**Examination of the Partial Review of the Kensington & Chelsea Core Strategy: Conservation & Design**

**Representations by the Kensington Society:**

**Matter 1: Purpose and nature of the revisions to the conservation and design sections of the core strategy**

***Issue 1.1: Whether the revisions are consistent with national policy and guidance relating to the form and content of local plans***

**1. Are revised chapters 33 and 34 of the core strategy consistent with the Framework and national Planning Practice Guidance in terms of the range of topics covered and the structure of the policies and reasoned justification, having regard to the particular nature of the Royal Borough?**

**Yes, for the most part.** The Society has indicated that certain issues need to be formally mentioned in the reasoned justification and also in the policy. Some subjects of Saved UDP Policies have been omitted and need to be reinstated.

**2. Do the policies contain an appropriate level of detail such that they will be effective in delivering their objectives?**

**Yes, for the most part.**

The Society has indicated where more detail is needed so it is clear what issues are covered. However, to be effective the policies and reasoned justification need to be sufficiently explicit and clear that **all** users know what the policy is and to what it applies – it should not require “interpretation” by planning officers, which would:

* undermine openness and transparency,
* undermine consistency of application through variable application or interpretation; and
* result in uncertainty for both applicants/developers and neighbours/local residents.

**3. Are there essential elements of current development plan policies relating to conservation and design that the partial review fails to carry forward?**

**Yes**

The Society has reviewed in detail the Policy Replacement Schedule in Chapter 41 of the Core Strategy to see what happened in terms of “replacing” the Saved Conservation and Development (CD) Policies in the UDP. We found the following problems:

* The short description, although useful for finding policy issues, often did not cover all the aspects of the policy, leading to a misleading assessment of whether the content is covered in the Core Strategy.
* The assessment of whether existing policy is to be superseded (No 29, Yes 53) and the references in the last column are often inaccurate, insufficiently detailed or, in other cases have omitted key elements

This did not matter much between 2010 and now as the original Saved CD Policies have been available for use to assist in determining applications and indeed have been.

The purpose of the redrafted Conservation and Design Chapters is to consolidate and simplify the policies and to present them in clear and unambiguous manner and to make them readily understood by all stakeholders. It is, therefore, important that it should be accurate and cover the key issues that were in the UDP Saved CD Policies.

The Society has prepared a revised Policy Replacement Schedule which we will present as a statement of common ground after scrutiny by the Council.

The forensic scrutiny of the schedule has helped the Society identify omissions and provided the justification for their retention. The Core Strategy did not cover the following UDP Saved CD Policies in whole or in part:

* CD 46: Roof terraces
* CD 48 Conservatories
* CD49: Side Extensions
* CD52: Plant and equipment
* CD53: Satellite dishes and antennae
* CD54: Car parking on forecourts and gardens – impact on streetscape
* CD55: Mews
* CD79: Hoardings
* CD81: Planting trees

4. **Are all policies accompanied by appropriate reasoned justification?**

**Yes for the most part** – The Society has indicated where additional references should be added to ensure that the issues that should be covered by the policy are explicit.

Policy CL5. Justification in 34.3.39 refers to terraces being visually intrusive but the Policy sub-clause c talks about visual privacy for the occupants of new development and occupants of existing properties affected by new development. The two do not marry up.

***Issue 1.2: Do the policies set out an approach that is consistent with the presumption in favour of sustainable development?***

***Yes* -**

**5. Do the policies relating to conservation and design, when read in the context of the Core Strategy as a whole, reflect the presumption in favour of sustainable development set out in the Framework?**

**Yes** – Paragraph 14 of the NPPF explains the “presumption in favour of sustainable development planning positively to meet the development needs of their area through their development plan, and to determine applications in accord with the development plan. The NPPF does not specify the density or height of buildings, leaving this to local plans to decide. The revised plan will clearly reflect the principles in para 14 of the NPPF. The alterations sets appropriate limits to the height of buildings, although we are concerned that Council’s approach density is not sound.

