kensal Canalside comment that the requirement for 70% social rent is too onerous and that flexibility should be built in. Similar comments are made by other developers. Conversely, a number of comments from residents, Kensington and Chelsea Social Council, Backdoor Housing Co-operative Ltd and the Kensington and Chelsea Citizens Advice state that the proportion should be increased with 100% social rent sought. This group also comments that a special policy on First Homes in North Kensington is not appropriate.

The proposed tenure mix reflects the Council's local housing needs as identified in the Local Housing Needs Assessment, January 2022. The proposed tenure mix of 70% social rent is the maximum that can be introduced in the Local Plan in accordance with London Plan Policy H6 which states in Part B that "a minimum of 30% intermediate products" should be applied to residential development. The proposed tenure mix will also assist in creating mixed and balanced communities. The Local Plan Viability Study has tested the tenure mix to be viable using a range of typologies. Therefore, the proposed tenure mix is considered appropriate.

The Council's viability study indicates that First Homes may be deliverable with a 30% discount from market values and within the Government price cap of £420,000 in North Kensington. As this is a national policy, the NLPR Policy HO3 makes provision for it.

### **Portfolio Approach**

TfL, ECDC, GLA and some other comments have raised concern that a portfolio approach for delivering 50% In public land extends across London as a whole and not just within the borough. Within the borough, a threshold of 35% should apply to individual sites, which means that the draft Plan's proposed requirement that such sites deliver 50% affordable housing across the borough is not consistent with the LP2021 and should be amended accordingly.

Overall, the Publication Policies are in general conformity as stated in the letter from the GLA. The Council can through the Local Plan set policies that are in its own local context. Given the Borough's housing need the Council does not support a portfolio approach which may mean TfL (or other public body) owned land is developed with 35% affordable housing and the rest located elsewhere in London.

### **Payment in lieu**

A number of comments from residents, Kensington and Chelsea Social Council, and the Kensington and Chelsea Citizens Advice raise concern about seeking a payment in lieu. While some developers have raised that seeking two financial viability assessments is too onerous.

Paragraph 3.37 of the NLPR sets out the exceptional circumstances where a payment in lieu will be accepted and these are "*where it is physically impracticable to provide the community housing on-site or it is inappropriate in terms of the numbers that can be provided on-site.*" Such circumstances would be when the site is too small and the number of homes that can be provided are so small that no RP would be willing to manage them or the financial viability assessment shows that less than one home may be provided so a contribution will be more appropriate.

Therefore, in some cases a payment in lieu will be the only option. The requirement for the two financial viability assessments is to ensure that it is cost neutral to the developer to provide the payment or on-site housing so there is no financial incentive for them to prefer a payment. Given the extremely high land values in the Borough it is not an onerous requirement.

## Q25. Policy HO4: Housing Size and Standards

This policy is concerned with the mix of types and sizes of homes which will be required on a site both for market and community homes. It sets out accessibility and space standards for homes.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	5	10
Justified?	5	9
Effective?	4	12
Consistent with national policy?	3	7
Legally compliant?	3	5

17 individual responses were received to this question.

Ballymore Group, ECDC, Commercial Estates Group question the requirement to provide the mix of homes as set out in Tables 5.4 and 5.5 and seek flexibility to be built into policy to allow for a different mix tailored to their scheme.

Some residents, Kensington and Chelsea Social Council, and the Kensington and Chelsea Citizens Advice consider that there is a greater need for family sized homes which is not reflected in the policy.

*The Local Plan is reflecting local housing needs as required in NPPF paragraph 62 “...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...”*

The policy refers to developments providing for the current evidence of housing need. The needs are identified in the [Local Housing Needs Assessment, September 2022 \(Full Report\)](#) and reflected in Tables 5.4 and 5.5. The policy has the flexibility to take account of the characteristics of the site. Justification for a different mix can be considered at the planning application stage but the Council does expect schemes to provide and reflect a mix to cater for local housing needs.

With regard to comments from residents, for community housing the evidence is showing a need for 50% of the homes to be 3 bedrooms or more. In addition, supporting text at paragraph 3.52 states that, “*It should be noted that the need based on the Council’s housing register and waiting list is for the two bedroom homes to be for four persons so they can also cater for families.*” Therefore, 84% of the homes will be capable of catering to families.

## Q26. Policy HO5: Specialist Housing

This policy is concerned with how the Council will protect and support the delivery of homes for older people and other forms of supported housing.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	5	4
Justified?	5	3
Effective?	2	5
Consistent with national policy?	3	3
Legally compliant?	2	4

13 individual responses were received to this question.

The Wellcome Trust indicate that affordable housing provision should be subject to viability. The GLA have raised that the Council could work with providers to identify suitable sites for older people's homes and that the text should reflect the greatest need for private sheltered housing as well as sheltered social rent. The Kensington Society have raised concern that the definition of older people's home is not included and they are also concerned that the policy will not be effective in protecting care homes or the sheltered accommodation such as the site previously owned by the Sheppard Trust. A representation on behalf of a landowner for site at Nursery Lane is made stating that their evidence is showing a significant need for care homes in the Borough. Their site which is a designated local green space should be allocated for care home use.

The policy allows consideration of viability where a policy compliant scheme cannot be provided. The Council undertook two 'call for sites' with a further opportunity to put forward sites at the Regulation 18 stage. No provider came forward with suitable sites. The Council has allocated extra care housing on its own site at Lots Road South. The LHNA shows the need for sheltered housing as per the GLA's response but all the figures in the LHNA are not replicated in supporting text. The policy would remain as supportive of all types of older people's housing regardless of any reference being added. **A main modification can be made to support adding care homes back into the definition in the supporting text of Policy SI1: Social Infrastructure.** However, Policy HO5 is considered effective with a definition of older people provided in supporting text. This can be added to the glossary. The Council's LHNA reflects the [NPPG on Housing for Older and Disabled People](#) when looking at housing needs for older people.

While the respondent's evidence may be showing an extremely high need for care home bedrooms, ultimately to make a site allocation for this purpose land has to be suitable, available and deliverable. The site at nursery lane is designated as a local green space in the St Quintin and Woodland Neighbourhood Plan. The NLPR supports good growth

which as set out in paragraph 1.18 of the NLPR is “*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.*”

## Q27. Policy HO6: Other Housing Products

This policy sets out how the Council will consider proposals which include “build to rent” and “co-living” forms of housing as well as how we will protect existing student accommodation/ will consider applications for the provision of new.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	2	9
Justified?	2	10
Effective?	2	10
Consistent with national policy?	2	9
Legally compliant?	1	6

17 individual responses were received to this question.

### Build to Rent

A number of comments from landowners/developers have been received objecting to the policy being not supportive of build to rent (BtR) schemes. These include Ballymore, ECDC, TfL (commercial arm), Imperial College, Commercial Estates Group and Warrior Property Group and Portobello Group. The main points raised are that the Council’s stance is not in conformity with the London Plan Policy H11, they list a number of benefits of build to rent schemes. Points are also raised with regard to the requirements for affordable housing to be at low cost rent (social rent/London Affordable Rent) rather than discounted market rents.

The GLA have also pointed out the discrepancy and ask for the Council to take a more positive stance.

A number of residents and the Kensington Society support the policy.

While the policy does not support build to rent schemes, it does not preclude them. The reasons are as set out in the supporting text at paragraph 3.69. Further details are also set out in the [PFR HO3-HO7 \(Community housing, housing size and standards, specialist housing, other housing products and estate renewal\)](#) (see para 5.4.1 to 5.4.8). The policy is concerned with avoiding a large scale mono tenure build to rent scheme particularly given the limited land availability in the Borough and the preponderance of the rental sector. However, if a proposal came forward with a mix of housing and providing build to rent with local benefits it can be considered as part of a planning application.

The Mayor has confirmed that the Publication Policies are in general conformity with the London Plan. Paragraph 4.11.10 of the LP2021 does allow for a proportion of BtR affordable housing as low-cost rent (social rent or London Affordable Rent) where this is justified.

The viability of the policy requirement for the low cost rent element has been tested in the [Local Plan Viability Study, September 2022](#) which finds that (see paragraph 7.4) the viability of Build to Rent schemes is more challenging in Kensington and Chelsea than build for sale schemes. Nevertheless, the Local Plan Viability Study indicates that in most parts of the Borough, schemes should be able to viably provide 35% discounted market rent housing, let at rents not exceeding London Affordable Rents and London Living Rents. The rental split of the discounted market rent units could mirror the Borough's wider tenure split of 70% London Affordable Rent and 30% London Living Rent

### **Co-living**

Similar comments although not from as many developers are received on co-living with the residents maintaining support. The GLA do not raise any issue with this aspect of the policy.

The policy justification is as explained in paragraph 3.72 of the Publication Policies explains that the rents for a co-living scheme would be more than what most keyworkers would be able to afford. Further details are also set out in the [PFR HO3-HO7 \(Community housing, housing size and standards, specialist housing, other housing products and estate renewal\)](#) (see para 5.4.9 to 5.4.17).

### **Student Accommodation**

There are two main objections to this part of the policy – from Imperial College and from Frasco Investment Limited who own a site 136-142 Bramley Road which they would like to allocate for purpose built student accommodation (PBSA). Both would like to see positive support in the policy for PBSA with Imperial asking for recognition of their need for 1,500 student bedrooms, the need for Council to allocate land for PBSA (possibly at Earl's Court). Similarly, Frasco Investment Limited consider there is a significant need for PBSA and that their site should be allocated for this purpose.

The Council considers that the policy offers protection to existing student accommodation and while it does not explicitly support new PBSA it does not preclude it. The need for PBSA is considered in the Council's [Local Housing Needs Assessment, September 2022 \(Full Report\)](#) and an addendum specifically addresses Imperial College's previous comments.

The Council has considered the site at 136-142 Bramley Road as set out in the [Site Allocations Paper, October 2022](#). As noted in Appendix A of the Site Allocations Paper, October 2022 that *"If it is robustly justified that the current office use is no longer viable, the principle of the loss of office floorspace and change of use to the purpose built student accommodation may be considered. However, the suggestion to allocate the site for 250-300 PBSA units is not supported as it would require a significant increase in height and*

*density in order to deliver such a high number of units on site. The NLPR does not identify this as a suitable location for tall buildings.” There is no change in this position.*

## **Q28. Policy HO7: Estate Renewal**

This policy sets out how the Council will consider proposals which involve the renewal of existing housing estates. This relates to estates owned by registered providers rather than the Council, as the Council has made a commitment not to carry out any wholesale estate regeneration on Council owned estates.

### **Do you consider this policy to be...**

	<b>Yes</b>	<b>No</b>
Positively prepared?	2	8
Justified?	3	8
Effective?	4	6
Consistent with national policy?	3	7
Legally compliant?	2	7

16 individual responses were received to this question.

There are no significant issues raised with this policy. The GLA welcome the alignment with the Mayor’s guidance. Kensington and Chelsea Citizens Advice would like the same principle to end estate regeneration made by the Council on its estates to be followed for RP owned estates. A few comments refer to Wornington Green Estate and that this has been allowed to be redeveloped at the detriment to the previous environment/situation. Three comments refer to the concept of retention over demolition to apply to all buildings not just housing estates. St Quintin and Woodland Neighbourhood Forum refer to the previous comments that it is important that the wording of the policy and the supporting text does not give the impression that the Council has given up on all forms of investment in its estates.

