

Royal Borough of Kensington and Chelsea

Examinations of the Partial Reviews of the Core Strategy: Policies relating to Basements, Conservation and Design, and Miscellaneous Matters

Preparatory Questions to the Council

Introduction

1. Set out below are some questions that the Inspectors consider that it would be helpful for the Council to answer at an early stage of the Examination process. This will assist the Inspectors, and participants, in their preparations for the hearings. Accordingly, the Council is asked to respond by Monday 23 June 2014. The response will be posted on the Examinations website.

Questions Relating to all Three Partial Reviews

2. **Does the Council wish the Inspectors to recommend main modifications to each of the three partial reviews in the event that they are required in order to make each review sound and legally compliant?**

Yes, the Council would ask the Inspectors to recommend main modifications if required to make each of the policy review sound and legally compliant.

3. **Does the Council consider that any of the “recommended changes” submitted in relation to all three Reviews would constitute “main modifications”? If so, please could these be identified. This is without prejudice to the Inspectors’ consideration of this issue.**

Conservation and Design – The “recommended changes” since publication submitted as part of the Conservation and Design Policy Review are set out in Appendix 1: ‘CD Review - Table of Recommended Changes’. This shows that the only change that the Council consider is a “main modification” is the removal of Policy CL2(c) on eyesores. The other changes are typographical, grammatical or related to making policies more aligned with the NPPF and are considered “additional modifications.”

With regard to the recommended deletion of Policy CL2 (c) which is concerned with the flexible interpretation of planning policies in relation to eyesores, the Council clearly acknowledges that the policy was found sound as part of the examination of the adopted Core Strategy. However, on reflection, the Council is concerned that the policy is not as clear as it could be in relation to its effectiveness. What policies might be given more flexibility and how this would be undertaken is not clear. It would be better to deal with the positive aspects of the redevelopment of eyesores as material considerations which are weighed up against adopted policies in the Core Strategy depending on the merits of each

case.

The process for weighing up the planning merits of a scheme has been enshrined in the planning regulations for many years. S38 (6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the plan unless material considerations indicate otherwise. It is therefore considered appropriate to recommend the deletion of this policy as a main modification.

Miscellaneous Matters – The Council has not submitted any ‘recommended changes’ for Miscellaneous Matters. The only change since publication has been footnote 20 which was an update arising from comments from English Heritage.

Basements – The Council has not submitted any ‘recommended changes’ for the basements policy. The publication document has remained unchanged since close of ‘soundness’ consultation on 26th of March 2014.

- 4. If any of the “recommended changes” are considered to be main modifications, have these been subject to public consultation and, if necessary, sustainability appraisal? If not, whilst they will be considered by the Inspectors, they cannot be treated as part of the submitted reviews.**

Conservation and Design – The only main modification i.e. the removal of Policy CL2(c) on eyesores has not been subject to further public consultation or sustainability appraisal. The Council accepts that this will be considered by the Inspector but will not be considered part of the submitted review.

In relation to the recommended deletion of the eyesore policy being the subject of a sustainability appraisal the Council confirms that this can be undertaken if required. However, due to the nature of the policy and the ‘flexibility’ required and what this might involve, in practice it may prove difficult to appraise. What policies might be subject to flexibility and how these would be weighed up against other matters is clearly going to change on a case by case basis. For example the adopted policy on providing inclusive access to a building might be given less weight than achieving other benefits in relation to a scheme, but without specific detail, how such an exercise would work in practice is not clear. This would make a sustainability appraisal for its loss challenging, although clearly the policy was appraised originally as part of the Core Strategy. The Council would question in this particular case, given the content of the policy, how much such a process would add to the decision as to whether removal is justified.

Miscellaneous Matters – As there are no ‘recommended changes’ which are considered main modifications this is not applicable to miscellaneous matters.

Basements – As there are no ‘recommended changes’ this is not applicable to the basements policy.