**6. Will the policies, when applied with other relevant core strategy policies, allow development needs to be met, an appropriate density of development, and innovation, and optimise development opportunities in a way that is appropriate to the specific character of the Royal Borough?**

**No –** The issue of the appropriate density of development and optimising development potential – as covered in new paras 34.3.6 and 34.3.7 - recognises the “considerable residential densities” of existing developments, which are nonetheless achieved within “surprisingly modest building scales and cites the Borough as “a good example of how high-density development can be completely compatible with a high-quality environment”. It then quotes factors that should be taken account of when assessing the design of high-density development and then, almost in passing, says that “the density matrix in the London Plan needs to be considered in this context.” The text fails to convey the constraints in the London Plan policy and density matrix

**London Plan Policy**

The London Plan (Policy 3.4) seeks to optimise the housing potential of sites by local plans and planning decisions by “taking into account local context and character, the design principles in Chapter 7 and public transport capacity, [Boroughs] should optimise output for different types of location **within** the relevant density range shown in Table 3.2 Development proposals which would compromise this policy should be resisted.” [Our emphasis]

The Council in assessing proposals:

* does not seem to have understood that there is a strong presumption that developments should be **within** the appropriate density range for the site – justified by:
  + the policy above
  + the Sustainable Residential Quality Density Matrix (Table 3.2), which sets out the appropriate density ranges for sites;
  + the Mayor’s Housing SPG which provides guidance on the exceptional circumstances in which these ranges can be exceeded; and
  + the London Plan key performance measure for Policy 3.4 Table 8.2 KPI 2 which is that “over 95% of development to comply with the housing density location and density matrix
* has worked on the basis these ranges can be exceeded unless the development causes demonstrable harm, rather than the onus being on the developer needing to demonstrate the exceptional circumstances for exceeding the maximum for the appropriate density range for that site.

The evidence for this approach is:

* the densities agreed for sites in Warwick Road and, more recently, further increases – the Council acceded to several increases
* the densities agreed for Earl’s Court Exhibition Centre redevelopment
* willingness to accept figures in terms of gross densities, rather than net densities as specified in para 3.31 of the London Plan.

**Proposal:**

After para 34.3.7 add:

“The London Plan Policy 3.4 seeks to optimise the development potential of housing sites by indicating the appropriate density range in the density matrix (Table 3.2) for particular locations, contexts and public transport accessibility level, setting both upper and lower density limits from which developments should only exceptionally depart.”**Examination of the Partial Review of the Kensington & Chelsea Core Strategy: Conservation & Design**

**Representations by the Kensington Society:**

**Matter 2: Character of the Borough and Design of Development**

***Issue 2.1: Policies CL1 and CL2 – Context, Character and Design***

7. **Is the overall approach to development set out in policies CL1 and CL2 justified and based on a proper understanding of the character and architectural qualities of the Borough?**

**No –** whilst there is a reference to “distinctive townscapes” – museums, mansion blocks, terraces, squares, crescent and mews – in para 34.3.17, Policy CL1 does not sufficiently recognise the special character created by building types such as mansion blocks, mews and artists’ studios. There is no reasoned justification paragraph for mansion blocks equivalent to those for mews (34.3.11) and artists’ studios (34.3.12).

With regard to policy, CL1(h) is generic and does not recognise the specific characteristics, uses and development pressures that mews, terraces and mansion blocks face.

The policy for artists’ studios needs to specifically recognise the need to resist the change of use of artists’ studios to housing. CD56 recognised this and has been successfully used to resist their loss as recently as a few months ago.

**8. Will policy CL1 (g) provide an effective framework for considering the development of backland sites, including private gardens?**

**No** – this may work for a few landlocked previously-developed sites but provides little if any policy guidance for previously largely undeveloped backland sites where part of what needs to be retained will be the open space uses (eg former Clifton Nursery site and the former Princess Louise Hospital site.)

9. **Is the importance of mews development to the Borough properly reflected in the revised core strategy, and will policy CL1 (h), along with other relevant policies, provide an effective framework for considering proposals affecting such areas?**

The paragraph on mews no longer contains any consideration of their uses – some are still in commercial use and this needs protection. There is also no recognition that mews houses are under increasing pressure for redevelopment, basements and additional storeys.

With regard to policy, CL1 (h) is generic and does not recognise the specific development pressures that mews face. There is no longer a specific policy for mews. Policy CD55 for mews is “covered” by new policy CL1 (h) but neither para 34.3.11 nor Policy CL1 (h) convey the importance of mews nor recognise the development pressures they face.