*The Council cannot make commitments to end estate regeneration on RP owned estates. Policy HO7 is written to ensure where such development takes place it delivers benefits for the local community. Paragraph 3.81 of the NLPR states “The Council puts co-designing at the heart of engagement with residents. It would like registered providers to use the same principles on estates under their ownership.”*

Wornington Green is an RP owned estate. The outline planning permission for its redevelopment was granted in 2010.

Policy GB2: Circular Economy does apply in the same way as Part A (or B in terms of considering retention over demolition) of Policy HO7 to all developments. Paragraph 2.16 of the NLPR states *“For buildings, this means creating a regenerative built environment that prioritises retention and refurbishment over demolition and rebuilding.”*



Following the previous comments from St Quintin and Woodland Neighbourhood Forum, the Council amended paragraph 3.78 to state, *“The Council has committed to a major seven year programme of investment in its homes, including upgrading the housing stock to improve energy performance and other environmental improvements. This includes the Notting Dale District Heating Network referred to in Chapter 9.”*

## Q29. Policy HO8: Gypsies and Traveller Accommodation

This policy sets out how the Council to seek to protect, improve and if possible, increase Gypsy and Traveller accommodation in the Borough.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	3	4
Justified?	3	4
Effective?	3	4
Consistent with national policy?	3	4
Legally compliant?	2	4

8 individual responses were received to this question.

Two responses, LBHF and Sydney St. & District RA, support the policy.

### **Needs assessment**

Kensington and Chelsea Citizens Advice and Kensington and Chelsea Social Council state that the 2016 needs assessment be updated and that sites be identified.

These two responses also state that the policy should be developed through engagement with travellers, TfL and the Westway Trust.

St Quintin and Woodlands Neighbourhood Forum support the policy but note that they see no sign of an alternative site being identified.

The Council is satisfied that the policy is positively prepared, justified, effective, consistent with national policy and legally compliant. The Council updated the Gypsy and Traveller Needs Assessment in October 2022, this was published alongside the Regulation 19 consultation. The updated needs assessment concludes there is no additional need for pitches in the Borough.

It is noted that paragraphs 10.86 and 10.87 of the Regulation 19 NLPR refer to the ongoing update, this supporting text will be updated to reflect the updated needs assessment.

The Council undertook an assessment of locations for potential new sites suggested in the Borough in 2017. There was one site that had the potential to provide two pitches,

however complicated landowner arrangements and the pandemic have delayed this coming forward.

As part of the 2022 GTANA survey the Council sought to identify any other possible land for consideration known to the Traveller community. No new sites were put forward. The Council has also undertaken two Call for Sites as part of the New Local Plan Review consultations, no sites came forward for gypsy and traveller use.

The updated needs assessment concludes there is no additional need for pitches in the Borough. In accordance with the Planning Policy for Traveller Sites, criteria are included in Policy HO8 to provide the basis for decisions should any planning applications for travellers sites/pitches come forward.

### **Other**

Two responses state that no further provision should be made and one states that alternative solutions should be found for gypsy and traveller accommodation.

## 4. Conservation and Design

### Q30. Policy CD1: Context and character

This policy sets out how the Council requires new development to respect the existing context, character and appearance of an area.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	7	7
Justified?	6	6
Effective?	4	9
Consistent with national policy?	4	6
Legally compliant?	4	5

15 individual responses were received to this question.

4 responses in support for the policy were received. Most other respondents have made minor suggestions on wording which have are not considered necessary to make the policy sound. The use of the word 'beautiful' in the requirements of the policy is questioned by 2 respondents. Recognition of the quality of outstanding buildings from 21<sup>st</sup> Century architecture is sought, as is the definition of historic fabric.

The policy has been written to be in line with national policy, including the use of the word 'beautiful'. **A reference to 21<sup>st</sup> century quality architecture will be added to the chapter's introduction, as a minor modification and for completeness. A main modification to the plan's glossary will be done to include the definition of what is considered 'historic fabric'.**

### Q31. Policy CD2: Design quality, character, and growth

This policy sets out how the Council is concerned with the quality of the design of new development.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	6
Justified?	6	6
Effective?	4	10
Consistent with national policy?	3	6
Legally compliant?	3	4

15 individual responses were received to this question.

2 respondents have considered this policy sound. Most other respondents have made minor suggestions on wording which have not been considered necessary to make the policy sound. Specific responses have been made in relation to specific sites or designations – these comments are relevant to the DM process rather than the policy itself. A suggestion has been made to make reference to the National Model Design Code (NMDC)

The policy has been written to be in line with national and local policy and in the context of wider guidance. The NMDC is of particular relevance given the council’s commitment to produce further design guidance to support design quality in the borough, in line with what is specified within the NMDC itself. **A specific reference will be therefore made within the policy’s supporting text.**

### Q32. Policy CD3: Heritage Assets – Conservation Areas

This policy sets out how the Council will ensure that development will preserve or enhance the character or appearance of conservation areas.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	7
Justified?	5	7
Effective?	4	8
Consistent with national policy?	4	5
Legally compliant?	3	4

15 individual responses were received to this question.

4 respondents have considered this policy sound. The issue of viability was raised, with the concern that properties within CAs would be left vacant and deteriorating as a precursor to an application to demolish. Exemptions from policy were requested for sensitively designed retrofitting measures. The lack of mention in the policy of Conservation Area Management Plans was taken to indicate a weakness in it. Other comments related to matters of implementation or to individual sites or were very minor, necessitating no change.

The policy has been written to be in line with national and local policy and in the context of wider guidance, which addresses the issues of deliberate neglect. Retrofitting measures will very often not require planning permission, and so would not fall under the requirements of the policy, while the new policy on retrofitting, GB1 also addresses this issue in encouraging appropriate measures. The Council’s commitment to the preparation of Conservation Area Management Plans is set out in supporting para. 4.34. **No modifications to the policy are proposed.**

### Q33. Policy CD4: Designated Heritage Assets – Listed Buildings

This policy sets out how the Council will ensure that development will protect the heritage significance of listed buildings and their setting.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	2
Justified?	3	5
Effective?	3	5
Consistent with national policy?	4	2
Legally compliant?	4	2

10 individual responses were received to this question.

5 respondents have considered this policy sound. An objection was raised that the policy was too onerous in that it appeared to prevent minor demolition of listed buildings. Two respondents pointed out text which was missing from the Reg. 19 publication which had been present in the Reg. 18 version and was in the PFR for this policy. Additional text was suggested in relation to features added or alterations to a listed building over time which were positive in terms of its historic interest. Other comments related to matters of implementation or to individual sites or were very minor, necessitating no change.

- The policy has been written to be in line with legislation and case law, with national and local policy and in the context of wider guidance, which is clear regarding the issue of demolition and alteration including demolition. **Reinstatement of the missing text, absent due to an IT glitch, is put forward as a main modification. A minor modification is proposed to reflect the point regarding the evolution of special interest over time.**

### Q34. Policy CD5: Scheduled Ancient Monuments and Archaeology

This policy sets out how the Council will ensure that development in the setting of a Scheduled Ancient Monument will protect its heritage significance.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	2	1
Justified?	2	1
Effective?	2	1
Consistent with national policy?	2	1
Legally compliant?	2	1

3 individual responses were received to this question.

Two respondents considered this policy sound. No substantive comments were made.

**No modifications to the policy are proposed.**

### Q35. Policy CD6: Registered Parks and Gardens

This policy sets out how the Council will consider planning applications within, or in the setting of a Registered Park and Garden.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	3	5
Justified?	4	5
Effective?	2	7
Consistent with national policy?	3	4
Legally compliant?	3	2

9 individual responses were received to this question.

Four respondents considered the policy sound. A concern was put forward that it would be unrealistic to expect that large scale development in the setting of a park and garden would result in no change at all, and that the policy should refer to the balance against public benefits to be applied. Concerns were put forward that the policy does not address matters such as the functional, amenity, environmental or safety aspects of open spaces in the borough. The effectiveness of the policy was questioned, with one respondent saying that there should be no planning applications in parks and gardens, and another that changes of use of parks and gardens should specifically be addressed in the policy. The policy was characterised by one respondent as weak in comparison to CD4 covering listed buildings.

The policy has been written to be in line with national and local policy and in the context of wider guidance, which is clear regarding the balance to be made between heritage harm and public benefit and reflects the protection available to such designated heritage assets through law and policy. The policy addresses the heritage value of spaces which are designated heritage assets, and amenity and environmental matters are covered elsewhere in the plan, while functional and safety matters are operational rather than policy concerns. Planning applications may sometimes be necessary in parks for minor works, while the change of use of a park or garden would constitute development and therefore be covered by part A of the policy. **No modifications to the policy have been proposed.**

### Q36. Policy CD7: Tall Buildings

This policy defines what the Council considers to be a tall building, suitable locations for such buildings and the way any applications for tall buildings will be assessed.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	3	11
Justified?	2	11
Effective?	2	13
Consistent with national policy?	4	9
Legally compliant?	2	7

21 individual responses were received to this question.

The majority of responses to this policy are as part of representations from landowners, where the policy will have an impact on the height of development which will be acceptable within a specific site. Responses from Residents Associations have sought to suggest minor changes to wording or references to London Plan Policy D9. The GLA commented on the threshold definition for a tall building, raising concerns regarding locations where existing context is very close to the defined threshold, and suggesting that the 30m definition is extended to cover the whole of the borough, also removing the need for the proposed exception for householder applications.

Suggested changes to wording have not been considered necessary to make the policy sound, whilst the policy refers clearly to D9 and is therefore not needed to repeat its content within the Local Plan. Where representations have been made with regards to specific sites, the council's view is that enough detail is provided within this policy, with further information provided, where relevant, in the corresponding site allocations or supplementary documents relevant to a site, where these exist. Furthermore, the policy will be applied on a site by site basis, and specific considerations relevant to each side will be considered as part of the planning balance. For building threshold (which defines what is considered a tall building in specific localities), the methodology is clear as described in the Policy Formulation Report and the Building Height Threshold evidence base document. It is demonstrated there that there is significant variation in height in the borough, justifying the need for the localised thresholds as proposed. **No modifications are proposed to this policy.**

### Q37. Policy CD11: Existing Buildings - Roof Alterations/ Additional Storeys

This policy sets out what the Council will consider when assessing applications for roof additions and additional storeys.

### Do you consider this policy to be...

	Yes	No
Positively prepared?	6	2
Justified?	5	3

Effective?	2	5
Consistent with national policy?	4	3
Legally compliant?	4	1

10 individual responses were received to this question.

Six respondents considered the policy to be sound.

- Two respondents characterised the policy as being unduly onerous in relation to the upward extension of terraces with an existing consistent roofline.
- Additional wording was proposed relating to the addition of significant bulk or height and the disruption of internal access to existing dwellings or loss of privacy.
- The use of the term 'mansion blocks' was queried, with suggestion that the policy should be extended to all blocks of flats.
- Amendment of the policy to include rooftop retrofits and greenhouse extensions for urban agriculture was suggested.
- The policy was characterised as ineffective by one respondent, seeking its expansion to cover the design, scale and consistency of alterations.

The policy has been written to be in line with national and local policy and in the context of wider guidance, it is also to be applied in the context of the development plan as a whole.