**10. To be effective, do policies CL1 and CL2 need to be more explicit about the effects of the change of use of buildings on the character and appearance of an area?**

**Yes** – change of use are critical to the character of an area, such as pubs, mews, artists’ studios. The Council’s recently adopted policy to resist pubs, and other A Use Class uses, turning into housing, where the changes in outward physical appearance might be minimal, but the change in the character the area due to the change of use and activity would change the character of the area, by homogenising the uses and reducing activity to that of a suburban housing estate.

**11. Is the approach to the redevelopment of “eyesores” consistent with other policies in the core strategy, and will it be effective in delivering the vision and strategic objectives?**

The Society strongly supports the Council’s proposal to delete proposed policy CL2(c).

***Issue 2.2: Policies CL6, CL8 and CL9 – Alterations, Additions and Extensions to Existing Buildings***

**12. Do policies CL6, CL8 and CL9 contain an appropriate level of detail to provide an effective framework for considering proposals for all forms of alterations, additions and extensions (including conservatories and awnings) to existing buildings?**

**No** – the policies and reasoned justification need to be more explicit about what is covered by the policy **and** the link between these and the heritage assets identified in the conservation area appraisals. It needs to be clear for each of these policies that careful regard will be had to conservation area appraisals, with regard, for example, to boundary treatments (CL6), rooflines and roof extensions (CL8), and the impact of extensions on gaps (CL9).

**CL6: Small-scale Alterations and Additions:** the list of small-scale alterations needs to be more comprehensive so that it is clear which types of alterations/additions are covered by policy CL6. This means adding a few additional items to the list in para 34.3.43 that are currently covered by Saved UDP CD Policies, such as:

* plan and equipment (CD52) – this should include air conditioning units
* satellite dishes and antennae (CD53)
* front boundaries, as well as railings, walls, piers, gates and forecourt parking (CD54)
* awnings (CD77) – a case was recently refused, but did not use this policy.

Adding these items to the list would make it clear to applicants, neighbours/residents and planning officers, both for development management and enforcement, that Policy CL6 applies to these types of development, rather than being left to the discretion of planning officers. These issues

**CL8: Existing Buildings: Roof Alterations/Additional Storeys:** The Society strongly welcomes the recognition of the impact on the skyline (34.3.74/75), although it is not reflected in the policy, except CL8 (b)(iv). The Conservation Area Proposals Statements contain both an appreciation of the roofscapes in the conservation area with guidance on what would be acceptable. In future Conservation Area Appraisals will be stripped of the “guidance” element, which makes it all the more important that the policy on roof alterations needs to cover a range of types of roofs.

**CL9: Existing Buildings: Extensions and Alterations:** With regard to conservatories, Saved UDP CD Policy (CD48) specifically resisted conservatories covering the whole width of the property. On larger properties, “wall-to-wall”, “floor-to-ceiling” glazing is often unduly dominant. The Society has proposed an amendment to new policy CL9 (j).

The Society strongly welcomes the recognition of the cumulative impacts of:

* small-scale alterations and additions -34.3.44 and CL6 (b);
* roof alterations and additional storeys - 34.3.75 and CL8 (b) (i)-(viii)

These policies are conceived primarily in terms of development management, but not in terms of enforcement, let alone in terms of promoting enhancement. The policies need to be effective for all three functions, which affects the coverage required. Reinstatement of detailed features, railings, front walls, etc should be part of the toolkit.

**13. Are policies CL6, CL8 and CL9 sufficiently flexible to effectively deal with proposals affecting the front, sides and rear of existing buildings, or are different approaches needed for these different locations?**

It would be useful to classify the changes covered by CL6, CL8 and CL9 in terms of where

they can be seen from and the individual and cumulative impact of these changes. Many of those that affect the front elevation are dealt with effectively as are rear extensions, including conservatories, but there is nothing much on side extensions.

**Proposal:** Para 34.3.80 should start with the word “side” – this would clarify that this type of development is the main culprit for closing the gaps and needs to be directly associated with new policy CL9((f).

**14. Are all aspects of policy CL8 supported by appropriate reasoned justification in paragraphs 34.3.74 to 34.3.76 (or elsewhere in the core strategy)?**

Roof terraces and balconies are contentious because of the propensity for overlooking and potential nuisance – this is mentioned in paras 34.3.38/39, but references to “reasonable visual privacy” and “reducing intervisibility” are inaccurate euphemisms which fail to capture the people’s perception/reaction to being looked down up which feels more intrusive. Terraces on roofs and intermediate levels cause more concern than just their appearance, which is what CL8 primarily deals with. Noise and potential disturbance are more a function of the size of terraces than their appearance or visual intrusiveness. What is the significance of ‘small’ in para 34.3.39?

***Issue 2.4: Policy CL11 – Views***

**15. Is the requirement for all development throughout the Borough to “protect and enhance” views and the skyline that contribute to the character and quality of the area justified and consistent with the London Plan?**

**Yes – it is both justified and consistent with the London Plan**

**Justified and consistent with the London Plan:**

The London Plan Policy 7.6: Architecture says:

Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape.

The London Plan Policy 7.7: Tall and large Buildings says that tall buildings should:

C (d) enhance the skyline and the image of London

D (b) not impact on local or strategic views adversely

The Society are strongly critical of Policy 7.7 in that, unlike the requirement for architecture generally, does not contain a strategic requirement that tall buildings should make a positive contribution to London’s skyline, although it could be argued that the requirement for architecture generally in Policy 7.6 and that in assessing planning applications they should enhance the skyline and image of London and not impact adversely on local or strategic views.

The Society **strongly supports** the Council’s requirement that development should “protect and enhance views, vistas, gaps and the skyline that contribute to the character and quality of the area”. This headline/strategic policy sets the tone for positive planning by stating clearly what new type of development will be positively encouraged.

**16. To be effective, should policy CL11 refer to specific views rather than leave such detail to a Supplementary Planning Document?**

The Society considers that views that should be taken into consideration in determining planning applications should be named in the plan, not relegated to an Annex to a little-read SPD. The precedent/good practice examples include:

* **London Plan:** This contains a list of designated strategic views (Table 7.1) protected vistas (Table 7.3) and two policies on the London View Management Framework (Policies 7.11 and 7.12). The designated views include London panoramas (6), linear views (3), river prospects (13) and townscape views (5). These lists have been kept under review and have been added to over the three editions of the plan. The Mayor’s London View Management Framework SPG supports this policy. Policy 7.12 J deals with “LDF preparation” advocates that “Boroughs may also wish to use the principles of this policy for the designation and management of local views.”
* **Westminster:**  Westminster, despite being covered by a large number of strategic views, has long had a list and map of “metropolitan views” in successive editions of the City Plan. Policy CMP2.12: Views (City Management Plan: Consultation Draft November 2011) – lists key local views in the policy and Annex listing them.

Westminster’s Core Strategy Policy CS25: Views says:

“The strategic views will be protected from inappropriate development, including any breaches of the viewing corridors. Similarly, local views, including those of metropolitan significance, will be protected from intrusive or insensitive development. Where important views are adversely affected by large-scale development in other boroughs, the council will raise formal objections. Westminster is not generally appropriate for tall buildings.”

* **Kensington and Chelsea:** The UDP contained policies for a number of “strategic” views including the Thames (CD1, CD2 and CD6), the Royal Hospital (CD8), the South Kensington Museums (CD10) and views from the Kensington Gardens (CD13 and CD14 - all Areas of Metropolitan Importance originally identified in the Greater London Development Plan (GLC, 1976), as well as views from Holland Park (CD15). The Society considers that the list of views and a map should be on the face of the plan, not relegated to an annex of an SPG

***Issue 2.5: Policy CL12 – Building Heights***

**17. Is the approach to the height of new buildings set out in policy CL12 justified and consistent with the London Plan, or is it unduly restrictive?**

**Yes –** a plan-led approach following a full assessment of whether there are any locations which are neither inappropriate nor sensitive to tall buildings, which are well-served by public transport, has revealed almost no suitable locations. There is no point in finding locations for the sake of finding somewhere/anywhere to put a tall building. The plan already promotes optimising the development potential of sites, but as para 3.28 of the London Plan says, “higher density housing is not automatically seen as requiring high-rise development”.

Most of our experience of tall buildings has been bad – such as the Holiday Inn in Cromwell Road, but also the gratuitous tall buildings in the White City Opportunity Area (34 storeys) and Earl’s Court/West Kensington Opportunity Area (both in LB of Hammersmith & Fulham) and at Lots Road Power Station – allowed on call-in by the Secretary of State with the support of the Mayor. There is, therefore, considerable opposition to further tall buildings in the Borough. The Society **strongly supports** the Council’s approach to the height of buildings.