- It reflects a long standing policy approach to roof extensions by the Council and would not prevent the upward extension of areas of consistent roofs in appropriate circumstances when applied in the context of the local plan as a whole.
- Additional wording was not added in relation to the matters raised as these are considered to be adequately addressed in the policy itself or in saved policy CD8 relating to living conditions.
- Mansion blocks are a distinctive building type within the borough, while it is considered that this policy and CD8 adequately address the visual or other effects of adding additional storeys to other kinds of flatted blocks.
- Adaptation of roofs to accommodate greenhouse extensions or retrofitting would be assessed on their own merits and in light of the plan as a whole and a specific change to policy accommodate them was not considered necessary.
- It is considered that the policy adequately addresses issues of design, scale and consistency of roof alterations and no additional wording is considered necessary.
- **No modifications of this policy are proposed.**



### Q38. Policy CD14: Views

This policy sets out how the Council will protect and enhance views, vistas and gaps in the skyline that contribute to the character and quality of the area.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	4	4
Justified?	4	5
Effective?	3	6
Consistent with national policy?	3	3
Legally compliant?	2	3

9 individual responses were received to this question.

Four respondents considered the policy to be sound.

- One respondent characterised the policy as too restrictive and capable of preventing major developments with a minor impact on important views, for instance in the Kensal Green Opportunity Area, where the policy should not be used as a reason to prevent otherwise acceptable development.
- The scope of the policy as applying only to views from tourist spots was questioned.
- One respondent questioned the source of the views identified in figure 4.5.
- The effects of tall buildings on the skyline and views of them from sensitive receptors were raised, with additional wording suggested.

The issue of gaps was raised

Other comments related to matters of implementation.

The policy has been written to be in line with national and local policy and in the context of wider guidance, it is also to be applied in the context of the development plan as a whole.

- This means that it need not preclude development which affects views when all material considerations are taken into account.
- The policy applies to views throughout the borough, not simply to tourist spots.
- **A minor modification has been put forward to clarify the source of the identified views, which had originally been included in the Building Heights SPD 2010.**
- Additional wording has not been added as suggested, as it is considered that the policy is sound and that the effects of long views of tall buildings within the borough would be adequately managed through the policy and the development plan as a whole.
- Gaps are already referenced within the policy.

### Q39. Policy CD15: Fire Safety

This policy is concerned with fire safety and when a Planning Fire Safety Strategy document must be submitted.

#### Do you consider this policy to be...

	Yes	No
Positively prepared?	4	3
Justified?	4	2
Effective?	3	3
Consistent with national policy?	3	2
Legally compliant?	3	1

7 individual responses were received to this question.

6 generally positive comments were received supporting the new fire safety requirements being introduced under the policy with 1 all out objection.

Of the comments received; one response asked for clarity to be provided regarding the submission of QDR reports for outline planning permission and how the QDR process would fit into the Council's pre application process. One response asked for further detail on the composition of the QDR review panel. One response asked for the policy to commit to implementing the full recommendations of the Grenfell Inquiry. One response asked for the policy to set out requirements for two staircases in residential buildings, another response asked for this requirement on developments proposing care homes on upper floors of buildings and another response asked for this requirement for all 'tall' buildings.

For outline planning permission, the Council would expect that during the pre-application process the QDR parameters would be considered and agreed with the Local Planning Authority, ensuring that the required QDR would reflect the level of design detail being submitted at that stage of the development.

The Council intends to publish its proposal on the formation of the QDR panel, providing more detail on its organisation.

While it is not possible to include as yet unknown recommendations from the Grenfell Inquiry, the Council will be alert to any recommendations from the Grenfell Inquiry that would impact the policy and require consideration.

Policy CD15 requires the highest standards in fire safety. Any changes to building regulations (as is currently under consultation by the Government) or to the London Plan in connection with the requirement for two staircases would therefore be an automatic requirement under CD15.

## 5. Town Centres

### Q40. Policy TC1: Location of town centre uses

This policy is concerned with where new town centre uses should generally be directed to, and the tests which must be satisfied when new large scale commercial uses are proposed. It also supports new town centres in the Opportunity Areas.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	4	7
Justified?	5	6
Effective?	4	8
Consistent with national policy?	4	6
Legally compliant?	6	2

16 individual responses were received to this question.

The majority of those who responded appeared content with the general approach being taken by the Council. However, some concerns were raised.

The Council should not designate new neighbourhood centres within either the Kensal of Earl's Court opportunity areas. Any new retail development should be used to improve and expand existing facilities within existing centres.

The Council considers that the creation of new centres in both locations is appropriate as will both help the Council meet its OAN for new convenience floorspace (as identified in the RLNA) and will help create dynamic and exciting places.

The Council should designate all concentrations of shops, even those which do not form parades, as Neighbourhood Centres. We should support new town centre uses in these areas.

The existing Local Plan has included the majority of shops within town centres. However, an "agglomeration" just 2 or 3 shops does not, in the Council's view, constitute a town centre. This does detract from their function, as the Council will, where planning permission is required, protect such uses from loss to residential.

Designation of these isolate shops as centres would weaken the town centre first approach as ultimately allow new shops everywhere any not merely within functioning centres.

Other comments include a question whether the hierarchy of two centres is still relevant, whether town centre uses should be directed to town centres, whether the newly created town centres should provide opportunities for urban agriculture and similar functions and whether the Council should support more underground parking to increase access to our centres.

The Council strongly endorses the town centre first approach as a key tenet of its town centre policy. This is required by both the NPPF and the London Plan and helps maintain the vitality of our centres. We support walkable neighbourhoods as a way to improve the access of a range of services to our residents, access which does not rely on use of the car. This is possible in a small borough such as ours.

#### Q41. Policy TC2: Nature of Development within Town Centres

This policy is concerned with the scale and nature of new development within town centres.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	1	4
Justified?	1	4
Effective?	1	4
Consistent with national policy?	1	3
Legally compliant?	1	2

8 individual responses were received to this question.

Whilst the majority were supportive of the general principle the following issues were raised.

Greater flexibility is required, and the Council should not try to control the nature/ size of units, even where this supports the vision for a centre,

Unit size for new development is one of the few tools we still have to directly control the nature of a centre. However, this should only be used when the Council is satisfied that this is necessary to help support the vision of the centre.

Greater support for urban agriculture

The policy does not preclude initiatives such as these, were application to come forward. However, it would not be appropriate to make this a requirement of any development.

Delete the policy as of limited value given the lack of control allowed through the E class and the past failures of initiatives to manage our town centres.

The policy allows the Council to shape development so that it reflects the nature of the centre, its position within the town centre hierarchy and any vision for that centre. As such it is considered useful and should be retained.

#### Q42. Policy TC3: Diversity of uses within Town Centres

This policy is concerned with the range of uses within our town centres.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	4
Justified?	6	4
Effective?	4	6
Consistent with national policy?	4	6
Legally compliant?	4	2

17 individual responses were received to this question.

Some of the principal landowners/ developers were concerned that it was unreasonable to restrict the nature of E class uses in any way. This was seen to be against the spirit of the flexibility of E class.

The Council remains of the view that there will be circumstances when such restrictions may be appropriate for new development which create addition floorspace. This includes when it is important that active frontage is retained or where a particular E class use could act as an “agent of change”.

Other individual comments were received which questioned the need to require active frontages, whether the policy was sufficient in its support for urban agriculture, or whether the policy had sufficient controls to resist over concentration of hot food takeaways.

The Council is satisfied that the policies do not preclude urban agriculture were such a proposal to be submitted. The Council must recognise the freedoms offered by Class E. However, it can control the creation of new hot food takeaways. The proposed mix is considered appropriate, with such used being resisted when they harm residential amenity.

The Council must define “relevant street frontage” for use for the frontage policies.

The Council agrees with this suggestion and proposes an addition to the glossary. This will be a main amendment. **Relevant street frontage: The row of commercial uses between successive intersecting vehicular highways**

#### Q43. Policy TC4: The evening economy

This policy is concerned with the uses which contribute to the evening economy.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	10	2

Justified?	9	2
Effective?	8	4
Consistent with national policy?	8	2
Legally compliant?	8	1

18 individual responses were received to this question.

The large majority of those who responded were supportive of the approach, reflecting the value that a well-managed evening use can have in providing for the needs of our residents and in supporting the vitality of our centres.

However, a number of issues were raised by individual stakeholders.

The Council should support the provision of community run bars, pubs and music venues (in the north of the borough) with subsidised rents and business rates.

Whilst the provision of community run/ affordable bars, pubs and music venues may be welcomed the nature of the operation/ownership is beyond the remit of the Local Plan. There is nothing in the plan which would preclude such uses were they to come forward.

The Council should make it clear that policy TC4 (the evening economy) does not trump Policy TC3, the policy which sets out the mix of certain sui generis uses.

The Council recognises that all the policies in the plan must be read together. One policy does not have prominence over another.

The policy should take account of the impact upon open space and biodiversity when considering new evening uses.

The Council recognises that the policies in the Green-Blue Future Chapter considers these issues. All the policies within the plan should be read together.

Remove restaurant from list of evening uses as planning permission may not be required to create such a use.

The Council is of the view that a restaurant can be an “evening use”. Whilst planning permission will not always be required for the creation of a restaurant, there will be many circumstances where it is. In these cases the policy remains relevant.

#### **Q44. Policy TC5: Local Shopping and other facilities which support day-to-day needs**

This policy is concerned with the protection of the commercial uses which meet the day-to-day needs of our residents.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	4	4
Justified?	5	3

Effective?	4	4
Consistent with national policy?	4	3
Legally compliant?	3	2

10 individual responses were received to this question.

The majority of consultees supported this policy. There was particular support for the protection of public houses. However, a small number of other comments were received

The Council should be improving access to centres by those using cars.

The Council does not support additional carparking. Improvements to active travel and to public transport are our priorities.

The Council should protect restaurants across the borough.

The Council recognises that “neighbourhood restaurants” can play a particular role in supporting a local community. This role is less pronounced in larger town centres. The Council does recognise that the loss of a restaurant to an alternative E class use is not development which will require planning permission.

Council should stop the domination of bars, restaurants and similar shops in South Kensington.

Planning permission is not required for one E class use to change to another. This has led to a proliferation of restaurants in some locations. This is beyond the Council’s control. The Council does note that such changes of use are those that the market requires and may contribute to the vitality of a centre.

#### Q45. Policy TC8: Hotels

This policy is concerned with the hotels, where they should be protected and where new hotels/ expansion of existing will be supported.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	3	3
Justified?	3	3
Effective?	3	3
Consistent with national policy?	2	3
Legally compliant?	2	2

10 individual responses were received to this question.

The majority of consultees generally supported the approach being taken, particular with regard the need to resist the creation of new short-term tourist lets.

The following additional comments were made.

There is a need for greater flexibility and to amend the policy to support the creation of new hotels which are “in close proximity” of a town centre rather than “adjacent”.

The Council is satisfied that policy as drafted offers the necessary flexibility and will not preclude new hotels in suitable locations. This includes those where a hotel will “support the function of the area”.

The council should resist the creation of short term holiday lets in all circumstances.

The Council recognises that planning permission is not always required for the creation of a short term let and the Council cannot “insist on applications under any circumstance.”

Where permission is required, a short term holiday let will be resisted where it includes the loss of any permanent residential accommodation or where it harms the amenity or residential character of an area. This approach is considered to be reasonable.



## 6. Business

### Q46. Policy BC1: Business uses

This policy is concerned with the offices, industrial and warehouse uses, where these will be protected and where new uses will be supported.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	5	5
Justified?	5	6
Effective?	4	8
Consistent with national policy?	4	5
Legally compliant?	3	4

20 individual responses were received to this question.

Comments were received on the following parts of the policy.