The policy has been positively prepared in that it has been through a thorough search and long drawn out consultation process which revealed a lack of suitable locations for tall buildings. It is a clear local policy choice to accommodate growth, even high-density development but without needing to achieve it through tall buildings.

On the other hand, given the nature of development in the Borough, the most positive action that needs to be taken is to encourage development that will get permission rather than pretend that there are opportunities for tall buildings when in practice these are unlikely to be found acceptable.

There is no requirement either in the NPPF or the London Plan to promote tall buildings, but rather, where appropriate, to do so through a plan-led approach rather than just ad hoc applications. The Borough has undertaken the relevant analysis and concluded that there is no need to identify locations for new tall buildings.

**The Society strongly supports this policy choice.**

**Examination of the Partial Review of the Kensington & Chelsea Core Strategy: Conservation & Design**

**Representations by the Kensington Society:**

**Matter 3: Heritage Assets**

***Issue 3.1: Policy CL3 – Conservation Areas and Historic Spaces***

On further consideration of CL3 and CL4, the Society considers that in an attempt to boil down the policy it has got overly obsessed with demolition, and has lost sight of the overall objectives of managing conservation areas as expressed in CO5 – which we assume will still be set out at the front of the chapter. The whole thrust of conservation legislation and policy needs to be clear to **all** users. It is about preserving **and** enhancing – to pass on to the next generation a Borough that is better than it is today. The reasoned justification and policies does not achieve this, particularly for these two overarching, central policies for “Renewing the Legacy”.

The challenge in embracing the CAPS within the policies in the Core Strategy is to convey the sense of mission as well as to provide policies which provide clarity for the treatment of particular issues (eg the treatment of rooflines/roof additions and front boundaries). The CAAs are moving from guidance – local interpretation of the policies in the Plan – to mere description without any sense of direction, whilst the policies are becoming bland and generic and failing to give a clear lead that secure the declared overall objectives.

**18. Is policy CL3 consistent with the Framework in terms of the approach to weighing harm and public benefits, and does it set out an effective approach to assessing all types of proposals affecting conservation areas and historic spaces?**

**19. To be effective, should policy CL3 or the reasoned justification refer to conservation area appraisals and to the type of information and drawings required to support planning applications?**

**Yes –** The Society is amazed at the lack of reference to existing Conservation Area Proposals Statements (CAPS) – or the future Conservation Area Appraisals which will be produced over the next three years – as these provide planning officers, applicants and residents with a better appreciation of the heritage assets in the conservation area. In addition to the record of the historical development of the area, CAPS provide an assessment of key features such as roof treatment and front boundary treatments and an indication of what action is acceptable or required to preserve or enhance the character or appearance of the area. CAPS are essential to an understanding of the area and of the individual buildings and provide a context for individual decisions.

This section needs to be overhauled to include reference to CAPS and the role they play in informing the assessment of planning applications.

**Information and Drawings:**

Para 34.3.25 needs amending to recognise the information requirements for applications in conservation areas, including a heritage statement, a design and access statement and accurate drawings that show the front and rear elevations of buildings either side of the application site to show the relationship with its neighbours.

***Issue 3.2: Policy CL4 – Listed Buildings, Scheduled Ancient Monuments and Archaeology***

**20. Is policy CL4 consistent with the Framework (paragraphs 129 to 133) in terms of the approach to assessing the particular significance of, and giving appropriate protection to, listed buildings, scheduled ancient monuments and sites of archaeological interest?**

**No**

**21. Does policy CL4 contain sufficient detail to be effective, or should it contain reference to specific features such as advertisements, post boxes, railings, walls, and trees?**

**No –** The Society is disappointed that even where the range of heritage assets are listed in the reasoned justification, such as para 34.3.26, the policy itself – CL4 – is totally generic and makes no reference to the range of listed structures or, just as important, trees in conservation areas which are “protected” because of their contribution to the character of the area. The policy has been stripped bare of any content which conveys the character of these areas.

**Policy CL4 needs greater reference to the real world and the character of such areas.**

**22. Are parts (d) and (f) of policy CL4 sufficiently clear to be effective, or is it necessary to make the changes recommended by the Council based on the advice of English Heritage?**

No – these are rather less important that (e), and are expressed in a manner that might only be understood by a specialist readership. But the ultimate test is whether as written they would be effective – we think not. If we have trouble understanding the thrust of the policy, agents will find other ways of interpreting it and ordinary residents will be perplexed.

**Note: Any Matters on CL10 can be raised on Day 1**

**CL10: Shopfronts**

The Society **strongly supports** the Council’s policy of seeking to drive up the quality of our shopping streets.

We propose that an additional sentence be added to the end of the opening sentence of the policy:

“All changes to shop fronts should improve the streetscape.”

Para 34.3.87, Line 6: Add “and viability” after “functionality” – there have been several cases where the viability of the shop has been adversely affected by carving out the access from the ground floor shop.

CL10 (a) Line 1: after “preserve” add “and enhance”

CL10 (b) (iv) Add at the end: “ and accessible to people with special mobility needs”**Examination of the Partial Review of the Kensington & Chelsea Core Strategy: Conservation & Design**

**Representations by the Kensington Society:**

**Matter 4: Living Conditions**

***Issue 4.1: Policy CL5 – Living Conditions***

**23. Upholding the residential quality of life is one of the three components of the Core Strategy’s vision. In this context, is it effective for the issue of living conditions to be addressed in a cross-cutting policy such as CL5, or should it be dealt with explicitly in other policies where necessary?**

The Society’s primary concern with new Policy CR5 is that ……

**24. Does policy CL5 contain an appropriate level of detail to provide an effective framework for considering all types of development, including roof terraces, that may affect living conditions, and are all relevant issues that affect living conditions covered?**

**No** – in attempt to provide short generic policies a number of specifics have been diluted or lost. Because of the high-density and closely-packed nature of much of the 19th century development, issues such as sunlight and daylight, overlooking and noise nuisance can be significant issues. To some extent these conditions are tolerated, if neighbours behave considerately, even though these would not be tolerated elsewhere. Nevertheless, there comes a point where a line has to be drawn, whether in terms of loss of sunlight and daylight, overlooking and privacy, sense of enclosure and noise and other nuisances. Planning has a mediating role to play as relying on enforcement through environmental health legislation is unsatisfactory. Planning is expected to strike a balance in terms of where and when any losses can be accepted.

A further issue is the cumulative impact of successive developments, recognised in relation to small-scale alterations and additions (para 34.3.44 and CL6 (b)), roof additions (para 34.3.75 and CL8 (b)) and extensions and modifications (para 34.3.82). Some of the issues relating to living conditions relate to the cumulative effects of worsening conditions, such as sunlight and daylight, overlooking, sense of enclosure, noise and other nuisances. None of this is covered in CL5: Living Conditions.

**25. Does policy CL5 provide an effective approach in situations where living conditions are already significantly affected by nearby development? Should a “no worsening” approach with regard to matters such as light and outlook be adopted, or should development be required to lead to positive improvements to living conditions?**

**No** – The Society **objects** to the alteration to the existing policy (CL5 (a)) which

**Examination of the Partial Review of the Kensington & Chelsea Core Strategy: Conservation & Design**

**Representations by the Kensington Society:**

**Matter 5: Public Realm**

***Issue 5.1: Policy CR4 – Streetscape***

**26. Is the approach to assessing proposals for free-standing structures such as telephone kiosks justified, and is it consistent with national policy and regulations relating to the display of advertisements?**

**Yes** – the Council, with the Society’s strong support, has worked for the last 15 years to clear the clutter from our streets – repaving all the main streets with York stone paving, removing all unnecessary street furniture, including railings, signage, consolidating traffic signals, even moving telephone boxes. The Borough has set the national standard with projects like Kensington High Street, the King’s Road, South Kensington and Exhibition Road.

In 2012 the Council explored the removal of BT telephone boxes and decided to explore accepting advertisement panels with a coin-operated payphone on the back, in return for getting rid of some telephone boxes. The Council decided, however, that this was a mistake and refused consent for 41 advertisement panels. The applicant JCDecaux/BT appealed on 25 cases and 20 cases were allowed on appeal. The Council now recognise that this was a major setback in clearing the clutter and that they have gained very little in exchange for these 20 advertisement panels. These structures are not telephone kiosks with adverts on them, but large, internally-illuminated advertisement panels with scrolling advertisements with a small telephone attached to the back. There is no reason why we should accept these advertisement panels in lieu of a telephone kiosk.