#### **Protecting existing office space**

Of those who responded some were of the view that the protection of offices was not needed in a period when the demand for offices was in decline. Others recognise that the desire to retain offices was valid but flexibility should be brought into the policy to allow the loss if an office (particularly to residential) when an applicant could show the office to be “surplus” to requirements.

The Council’s Employment Land Study notes that there is a need for 60,400 sq m of additional office floorspace by 2043. This can be met in a number of ways, including the retention of the office floorspace that we have. This was an approach supported by DLUHC in issuing the A4D in 2022 which removed the permitted development rights otherwise offered by Class MA of the GPDO.

The viability, or otherwise, of an individual office premises will be material when considering a planning application. However, the Council is concerned that a likely consequence of providing the criteria/ circumstances to demonstrate a lack of viability will encourage applications which seek to lose office premises.

If the office use is shown to be “surplus”, a change of use to residential may be supported.

#### **Location of new office space**

The supporting text should be amended to reflect the Policy BC1 and that OAs and EZs are suitable locations for new large-scale business uses. As such neither will be subject to the requirements of the sequential test.

Similarly confirmation required that (as set out in Policy CH1) new large scale offices within Employment Zones as well as town centres are not subject to an impact assessment.

Noted and agreed.

Para 6.11 should be amended to read,

**“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 and to the opportunity areas and the Employment Zones.”**

Policy CH1(F)

**F) New large scale offices outside of existing town centres and the Employment Zones will be subject to an impact assessment.**

These are both main modifications.

The Kensington Society questioned whether the Kensal Canalside OA is an appropriate location for new large-scale business uses.

The Council remains of the view that it is. This reflects the role of the OA as set out in the London Plan and elaborated in the place section/ allocations within this Local Plan. Large scale offices will play an important part in the place shaping of the Kensal Canalside area. The wider development (including the office element) will benefit from significant improvements to public transport accessibility.

A cross reference to the need/ nature for impact assessment in the preceding chapter was considered to be helpful.

Agreed. Reference added.

#### **Para 6.10**

**The London Plan notes that as a “main town centre use” any proposal which includes the provision of new offices (when they are not in accordance with the Development Plan) will be subject to the provisions of the town centres first principle, the sequential test and where appropriate, require an impact assessment. (Also see paragraphs 5.13 to 5.15)**

#### **Industrial and Warehouse uses**

Whilst the GLA have stated that they consider the Local Plan to be in general conformity with the London Plan, they did suggest that the Local Plan should better reflect London Plan policies E4 and E7, relating to the intensification of industrial or warehousing sites.

Whilst the Council notes that the London Plan does form part of the borough’s development plan a reference to E4 and E7 was considered useful.

Amend para 6.15 to read

**“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. Whilst we recognise that the development economics of the Borough means that new industrial floorspace is very unlikely to come forward, 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**

**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.**

However, the Council has not removed its requirement that even where an industrial use cannot be shown to be viable, that the alternative use should be E class commercial.

The Council should not have a blanket policy protection for industrial and warehouse uses. Both uses are valued, and the Council shares the view of the London Plan, that such uses should be protected where possible. Viability is a material planning consideration when considering applications on a case by case basis.

### **Employment Zones**

Residential uses should only be supported in the Lots Road Employment Zone if linked to businesses and enabling those who work there to live there.

The Council considers this to be overly restrictive, and recognises that the Employment Zones may be appropriate locations for residential uses as long as the business function of these areas is not jeopardised.

Question whether the Latimer Road is a viable office location

The ELS had considered this and has concluded that it does.

Support for approach taken from St Quintin and Woodlands Neighbourhood Forum.

The Council should not make the provision of additional residential floorspace dependent on an uplift in the quantity of business floorspace in the Kensal Employment Zone.

The Council remains of the view that the long-established function of the Employment Zones are as centres for innovation and locations for businesses. However, we do recognise the benefits that carefully designed housing can have. Some of the value associated with the introduction of housing can be used to increase the quantum and the quality of business accommodation in these otherwise commercial areas. The Employment Zones are some of the few areas which an uplift in business floorspace is likely, given the development economics of the borough.

The viability of this proposal has been tested within our ELS and confirmed. The viability assessment led to the removal of the requirement that new development must be business led.

The Council recognises that the viability/ individual circumstances of each site may be different. Where an uplift is shown not to be viable, and the proposal has other benefits, a proposal may be acceptable.

The supporting text (6.24) should be amended so that it is consistent with Policy BC1(I), in supporting E class uses within the Employment Zones where they contribute to the vitality of the zone and the wider area. This will include a range of E class uses as well as light industrial uses

Amendment useful.

Para 6.22

**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 or other appropriate uses that contribute to the vitality of the zone and to the wider area, as well including as light industrial or warehousing uses.**

This is a main modification.

Clarity required as to how best measure floorspace in the Employment Zones.

This is considered appropriate. Amend para 6.24

**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 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. 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.**

This is a main modification.

#### **Q47. Policy BC3: Affordable workspace**

This policy is concerned with how large commercial developments should provide affordable workspaces.

**Do you consider this policy to be...**

	<b>Yes</b>	<b>No</b>
Positively prepared?	3	3
Justified?	2	6
Effective?	2	5
Consistent with national policy?	2	4
Legally compliant?	1	2

14 individual responses were received to this question.

Nearly all of those who responded recognised the need for affordable workspace across the borough and were supportive of the principle of using the planning system to help provide for it.

However, the following issues were raised:

#### **Level of discount**

Ballymore and Sainsbury’s supported the principle but questioned the 50% discount, suggesting that the figure should be reduced to just 20%, if the viability of the development of the OA was not to be jeopardised.

**The Council’s Employment Land Study has considered viability, and concluded that the levels sought should not jeopardise viability.**

## **Amount of floorspace to be provided**

Ballymore and Sainsbury's did not object to the provision of 10% floorspace but questioned how the resulting 500 sq m should be provided, on a site with multiple land owners such as Kensal Canalside.

The 10% figure is considered to be appropriate, as has been tested by viability consultants within the ELS and is a figure which should not render schemes unviable. It only applied to proposals with a net uplift of at least 5,000 sq m, so will result in the provision of 500 sq m of floorspace. Units of this size are likely to prove attractive to a range of third party AWS providers. Smaller piecemeal provision across a larger site is unlikely to be as desirable.

The ECDC support the principle but seek a site specific approach on the EC Opportunity Area. Concerned that the upper limit to the assessment of need for EC is ambiguous and may risk the deliverability of the scheme.

The nature of the AWS required will take account of the characteristics of a large site such as Earl's Court, with the nature being agreed through the Affordable Work Space Statement. The policy confirms the level of contribution expected (50% discount to the third party) but not the detailed provision.

Whilst the allocation for EC requires a minimum of 20,000 sq m of E(g) floorspace, the Council notes that the amount of floorspace delivered on the site may be considerably higher. The intention of the policy to allow the provision to be capped where the 10% "required" becomes so significant as to exceed need.

## **Feasibility**

A clause should be added to the policy to be explicit that the provision of AWS at the levels sought should be subject to a feasibility assessment.

AWS should not be required within a town centres as may render such proposals unviable.

The policy should note that there may be "exceptional circumstances" where AWS can be provided off site.

The Council is satisfied that the AWS sought will not render proposals unviable. This is informed by viability work carried out within the ELS. However, viability will always be a material consideration when considering any application, and as such there is no need to add this caveat. The Council is also concerned that this caveat may appear to weaken the effectiveness of the policy, as adds a degree of uncertainty to the requirement.

There is nothing inherently unsuitable about a town center as an appropriate location for AFW.

The policy was amended following Reg 18 to apply to proposals which include a net uplift of 5,000 sq m only. These are the very largest of developments, and those sites where the provision of a modest amount of AWS is reasonable. This provision should be provided on site.

## **Other issues**

Other issues raised included, there is no need for affordable workspace with the current “weak” office market and that a more radical approach is needed to provide AWS. The Council must identify current sites which should be handed over to community organisations to operate as AWS.

The Council is satisfied that there is a need, with the office market (and rents) expected to strengthen later in 2023/24. AWS is a specific product, usually curated, which is, and will remain, in great demand.

It is not within the remit of the Local Plan, or indeed the planning system, to require privately owned business sites to be transferred to community organisations or collectives to operate as affordable workspace.

## 7. Social Infrastructure

### Q48. Policy SI1: Social Infrastructure

This policy is concerned with the protection of existing, and support for the provision of new, social and community facilities.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	5	6
Justified?	4	6
Effective?	6	5
Consistent with national policy?	5	7
Legally compliant?	5	4

17 individual responses were received to this question.

Notting Hill and North Kensington Liberal Democrats and Pembridge Association called for the restrictions for the re-siting of social infrastructure clarified, and distance limits put on the distance of replacement facilities from those which will be replaced.

- The policy requires on-site provision of social and community uses and does not encourage re-siting of such uses.
- Sport England questioned the soundness of the policy in regard to protection of sports facilities referring to paragraph 99 of the NPPF which allows for the loss of open space, sports and recreation uses only if it's been demonstrated through the robust assessment that those uses are a surplus to local requirements. SE also consider that the evidence base falls short of a robust and up to date assessment of sport facilities as it does not set a clear strategy and action plan as well as does not fully follow the SE guidance.
- To align more closely with the paragraph 99 of the NPPF, **paragraph 7.11 will be subject to a minor modification to cross refer to NPPF paragraph 99 to state that.**
- The Council is also satisfied that the evidence on the issue produced is relevant, up-to-date and proportionate, as required by the paragraph 31 of the NPPF. Separate to the Local Plan process, the Council has formally committed to producing a Sports and Physical Activity Strategy later in the year as outlined in Item 3 under the Parks and Leisure priorities in the [Environment Select Committee Report](#) (p.3).

## 8. Streets and Transport

### Q49. Policy T1: Street network

This policy is concerned with the provision of well-connected, inclusive and legible streets.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	3	7
Justified?	3	7
Effective?	3	7
Consistent with national policy?	2	6
Legally compliant?	4	3

15 individual responses were received to this question.

Many responses focused on how the streets would be used and by which transport modes; most of these highlighted the need to prioritise walking and cycling. Others maintained permeability for private vehicles remains important.

[Part C of Policy T1 confirms that new streets are “to be designed to give priority to pedestrian and cyclist movement”.](#)

Two respondents questioned whether there was a need for new street networks to be inspired by the Borough’s historic street patterns.

[The Council considers that 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.](#)

Three respondents submitted that new walking links should be dedicated as public highway over which there should be a right of way.

[The Council considers public access rights to be desirable in integrating new development areas into surrounding communities and to encourage walking and cycling.](#)

### Q50. Policy T3: Living Streets and outdoor life

This policy is concerned with the use of our streets, to create places which support outdoor life. This includes places for outdoor hospitality, for markets and for special events.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	5	4
Justified?	7	2



Effective?	6	3
Consistent with national policy?	5	3
Legally compliant?	5	2

15 individual responses were received to this question. There was no pattern to the content of the responses many of which were positive. Many of the points raised relate to detailed points on the management of pavement furniture.

The primary issue relevant to land use planning was raised by two respondents. They highlighted that residential amenity is not explicitly protected by the policy wording on al fresco hospitality.

Policy T3B3 requires al fresco hospitality uses to be proportionate in scale to their context. Expectations for the management of al fresco hospitality uses are included in the Council guidance “Supporting al fresco hospitality in Kensington and Chelsea”. Markets and al fresco dining terraces are licensed with conditions that aim to protect (among other things) residential amenity. We consider the wording of the Policy to allow appropriate balances to struck through licensing processes.

#### Q51. Policy T4: Streetscape

This policy is concerned with streetscape, or the nature of signs, street furniture and other structures and features on our streets.

##### Do you consider this policy to be...

	Yes	No
Positively prepared?	4	3
Justified?	4	2
Effective?	1	5
Consistent with national policy?	3	2
Legally compliant?	2	2

10 individual responses were received to this question. Most parts of Policy T4 did not attract comment.

One respondent questioned Part C of the policy which requires all major development must contribute to delivering new arts and culture in line with the Council’s Culture Plan that is of high quality. This may either be on-site or where such on-site provision is not appropriate, through planning contributions towards delivering the Council’s Culture Plan. They submit that the application of the policy should be subject to a viability test.

Paragraph 11.12 explains the policies in this plan, CIL and s106 requirements have been independently viability tested. Where the development is unable to deliver all the policy

requirements for reasons of viability, a viability assessment will be required to accompany the planning application. Viability is covered by Policy IP1 on planning obligations. We do not consider a need to include a reference to viability in Policy T4C.

## Q52. Policy T5: Land Use and Transport

This policy is concerned with where new development should be located, in terms of sustainable modes of travel.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	2	5
Justified?	2	5
Effective?	3	4
Consistent with national policy?	2	5
Legally compliant?	4	3

11 individual responses were received to this question.

The primary issue raised was whether the Council’s requirement for “high trip generating development to be located in areas of the Borough where public transport accessibility has a PTAL score of 4 or above and where there is sufficient public transport capacity, or that will achieve PTAL 4 and provide sufficient capacity as a result of committed improvements to public transport” is appropriate.

Under the London Plan (c. Table 10.3 on Maximum Parking Standards), PTAL 4 is the threshold for requiring the car free developments that facility high density schemes. This level of accessibility is typically required to accommodate high density development satisfactorily. Over the years the PTAL4 requirement has helped the Council to secure development contributions towards beneficially improving public transport (or access to public transport) in locations with a PTAL of less than 4.

Two respondents questioned whether the wording of the policy would allow transport improvements to be secured.

Planning obligations for transport infrastructure are secured under Local Plan Policy IP1 on Infrastructure and Planning Contributions. Specific infrastructural requirements are included in the Site Allocations. The Council considers that the Local Plan Policies will be effective in securing transport improvements.

### Q53. Policy T6: Active Travel

This policy is concerned with supporting active travel, or improving the walking and cycling environment.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	6	7
Justified?	4	9
Effective?	5	8
Consistent with national policy?	5	8
Legally compliant?	6	6

19 individual responses were received to this question.

Seven respondents wrote about the inadequacy of cycle facilities in the borough with some highlighting the need for segregated facilities on strategic routes. Several called for more route specific proposals to be included in the plan.

[Like all boroughs, RBKC is developing its network of routes. RBKC's approach will be guided by the study it commissioned from Centre for London, and by resident reaction to it.](#)

Two respondents submitted that new walking links should be dedicated as public highway over which there should be a right of way.

[The Council considers public access rights to be desirable in integrating new development areas into surrounding communities and to encourage walking and cycling.](#)

### Q54. Policy T7: Public Transport

This policy is concerned with supporting improvements to public transport/public transport infrastructure.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	4	8
Justified?	6	6
Effective?	4	7
Consistent with national policy?	4	6
Legally compliant?	6	2

15 individual responses were received to this question.

Significant support was expressed for step-free access and other public transport improvements. Two respondents were disappointed that there was no commitment towards an additional station on the West London Line.

TfL have confirmed that an additional station on the West London Line is not viable. We do not have grounds to believe that the station proposal is supported by the external parties whose support would be necessary.

### Q55. Policy T8: Car Parking

This policy is concerned with supporting improvements to public transport/public transport infrastructure.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	4	7
Justified?	4	7
Effective?	4	7
Consistent with national policy?	4	6
Legally compliant?	5	3

18 individual responses were received to this question.

Three respondents called for all new development to be car free with no on-site car parking. Two respondents submitted that some car parking is necessary. A number of respondents asked for the maximum parking standards to be more clearly defined.

Paragraph 8.42 explains “car parking standards for development are set out in the London Plan 2021 and are expressed as maxima. Zero levels of car parking are encouraged in order to minimise the negative impacts of increased car use and traffic congestion. In some locations and for some scales of development car parking will need to be below the maximum adopted standards in order to ensure the impacts of any additional car trips are acceptable”.

One respondent questioned whether Part B of the Policy is consistent with Paragraph 111 of the NPPF which addresses traffic impacts.

**The Council recognises the wording of the policy could be interpreted as not being consistent with NPPF Paragraph 111. To avoid that risk a modification to the wording of the policy is proposed**

One respondent questioned the need for an electric charging point to be provided in respect of every off-street parking space.

Considering the relatively low levels of new off-street parking provided in the Borough and to support the Council’s 2040 carbon neutral target, and improving poor air quality, the Council considers this requirement to be necessary. The challenges in providing the infrastructure can be mitigated by providing fewer car parking spaces overall.

### Q56. Policy T9: Servicing

This policy is concerned with the servicing of new developments.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	3	1
Justified?	2	2
Effective?	2	2
Consistent with national policy?	2	1
Legally compliant?	2	1

Seven individual responses were received to this question.

No significant issues were raised. A small number of modifications to the wording of the policy were suggested to ensure that the emergency vehicle access and residential amenity are duly considered.

**The Council has recommended two modifications to address the points raised.**

## 9. Places

### Q57. PLV1: Kensal Canalside

Do you consider the vision for Kensal Canalside to be...

	Yes	No
Positively prepared?	3	12
Justified?	1	13
Effective?	1	11
Consistent with national policy?	1	9
Legally compliant?	2	4

19 individual responses were received to this question.

- A number of comments disagree with stating the development will be ‘well connected’ in the vision raising concern over accessibility and whether it will be a car free development.
- It is considered that subject to the site allocation requirements being achieved the development has the potential to become well connected in the context of London and that this should be strived for in any development coming forward here. Car parking provision is stipulated within the London Plan and will apply here.
- Concern has been raised as to the developer
- This is not for the council to consider as part of the NLPR.
- It has been suggested that the limited wording around design taking cues from surrounding development is limiting and wording should allow for more visionary architecture to overcome the climate emergency.
- It is considered that architecture is still able to be innovative and visionary whilst taking cues from surrounding context.
- An error was flagged in reference to a chapter (3).
- **Minor modification suggested to correct to chapter 10 in 9.9**

### Q58. PLV2: Earl’s Court

Do you consider the vision for the Earl’s Court Opportunity Area to be...

	Yes	No
Positively prepared?	3	8
Justified?	3	7

Effective?	2	9
Consistent with national policy?	2	6
Legally compliant?	2	5

13 individual responses were received to this question.

The developer, Earl's Court Development Company, as well as TfL as development partner, queried the requirement for a single cultural facility included in the vision, and the use of the terminology 'world-class'. They favour a more general wording: 'cultural offer'.

The Council's aspiration for an 'anchor' facility remains necessary to be at the heart of a wider cultural offer to ensure the site becomes a cultural destination within Earl's Court. Further detail, including what is meant by 'world class', is included in the emerging Placemaking Framework.

4 respondents objected to the amount or height of proposed development on the Opportunity Area site.

As an Opportunity Area, the Council is required to optimise development on the site. The maximum height parameters have been tested via a townscape and visual impact assessment.

6 respondents commented that further detail is needed on certain elements within the vision including context, relationship with Earl's Court Road and other connections, cultural uses, greening, impact on heritage assets.

The Council's emerging Placemaking Framework provides further design guidance to supplement the vision and site allocation for Earl's Court Opportunity Area and deals with the points raised.

### Q59. PLV3: Lancaster West Estate and wider area

**Do you consider the vision for Lancaster West Estate and Notting Dale to be...**

	Yes	No
Positively prepared?	3	4
Justified?	2	3
Effective?	2	4
Consistent with national policy?	3	2
Legally compliant?	2	3

8 individual responses were received to this question.

A substantive response has been raised by Claire Simmons stating that "the vision as presented is misleading, ill-defined, non-inclusive, non-equitable and potentially divisive, in what is a very sensitive ward." The main concern seems to be that "PLV3 is defined as "Lancaster West Estate and Notting Dale", yet there seems to be very little mention in

PLV3 of any part of Notting Dale outside of LWE.” A number of points are raised regarding the priorities and changes requested.

The vision reflects the work that the Council has been undertaking in the area outside of the Local Plan to create an eco-neighbourhood. The vision and supporting text do relate to the wider Notting Dale ward although they are focused on the Lancaster West Estate. For example Priority 1 articulates commitments beyond net zero carbon including green jobs and training opportunities which are available to everyone in the ward. Priority 4 makes it clear that all properties within the ward will have the opportunity to connect to the Notting Dale Heat Network by 2040.

The Council is satisfied that the vision reflects ambitions that can be delivered through planning for the whole ward.

- The Kensington and Chelsea Social Council make the point that the absence of specific commitments for the estates that are mentioned make this policy unsound. There needs to be co-production with the residents of these estates to create a clear vision and specific programme to emulate Lancaster West.
- The commitments are fairly specific as articulated in the text. The Council is committed to its [Charter for Public Participation](#) outside of the Local Plan which will be followed in any relevant project affecting the community.

#### Q60. PLV4: The Westway Vision

**Do you consider the vision for the Westway to be...**

	Yes	No
Positively prepared?	4	2
Justified?	3	1
Effective?	2	3
Consistent with national policy?	3	1
Legally compliant?	2	0

10 individual responses were received to this question.

Comments requested greater commentary on the role of the westway trust and the history of the community with the Westway.

[Text is provided within the supplementary text already on the role of the Westway Trust.](#)

One comment requested site allocations along the Westway

[The sites do not meet the requirements of site allocations and opportunities for flexibility are therefore afforded.](#)

Concern that the section is repeating BC1 or could afford a reference to BC1

[Relevant section serves separate function identifying the character and potential for growth of that in PLV chapters. \*\*Main mod suggested to reference BC1\*\*](#)



## Q61. PLV5: Kensal Employment Zone

Do you consider the vision for Kensal Employment Zone to be...

	Yes	No
Positively prepared?	1	1
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

4 individual responses were received to this question.

- That the council should not make the provision of additional residential floorspace dependent on an uplift in the quantity of business floorspace in the Kensal Employment Zone.
- The Council remains of the view that the long-established function of the Employment Zones are as centres for innovation and locations for businesses. However, we do recognise the benefits that carefully designed housing can have. Some of the value associated with the introduction of housing can be used to increase the quantum and the quality of business accommodation in these otherwise commercial areas. The Employment Zones are some of the few areas which an uplift in business floorspace is likely, given the development economics of the borough.
- The viability of this proposal has been tested within our ELS and confirmed. The viability assessment led to the removal of the requirement that new development must be business led.
- The Council recognises that the viability/ individual circumstances of each site may be different. Where an uplift is shown not to be viable, and the proposal has other benefits, a proposal may be acceptable.

## Q62. PLV6: Freston/Latimer Road Employment Zone Vision

Do you consider the vision for the Freston/ Latimer Road Employment Zone to be...

	Yes	No
Positively prepared?	3	3
Justified?	4	1
Effective?	4	1
Consistent with national policy?	4	1
Legally compliant?	3	1

7 individual responses were received to this question.