The Society **strongly supports** a more strongly expressed policy which, in line with their Streetscape Policy, seeks to minimise all street furniture including these structures. The Society sees no point in giving any encouragement for more structures within the highway. We would prefer a policy, such as in Westminster, which requires no advertisements on street furniture.

The policy (CR4 (f), however, is not just about telephone kiosks, but all free-standing structures within the highway primarily for the display advertisements, including advertisement towers, such as those on West Cromwell Road and along Westway.

**27. To be effective, should policy CR4 refer to the protection of traditional street boundaries?**

Policy CR4 is primarily about minimising street furniture and clutter, including advertisements, raising quality of the public realm. It does, however, include resisting pavement crossovers and forecourt parking. These were previously in Saved UDP Policy CD54, as well as resisting the loss of walls and railings, etc. There was a logic in CD54 to keep it together with pavement crossovers and forecourt parking, but Policy CD54 was cannibalised in the Core Strategy leaving out walls, railings etc (ie street boundaries) and seeing the rest of CD54 as a transport issue. The key issue in terms of effectiveness is whether development management officers read and use chapters which they do not see as dealing with “mainstream” development management issues.

The Society sees taking opportunities to reinstate traditional street boundaries as an enhancement to be sought in conservation areas – an underdeveloped aspect of positive planning even in this plan. If driving up the quality of the public realm is a key theme – the quality of shopfronts, decluttering our streetscape and reinstating traditional boundaries – then the headline message for CR4 needs to be even stronger.

***Issue 5.2: Policy CR5 – Parks, Gardens, Open Spaces and Waterways***

**28. Will policy CR5 be effective in protecting and enhancing all forms of existing open space?**

**No** – the reasoned justification fails to highlight the aim and legal powers in S.3 of the London Squares Preservation Act 1931 which forbids any building or structure erected on or over a protected square.

This is reflected in Saved UDP Policy CD24 which says:

To resist development in, on, over or under garden squares, in order to protect their special character and to promote proposals for their enhancement.

Proposed new policy CR5(c) is less specific, although it does mention basements.

**29. Will policy CR5 be effective in securing the creation of new open spaces where necessary?**

The opportunities for creating new open spaces are limited, both within major developments or elsewhere. Nevertheless, because large areas of the Borough have an open space deficiency, especially in terms of access of local open spaces that are open to the public within 400m walking distance, it is important to make sure that wherever developments can provide open space that is usable for that purpose rather than being paved and given over traffic and parking. This has happened on some of the larger sites, especially those along Warwick Road.

**30. Will policy CR5, in combination with other relevant core strategy policies including policy CE2 “Flooding”, be effective in ensuring development close to the Thames is appropriately located and designed to take account of issues such as ecology, sustainable drainage, and flood management in line with the objectives of the Thames River Basin Management Plan and Thames Estuary 2100 Plan?**

The areas of the Borough at risk from fluvial flooding are in Chelsea. Nevertheless, the Society is concerned that, despite the major storm which caused surface water and sewer flooding due to rapid rainwater runoff, the Surface Water Management Plan has yet to be translated into the Core Strategy. SUDS are supported, but not sufficiently enforced and limited to front gardens. There is, however, no attempt to ensure that where the opportunity occurs existing impermeable surfaces are not replaced. The biggest opportunity to promote SUDS will be the ensuring that any structures or basements do not cover more than 50% of the current garden space. The biggest challenge will be strict about maintaining and improving current drainage within the site to reduce the amount of runoff going to the sewers. It will also help with maintaining biodiversity by maintaining gardens.

**31. Is the approach to resisting permanently moored vessels on the Thames (policy CR5 part i) justified, and is it consistent with the London Plan?**

Not a matter for the Kensington Society

***Issue 5.3: Policy CR6 -Trees and Landscape***

**32. Does policy CR6 contain sufficient detail to be effective in requiring the provision of new trees?**

**No -**  CR6(c) is too hedged with qualifications. The presumption should be to replace trees that may be lost due to development – delete “where practicable” by “whenever possible”.

**33. What is the reasoned justification for policy CR6?**

This appears to have been omitted in error as it has not been deleted, which would have been shown in the text.