Support from St Quintin and Woodlands Neighbourhood Forum

A request for Westway Circus station has been requested

This was not considered to be supported by external relevant parties

### Q63. PLV7: Lots Road Employment Zone Vision

Do you consider the vision for Lots Road Employment Zone to be...

	Yes	No
Positively prepared?	1	2
Justified?	1	1
Effective?	1	2
Consistent with national policy?	1	0
Legally compliant?	1	0

7 individual responses were received to this question.

3 respondents objected to the Employment Zone being undermined by the introduction of residential uses, in particular in relation to the Lots Road South allocated site and the quantum specified in that allocation.

A mixed use site allocation strikes the appropriate balance between enhancing the Employment Zone through improved commercial space and addressing housing need.

1 respondent queried the approach to Employment Zones overall, and supported the introduction of residential uses to intensify and create a mixed use development on this site. They queried the methodology for measuring floor area.

Employment Zone designation goes beyond protection of business uses; here, new residential development will be expected to associated with an uplift in business floorspace. A major modification to paragraph 6.24 (Employment Zones) will be made to clarify that floorspace will in normal circumstances be measured in gross internal area.

### Q64. PLV8: Kensington High Street

Do you consider the vision for Kensington High Street to be...

	Yes	No
Positively prepared?	2	2
Justified?	2	1
Effective?	1	3
Consistent with national policy?	1	3

Legally compliant?	1	1
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6 individual responses were received to this question.

Respondents queried the evening economy prioritization, with concerns raised as to the potential creation of additional Anti Social Behavior. Several comments flagged that supporting text on the creation of a new public realm space between the Odeon Cinema and the Design Museum. There was support for the addition of Priority 9 which referred to improving the pedestrian and cyclist experience.

The Evening and Night Time Economy will be a strategic piece of work that is further explored in 2023, with the intention of creating a strategy for the borough. The inclusion of 'Evening' in the wording reflects the Council's understanding that a balance should be struck between protecting residents and promoting activity, and refers to any time from 5pm – 2pm (or later).

### Q65. PLV9: Portobello Road

**Do you consider the vision for Portobello Road to be...**

	Yes	No
Positively prepared?	2	6
Justified?	2	4
Effective?	1	6
Consistent with national policy?	2	3
Legally compliant?	2	2

12 individual responses were received to this question.

Comments noted that Portobello Road vision should include reference to Golborne Market too, and that the market traders require additional infrastructure support. Several respondents added that the retail and dining units on Portobello Road south of Chepstow Villas should be recognised for their contribution to the local economy and in order to provide a whole picture and unified approach to the area. The improvement of public realm and the pedestrian experience was expressed, as was the need to further clarify what the retail and market offer covered.

The Council has proposed main modifications the wording of the vision text to reflect changes suggested and offer clarity and more context. It incorporated the suggestion that changes to the public realm should be made in a holistic way. An additional sentence highlighting the retail and dining units has been included.

### Q66. PLV10: Notting Hill Gate

**Do you consider the vision for Notting Hill Gate to be...**

	Yes	No
Positively prepared?	3	2
Justified?	3	2
Effective?	1	4
Consistent with national policy?	1	0
Legally compliant?	1	1

7 individual responses were received to this question.

- Respondents supported the policy on improving pedestrian and cycle infrastructure in the town centre, and outlined several junctions where pedestrian crossing is considered to be unsafe.
- A supporting paragraph has been included to reflect that the Council would welcome improvements to the safety of these crossings.

### Q67. PLV11: South Kensington

**Do you consider the vision for South Kensington to be...**

	Yes	No
Positively prepared?	6	5
Justified?	3	9
Effective?	3	9
Consistent with national policy?	3	7
Legally compliant?	4	2

13 individual responses were received to this question.

A number of comments disagree with the reference to South Kensington being identified as having a night time economy, and considered this to only be relevant in the London Plan due to the proximity of the Royal Albert Hall.

The Council considers a night time economy to include activity from 5pm onwards. It recognises the importance of striking a balance between protecting residents and promoting activity, and is in the early stages of developing an Evening and Night Time Economy strategy, that would seek to strike this balance.

It was flagged that the Borough boundary reflects The Royal College of Art and The Royal Albert Hall as being in RBKC, when it is in the City of Westminster.

**The map will be updated to reflect these changes.**

A number of comments stressed that the area is highly residential, and rejected any plans for high level buildings around the tube, as well as the notion that there is any cultural activity here. A number of supportive comments highlighted that the mention of

culture demonstrated the creation of a vibrant place with international reputation did not need to negatively impact residents who live in the area.

The Council considers that the wording accurately reflects that this is a residential area, but recognises that it is also the gateway for thousands of visitors daily to the surrounding museums and cultural organisations. Improvements to the public realm and the priorities considered integral to delivering the vision reflect the need to create an environment that works for both visitors and residents.

**Q68. PLV12: King’s Road (East)**

**Do you consider the vision for King’s Road (East) to be...**

	Yes	No
Positively prepared?	1	0
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

1 individual responses were received to this question.

The respondent was supportive of the proposed policies.

**Q69. PLV13: King’s Road (West)**

**Do you consider the vision for King’s Road (West) to be...**

	Yes	No
Positively prepared?	1	0
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

1 individual responses were received to this question.

The respondent was supportive of the proposed policies.

**Q70. PLV14: Earl’s Court Town Centre**

**Do you consider the vision for Earl’s Court Town Centre to be...**

	Yes	No

Positively prepared?	2	4
Justified?	1	4
Effective?	1	4
Consistent with national policy?	1	2
Legally compliant?	1	2

6 individual responses were received to this question.

Two comments received were related to concerns over height of the new development, whilst another focused on the potential poor relationship between Earl's Court Road and the Opportunity Area

[The Council's emerging Earl's Court Placemaking framework will provide further guidance for the site, including the relationship between the Opportunity Area and the Town Centre.](#)

#### Q71. PLV15: Brompton Cross

**Do you consider the vision for Brompton Cross to be...**

	Yes	No
Positively prepared?	1	1
Justified?	1	1
Effective?	1	1
Consistent with national policy?	1	1
Legally compliant?	0	1

2 individual responses were received to this question.

One respondent indicated that they opposed any redevelopment of the South Kensington tube station, whilst the other supported the proposed policies.

[The South Kensington tube station development is due to be decided at Public Inquiry.](#)

#### Q72. PLV16: Westbourne Grove

**Do you consider the vision for Westbourne Grove to be...**

	Yes	No
Positively prepared?	1	1
Justified?	1	1
Effective?	1	1

Consistent with national policy?	1	1
Legally compliant?	2	0

3 individual responses were received to this question.

A number of the comments disagreed with the vision for the town centre, citing it as inadequate, and lacking promise to deliver anything. Comments also flagged that there was a need for cross Borough working with Westminster. Additional points were made regarding the town centre boundary and the need for an update to include restaurants behind the Westbourne Grove Mews.

- The Council vision sets out what the Council seeks to support, rather than detailing what it is able to deliver. **Additional wording has been proposed into the text to reflect the role that the area plays in being a ‘retail spine’ for Notting Hill Gate, and the vision wording has been amended to reflect that the retail offer is no longer only fashion and luxury boutiques, but important hospitality and leisure services too.**

### Q73. PLV17: Knightsbridge

**Do you consider the vision for Knightsbridge to be...**

	Yes	No
Positively prepared?	3	2
Justified?	3	2
Effective?	3	2
Consistent with national policy?	3	2
Legally compliant?	3	2

7 individual responses were received to this question.

Comments sought clarification over the buildings included in the town centre designation.

**The Council will provide clarification in the existing map or provide a new one.**

Supportive comments were received on the vision and the stated aim to maintain the area as one of London’s key shopping destinations, as well as improvements to the public realm. Respondents flagged that improvements should not however come at the expense of adding clutter to the pavement.

**The Council will work closely with those delivering improvements to ensure that clutter is avoided.**

### Q74. PLV18: Fulham Road (West)

**Do you consider the vision for Fulham Road (West) to be...**

	Yes	No
Positively prepared?	1	1
Justified?	1	1
Effective?	1	1
Consistent with national policy?	1	1
Legally compliant?	1	1

2 individual responses were received to this question.

- One comment indicated support of the policies.

### Q75. PLV19: Keeping Life Local – Walkable Neighbourhoods

**Do you consider the vision for the Walkable Neighbourhoods to be...**

	Yes	No
Positively prepared?	6	3
Justified?	6	2
Effective?	5	3
Consistent with national policy?	5	2
Legally compliant?	4	2

10 individual responses were received to this question.

Whilst the majority of those who responded supported the concept, the following issues were raised.

There is a need to reference the 5 minute walk for other local facilities, as well as local shops, within the supporting text.

The Council shares the view that this would be helpful and has amended para 9.86 accordingly.

**“So whilst all our residents should live within a 20 minute walk of a secondary school, a library or a larger shopping centre, a 5 minute walk will be more appropriate for a choice of shops and other local facilities which meet day-to-day needs.**

This is a main modification.

Need for places to sit should be recognised.

This forms part of Policy T6.

Whilst the concept may be supported, concern that this is not carried through by the policies elsewhere in the plan.



The plan as a whole endorses the concept of the walkable neighbourhood by supporting the provision of the facilities sought by our residents and by supporting “active travel”, and the walking environment.

## 10. Site Allocations

### Q76. SA1: Kensal Canalside Opportunity Area

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	4	7
Justified?	3	8
Effective?	3	8
Consistent with national policy?	6	4
Legally compliant?	6	3

16 individual responses were received to this question.

A number of comments relate to the lack of clarity in the heights map, fig. 10. 1

The proposed heights map strikes a balance between providing necessary acceptable heights for the site and allowing the flexibility for the development to come forward at the time of submission.

Similarly a number of the comments relate to capacity of the site and the public transport and whether the vision of Kensal Canalside becoming a well-connected place is realistic.

The vision sets out the aspirations for the site rather than the current state of play. The allocation makes it clear that the well-connected development is dependent upon the bridge delivery as well as improvements to walking/cycling and bus network and local tube stations.

Concerns particularly from the Friends of the cemetery related to the delivery of open space, impact to biodiversity and access to the cemetery.

The provision of open space will be in line with wider NLPR policies and the Planning Contributions SPD. The site allocation refers to a landscaping strategy and NLPR policies

on biodiversity apply. Access and a bridge to the cemetery will of course be subject to landowner engagement and additional engagement with neighboring LPA's.

Thames Water noted that the scale of development in this catchment area is likely to require updated of the water supply network infrastructure and recommended that the Developer and the LPA liaise with Thames Water at the earliest opportunity to agree a housing phasing plan.

The importance of contacting Thames Water is set out in the supporting text for Policy GB13

Ballymore and SSL commented regarding a number of matters in the site allocation, including, the amount of E(g) workspace, how planning contributions were to be calculated and duplication in wording of energy requirements and outdated evidence base documents (namely the DIFS update). Additional evidence has been provided that suggests an alternative approach to the tall buildings be taken that the one drafted to allow for greater height.

As with other development the Planning Contributions SPD will be used in relation to relevant contributions where detail isn't included in the SA. The tall buildings map and associated wording strikes the balance between London Plan Policy D9 and the need for flexibility accepting the limitations of the evidence base in the supporting text. The Council accepts that evidence bases are only as up to date as when they are produced and that up to date evidence can and should be provided at the planning application stage to take account of any contextual changes in circumstances. **Clarification has been added in the form of a minor and major mod regarding E(g) definition and commercial has been amended to non-residential floorspace to incorporate community facilities within the 12000sqm requirement. Similarly major mod has been proposed to delete repetition of requirement (f).**

DP9 for St William also commented regarding a variety of matters within the site allocation, including the tall buildings approach and heritage matters and clarification on community housing requirements.

The tall buildings map and associated wording strikes the balance between London Plan Policy D9 and the need for flexibility accepting the limitations of the evidence base in the supporting text.

## Q77. SA2: Earl's Court Exhibition Centre Opportunity Area

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	3	8
Justified?	4	6
Effective?	3	7
Consistent with national policy?	3	6
Legally compliant?	3	5

16 individual responses were received to this question.

The developer, Earl's Court Development Company (ECDC), as well as TfL as development partner, believe the minimum quantum of commercial floorspace is too low and the building heights maximum parameters too restrictive and therefore the site allocation fails to support the delivery of a viable scheme. ECDC has also queried the independent viability appraisal work commissioned by the Council in respect of housing mix and sales values.

The Council is confident that an appropriate balance has been achieved between setting minimum and maximum parameters to allow flexibility in land use and design response. It is noted that London Plan Policy D9 requires Boroughs to set maximum height thresholds in location deemed suitable for tall buildings. The Council is confident of the mix and sales values inputted into the independent viability appraisal.

The GLA support the approach to building heights on site SA2 in line with London Plan Policy D9.

LBHF responded that building heights and densities should be determined in partnership with LBHF, and a minimum quantity of open space should be specified.

The Council approached LBHF to work collaboratively but officers were not instructed to collaborate on developing design principles collaboratively. The Placemaking Framework includes qualitative requirements for open space; a specific quantum may constrain design solutions.

6 respondents commented that further detail is needed on certain elements within the vision including context, landscape and open space, cultural uses.

The Council's emerging Placemaking Framework provides further design guidance to supplement the vision and site allocation for Earl's Court Opportunity Area and deals with the points raised.

Site allocation quantum is expressed as a minimum and the allocation has been assessed independently as viable.

### Q78. SA3: 100/100A West Cromwell Road

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	1	2
Justified?	1	1
Effective?	1	1
Consistent with national policy?	1	1
Legally compliant?	1	1

6 individual responses were received to this question.

TfL has welcomed the amendments to the parts H and K of the Policy but called for a removal of “*provision of car parking*” in Part E and instead require a car free development as per the London Plan policies and emerging transport policies in the NLPR.

**Main modification can be made to the policy text to clarify that any car parking would be provided in respect of the Land Uses listed at Parts B, C, and D of SA3** in adherence 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.

### Q79. SA4: Former Territorial Army Site, 245 Warwick Road

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	1	2
Justified?	1	1
Effective?	1	1
Consistent with national policy?	1	1
Legally compliant?	1	0

5 individual responses were received to this question.

Thames Water noted that the scale of development in this catchment area is likely to require updated of the water supply network infrastructure and recommended that the Developer and the LPA liaise with Thames Water at the earliest opportunity to agree a housing phasing plan.

The importance of contacting Thames Water is set out in the supporting text for Policy GB13.

West London Line called for policy to mention a new WLL station at West Cromwell Road.

The proposed interchange station would be extremely costly and very difficult to deliver – three rail lines would need to be re-signalled. Extensive new station infrastructure would be required. The benefits though acknowledged would not outweigh the substantial costs.

### Q80. SA5: Wornington Green, Phase 3

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	2	8
Justified?	2	8
Effective?	2	8
Consistent with national policy?	2	8
Legally compliant?	2	7

12 individual responses were received to this question.

7 respondents have expressed objections to the current live planning application for Phase 3 development on the grounds of inappropriate massing, building heights, lack of provision of affordable housing and local green space and potential negative impact on traffic in the area.

To ensure that re-connection of Portobello Road and Wornington Road to Ladbroke Grove does not have a negative impact on traffic in the area, part G of the Policy states “*The re-connection of Portobello Road and Wornington Road to Ladbroke Grove and the re-establishment of the traditional street pattern with street layouts that favour active travel and discourage car traffic in the area.*” The existing trees are protected from loss under the policy GB17, affordable housing provision is expected to address the policy HO3.

In respect to building heights, the draft policy does not specify the building heights, or identify the site as a suitable location for a tall building over 30 m.

Four respondents have called for a complete rethink of the allocation policy through genuine co-production process with local residents.

The site has an outline permission from 2010 with first phase complete and the second phase well progressed on-site. As such the scheme cannot be redesigned. In any case this is not a matter that the Local Plan can address, and site-specific consultation is undertaken including the Council organising a development forum where appropriate on planning applications.

#### **Q81. SA6: Lots Road South**

**Do you consider the site allocation to be...**

	<b>Yes</b>	<b>No</b>
Positively prepared?	2	3
Justified?	2	2
Effective?	2	2
Consistent with national policy?	2	1
Legally compliant?	3	1

11 individual responses were received to this question.

3 respondents (residents' associations) objected that the site should be prioritised for employment uses, rather than residential, given its location in an Employment Zone. The GLA queried whether the policy was consistent with Policy E7 part C of the London Plan 2021 which states that mixed-use or residential development proposals on non-designated industrial sites should only be supported in certain circumstances.

A mixed use site allocation strikes the appropriate balance between enhancing the Employment Zone through improved commercial space and addressing housing need. The site was allocated in the 2019 Local Plan for mixed use development and therefore criterion 2 of London Plan Policy E7 Part C applies.

2 of the above 3 residents' associations also objected that the quantum of development overall was too great, the maximum building heights were too high for the context, and that there was insufficient infrastructure in the area to support further development. It was flagged that the site area of the overall development site (in RBKC and LBHF) was given incorrectly in the site information.

Capacity assessments for the site including the options presented in the RBKC Leadership Team paper November 2021 informed the parameters for the site allocation and were based on the correct site area of 0.5ha. The drafting error regarding the overall development site area owned by the Council is to be corrected as a minor modification as follows:

**0.50 ha (land within RBKC, as shown on map)**

**Total development site area including land ~~0.71 ha~~ within LBHF: 0.71 ~~1.24~~ha**

Environment Agency highlighted that a development would need to demonstrate that any tidal flood defences along the Chelsea Creek can be raised in line with the TE2100 plan.

- Main modification can be made to the Planning Constraints text box to clarify this requirement.

## Q82. SA7: Edenham Way

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	2	4
Justified?	1	5
Effective?	1	4
Consistent with national policy?	1	3
Legally compliant?	1	3

9 individual responses were received to this question.

3 respondents expressed concerns over the impact the development would have over the Grade II Listed Trellick Tower and Cheltenham Estate. Suggestions were made to include specific reference in the text to the listed status of the Cheltenham Estate.

The listed status of Trellick Tower means that any planning application will be considered having regard to statutory duties regarding listed buildings and their setting. This affords greater protection than buildings in a conservation area. **A minor modification is proposed to refer to the fact that the Cheltenham Estate is Grade II listed.**

2 respondents raised concerns over the appropriate building heights, calling for a co-design process with the community to agree on acceptable heights.

As stated in paragraph 10.21 of the Publication Policies, *“The actual heights within these parameters are subject to further testing and can only be established through detailed design following close engagement with the residents.”*

2 respondents, including Sport England, mentioned that no clear and robustly evidenced justification was given for a removal of a ball court which lies within the site boundary. Site allocation policy should be amended to accommodate for its reprovision within the development or it must be identified as surplus if it is not replaced.

The Local Plan must be read as a whole as all other relevant policies in the Local Plan apply to site allocation. NLPR Policy SI1 will protect sports uses and the details will be determined as part of site specific work with the community.

### Q83. SA8: Chelsea Farmer's Market

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	1	1
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

3 individual responses were received to this question.

West London Line Group called for a supportive text to be added to the policy wording in regard to potential Crossrail station provision, citing the benefits it could bring to local residents and local economy.

The site is covered by a Crossrail 2 safeguarding direction. This has been identified as a constraint within the Site allocation that must be addressed when developing the site.

### Q84. SA9: Units 1-14 Latimer Road Industrial Estate

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	4	3
Justified?	4	2
Effective?	3	3
Consistent with national policy?	3	2
Legally compliant?	2	2

9 individual responses were received to this question.

2 respondents have raised concerns over the potential building heights.

In preparation for the [Latimer Road Design Code](#), the Council commissioned an independent assessment of the potential daylight/sunlight impacts of 4 massing scenarios of units 1 – 14 (options A, B, C and D) on neighbouring properties along the east side of Latimer Road. Following this assessment, option A (3 storeys with a setback 4th storey) and option B (4 storeys with a setback 5th storey) were considered the most suitable as these resulted in a very little impact on sunlight and daylight to the neighbouring properties, if any at all. These building heights principles are outlined in section 3.2 of the Design Code.

Environment Agency highlighted that the site lies in a Critical Drainage Area and any application must satisfy drainage requirements.

**Main modification can be made to the Planning Constraints text box to reflect the requirement for a site-specific Flood Risk Assessment.**

The GLA suggested that the site contains “non-designated industrial sites, and as such should reflect Policy E7 of the London Plan. This requires an intensification of existing industrial uses unless “there is no reasonable prospect of the site being used for industrial”.

The Council notes that the existing use of the site is no longer industrial, rather a mix of offices, studios and counter retail. It also contains a theatre as well as a small number of workshops and a (vacant) antiques warehouse. A minor modification will be made to reflect the existing uses.

**Current uses**

**Offices, studios, retail, workshops, a theatre, light industrial and warehouse and storage uses.**

**Q85. SA10: Newcombe House**

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	4	2
Justified?	2	4
Effective?	1	5
Consistent with national policy?	2	2
Legally compliant?	2	1

8 individual responses were received to this question.

Notting Hill Gate KCS Ltd made representation seeking following modifications:

To introduce further flexibility into residential land-use policy and allow for the existing residential floorspace on site to be replaced with a mix of accommodation appropriate of meeting the housing needs of the borough instead of re-provision of 20 existing affordable housing units.



Existing affordable housing is protected from loss under the draft Policy HO3 and London Plan Policy H8. A proposed mix of units is expected to be in line with the latest Council's LHNA.

To remove the requirement for the inclusion of a dedicated space for a Farmer's Market to return and operate within the draft allocation. This is due to the fact that this is a commercial activity, not a land use. It was also noted that there is no evidence base to specifically support the need for a dedicated space for the farmer's market within this development.

As stated in the Site Allocations (SA3-SA16) PFR paragraph 5.8.12, "*The Farmer's Market has currently relocated to Fox Primary School and an application is being considered for it to operate from Fox Primary School for the next two years. There are no other known sites in the Notting Hill Gate area where the Farmer's Market could operate from. Therefore, the site allocation includes this criterion to enable the flexibility should the market need the space in the future.*" If at the point of planning application, it is demonstrated that the market is operating successfully at another location in the area, the criterion will not be applied rigidly.

To introduce flexibility in Part J of SA10 in case if the site is refurbished rather than redeveloped, which consequently means that the step free access cannot be delivered as part of the development.

The Planning system allows for site specific circumstances to be taken into account at the planning application stage. Given the location and planning history of the site the requirement is appropriate.

## Small Sites

### Q86. SA11: The Plaza, 535 King's Road

**Do you consider the site allocation to be...**

	Yes	No
Positively prepared?	2	2
Justified?	2	0
Effective?	2	0
Consistent with national policy?	2	0
Legally compliant?	2	0

6 individual responses were received to this question.

Commercial Estates group has called for an increase of minimum number of homes to be delivered on site from 28 to 100 and for the appropriate building heights range to be specified as 8-15 stories.

As stated in the Site Allocations (SA3-SA16) PFR, para 5.9.7. "*The proposed quantum of residential development is based on a high-level design led capacity assessment undertaken by the Council. The site is not identified as a suitable location for a tall building and falls within an area where a 21m height threshold applies. This height limit served as*

one of the main considerations when calculating potential additional capacity over and above the retained office use on the site. For the purposes of the site capacity exercise, a taller 7 storey block to the northwest corner of the site (which would have 5-storeys of residential with 4 units per storey) and a 4-storey block to the northeast corner of the site (which would have 2 storeys of residential with 4 units per storey) were assumed suitable, given the local and wider site constraints. This configuration would yield a total of 28 residential units and was taken as the minimum requirement for quantum of residential use on this site.” In regards to heights, the site is not identified as a suitable location for tall buildings and is located within area where a tall building is defined as 21m or more in height. Therefore, suggested height parameters are not accepted.

### Q87. SA12: Harrington Road Car Park

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	1	0
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

2 individual responses were received to this question.

No significant points raised.

### Q88. SA13: Emmanuel Kaye Building

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	1	0
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

3 individual responses were received to this question.

Imperial College London has noted on the importance of retention and enhancement of the medical research facility located currently within the ground floor of the building. It was

noted that there would be a need either to decant these operations to another site in close proximity to the hospital, or phase development on the site to allow the retention of this use during any future redevelopment of the Site. As such, the policy wording was requested to be further strengthened to request a provision of uplift in medical research facility use class floorspace as part of any redevelopment, with the existing use retained on site or decanted during redevelopment.

The decant while development is taking place as well as providing an uplift is something that can be negotiated with the landowner directly outside of the planning process. All allocations are expressed as a minimum and therefore an uplift in provision will also meet policy.

### Q89. SA14: 142A Highlever Road

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	2	0
Justified?	2	0
Effective?	2	0
Consistent with national policy?	2	0
Legally compliant?	1	0

3 individual responses were received to this question.

No significant points raised.

### Q90. SA15: Colebrook Court

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	1	0
Justified?	1	0
Effective?	1	0
Consistent with national policy?	1	0
Legally compliant?	1	0

2 individual responses were received to this question.

No significant points raised.

## Q91. SA16: Holland Road Triangle

Do you consider the site allocation to be...

	Yes	No
Positively prepared?	2	1
Justified?	1	2
Effective?	1	2
Consistent with national policy?	1	1
Legally compliant?	1	1

4 individual responses were received to this question.

Kensington Society called for the policy wording to be amended to specify the requirement of 50% of housing on site to be affordable due to the land being in public sector landownership.

The Local Plan should be read as a whole, and all relevant policies are not repeated in the site allocations. The public sector land requirement for 50% community housing is set out in NLPR Policy HO3 D and paragraph 3.30 and 3.31.

RBKC Labour Group of Councillors raised concerns over the air quality in the area and suitability of allocating this land for housing.

Draft Policy GB6 C requires that “Major developments located in Air Quality Focus Areas (AQFAs), masterplans, development briefs and large-scale development proposals (that are subject to Environmental Impact Assessments) are required to deliver an ‘Air Quality Positive’ approach.” The site lies within an Air Quality Focus Area.

### Other comments on Sites Allocations

- 7 comments were received in regards to sites allocations in general. Calls for allocation the following site in the NLPR have been repeated: 24 Elvaston Place, South Kensington Station, Land between Ladbroke Grove and Portobello Road.
- All sites have failed the assessment methodology to be considered suitable for allocation, with detailed reasons outlined in the Sites Allocation Paper (October 2022). The Land between Ladbroke Grove and Portobello Road is a Site of Importance for Nature Conservation. The Council’s evidence shows that the site forms an important link in a green corridor and as such cannot be de-designated for development.
- One new small site has been proposed for allocation – Nursery Lane on Highlever Road, with proposals to remove Local Green Space designation from the site established through the St Quintin and Woodlands Neighbourhood Plan (2018) and allocating site for a care home, providing a minimum of 75 beds.
- There is no justification for revisiting the Neighbourhood Plan designation as part of the Local Plan examination process. The site designation is not unsound and there is not a critical need for care home accommodation in the borough which dictates that a care

home needs to go on this site. Paragraph 103 of the revised NPPF (2021) makes clear that a Local Greenspace designation carries significant weight.

# 11. Infrastructure and Planning Contributions

## Q92. IP1: Infrastructure and Planning Contributions

This policy is concerned with how new developments address the needs they put upon infrastructure.

**Do you consider this policy to be...**

	Yes	No
Positively prepared?	2	2
Justified?	1	3
Effective?	1	3
Consistent with national policy?	1	2
Legally compliant?	1	2

7 individual responses were received to this question.

Some positive comments were received supporting Policy IP1, including from NHS London.

Network Rail is seeking financial contributions towards new or enhanced railway infrastructure such as station improvements, cycle parking, customer information screens, waiting shelters, platform extensions, station entrances, and towards footbridges to enable level crossings to be closed.

There are currently no network rail managed stations within the Borough. Specific planning obligation /contribution requirements are set out in relevant policies throughout the plan and in the Councils adopted Planning Contributions SPD which provides more detail on the planning obligations that will be sought from development. Paragraph 11.10 of the Local Plan indicates the measures that planning contributions may be sought for, point 5 in particular includes provision of transportation facilities

Sport England commented that an up to date evidence on sports facilities and playing pitches is required to support the Local Plan and Infrastructure Delivery Plan.

'Proportionate' evidence has been produced, which showed that not much is needed in terms of demand, there is also very limited land available in the Borough. The Sports Facilities Assessment has informed the Infrastructure Delivery Plan and its conclusions are incorporated at paragraphs 9.59 to 9.63. Policy IP1 provides an overarching approach to securing planning contributions from development proposals to improve sports facilities.

Kensington Society commented on the distribution of Neighbourhood CIL

The policy provides the overarching basis for securing infrastructure and planning contributions from development. This relates to Community Infrastructure Levy and Planning obligations/ contributions secured through s106 legal agreements.

Neighbourhood CIL is a subset of Community Infrastructure Levy. The governance and administration arrangements for NCIL site outside of the Local Plan.

## 12. Appendices and Glossary

### Q93. Appendix 1: Sites within the Housing Trajectory

These are the sites that the Council has identified to deliver the homes required to meet our housing target and demonstrate a five year housing land supply.

#### **Do you agree with the deliverability/developability of these sites and when they are likely to be built out?**

Sites that are considered deliverable or developable mean are set out in Annex 2: Glossary of the NPPF

No substantive points were raised on this appendix.

### Q95. Appendix 4: Monitoring

#### **Do you consider the Monitoring section to be...**

	Yes	No
Positively prepared?	1	4
Justified?	1	4
Effective?	1	4
Consistent with national policy?	1	4
Legally compliant?	1	4

6 individual responses were received to this question.

Of those who responded, two were concerned that the Council has not chosen to monitor each policy individually. In addition, they were concerned that not every monitoring indicator had a clear trigger, and that greater use should be made of independent data sources.

The Labour Group were of the view that monitoring and enforcement is impossible to implement without the necessary officers. A further comment was raised about the lack of a specific indicator concerning community-led housing.

The Council has included a comprehensive suite of monitoring indicators. The indicators chosen are considered to be proportionate and of a nature that can realistically be reported on an annual basis in the Council's monitoring report.

The Council has not included a community led housing indicator as community-led housing is not a requirement within the Local Plan.

## 13. IIA

### Q95. IIA

#### **Do you have any comments on the IIA with regards the soundness of the Plan?**

5 individual responses were received to this question

Kensington and Chelsea Citizens Advice questioned whether the IIA fully reflected the impact if the proposed policies on residents' health. This is of particular relevance given the impact of the Grenfell disaster. Full and effective engagement is essential.

The Council recognises the need for effective engagement and is satisfied that the drafting of the plan has been effective in this regard. Consultation has far exceeded the minimum requirements required by planning regulations, and has met the Council's own Chapter for Public Participation.

The policies in the plan have been subject to a full Health Impact Assessment, as part of the wider IIA.

The Kensington and Chelsea Social Council has questioned whether the IIA has considered the correct sustainability indicators or whether the Council has complied with its duties with regard to Equality Act in preparing the plan. It also questions whether the EqlA was complete, suggesting that the place visions have not be considered.

The IIA has included a EqlA. This has considered the health impacts of all the policies within the Plan. However, for completeness the final IIA has brought this out specifically for the place visions.

Table 4.1 of the IIA has identified the key sustainability issues. These are considered to be appropriate.

As noted above, the Council has carried out effective engagement throughout the process.

The Council should note that there may be a clash between the policies proposing new homes and the efforts to meet climate change targets.

The Council recognises that this balance must be met. It is satisfied that its requirements will not render proposals unviable. It also notes that homes built by the Council under its New Homes project will be subject to the policies within the plan. This includes those relating to the environment.



## 14. HRA

### Q96. HRA

#### **Do you have any comments on the HRA?**

1 resident responded to this question, but did not comment upon the HRA itself.

As the “appropriate nature conservation agency” Natural England were consulted at the time of the regulation 18 consultation as to whether they concurred with the Council’s view, “that there is no need to carry out a further assessment given the lack of impact of our draft policies on any of the relevant Natura2000 sites.” They supported this view.

Natural England were consulted again as part of the Regulation 19 consultation on both the HRA and the submission policies in the plan. They responded, merely noting that they had no further comments.

### Q97. Other comments

#### **Do you have any other comments regarding the soundness of the Plan, or whether it has been prepared in accordance with legal and procedural requirements?**

20 individual responses were received to this question.

These can be grouped as:

#### **Consultation**

The document is so long and unwieldy as to discourage engagement. There is a suggestion that this is intentional. The timing of plan unfortunate, with consultation over the Summer and in the run up to Christmas. The iterations of plan do not reflect comments received.

In addition the consultation must take account of health of residents, both within the plan and as part of the consultation strategy, and that the Council has not following its own Chapter for Public Participation in drafting the plan.

The consultation over summer was at Issues and Options – a non-statutory stage. To account for consultation over summer it was run over 10 weeks. The Regulation 19 consultation in the run up to Christmas was 8 weeks long for the same reason. The Council is satisfied that the formulation of the plan has exceeded the minimum requirements for consultation. The Council recognises the importance of effective engagement and has made every effort to carry this out. This is set out in the Council’s Statement of Community Involvement and the Consultation Statement.

#### **Confirmation from statutory consultees that no comments being made.**

This includes from Natural England, Network Rail and from the NHS Healthy Urban Development Unit (HUDU).

#### **Other specific comments.**

- Cheyne Nursey must not be developed.
- Need specific reference to improving the quality of St Mary Abbots vestry gardens

- Sports England endorses its report “Active Design”
- We should resist tall buildings
- Protection of the built environment must be paramount
- Support for greening policies
- Status and value of Imperial College
- The majority of these comments have been addressed in the relevant sections. There is no specific reference to either St Mary Abbots Vestry Gardens or to Cheyne Nursey. Neither has any impact on the soundness of the Plan.

## Glossary

Several additions to the glossary were made throughout the comments and these are all incorporated as main modifications.