- 5. It appears that the reviews do not relate to “strategic matters” as defined in section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)? Please could the Council confirm that is the case.**

The issues are detailed development management policies and the Council confirms are not related to 'strategic matters'.

Strategic matters are defined in section 33A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) as –

For the purposes of subsection (3), each of the following is a "strategic matter"—
 (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
 (b) sustainable development or use of land in a two-tier area if the development or use—

- (i) is a county matter, or
- (ii) has or would have a significant impact on a county matter.

All the policies submitted - Conservation and Design, Miscellaneous Matters and Basements are related to local issues and are not considered to be "*sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.*"

None of the policies can be defined as related to a 'county matter' as defined in Schedule 1 of the Town and Country Planning Act 1990 (as amended). As defined 'county matters' are mainly related to mineral workings.

In addition please see the Council's submitted document BAS 09 Legal Compliance Checklist, RBKC, April 2014 (pg 8). Text is reproduced below for ease of reference –

"The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. This policy is locally distinctive and specifically tailored to this borough.

A letter of compliance has been received by the GLA..."

6. We realise that you have provided information about these matters in the supporting documents, but for the sake of clarity and completeness it would be helpful if you could answer the following questions relating to legal compliance:

- a) Have the reviews been prepared in accordance with the Local Development Scheme?

Conservation and Design – Yes, the LDS (*April 2014*) (RBKC 3) identified that the review of the conservation and design policies will be submitted to the Secretary of State for examination in April 2014. This is explained in the Council's submitted document 'CD05 - Legal Compliance Checklist' (pages 3 and 28). The timetable for production is recorded in the latest Annual Monitoring Report 2013 published in December 2013. This is reproduced below for ease of reference.

"Yes, the LDS identified that the review of the conservation and design policies will be submitted to the Secretary of State for examination in April 2014.

The timetable for production is recorded in the latest Annual Monitoring Report 2013 published in December 2013. Copy submitted to PINS."

Miscellaneous Matters – Yes, the LDS (April 2014) (RBKC 3) identified that there is a need to ensure any other matters are updated to ensure that the Core Strategy is in complete alignment and it can become a Local Plan. We have called this element of the review “Miscellaneous Matters”, and will be submitted to the Secretary of State for examination in April 2014. This is explained in the Council’s submitted document ‘MISC 05-Legal Compliance Checklist, RBKC, April 2014 (pg 26) and set out in the LDS (April 2014).

Basements – Yes, the policy has been prepared in accordance with the LDS. This is explained in the Council’s submitted document BAS 09 Legal Compliance Checklist, RBKC, April 2014 (pg 5). This is reproduced below for ease of reference.

"The LDS (April 2014) (RBKC 3) has been submitted. The 2012 (RBKC 9) and 2013 (RBKC 10) Monitoring Reports have been submitted.

At the time of publication of the Basements Policy the relevant Local Development Scheme (LDS) was the one published in November 2012 (RBKC/4). The review of Core Strategy policies relating to basement development (Policies CL 2(g) and CE1(c)) is identified in the LDS, November 2012.

The LDS has been revised as the Council undertook a “Second Draft Policy consultation” as the policy was revised to restrict the extent under the garden from 75% to 50%. The Council also produced further evidence following a publication consultation in July/September 2013 and has undertaken another publication in Feb/Mar 2014. The programme was also revised to reflect the other policies on conservation and design and Miscellaneous Matters to be submitted and examined at the same time”.

b) Are the reviews in general accordance with the Statement of Community Involvement and public consultation requirements?

Conservation and Design – Yes, the Core Strategy and the draft policies are in compliance with the Statement of Community Involvement (December 2007) and the updated SCI (Involving People in Planning) document, which was adopted in January 2014. Consultation was carried out in accordance with these documents. Please also see ‘CD03 – Consultation Statement’, RBKC, April 2014, and ‘CD05 - Legal Compliance Checklist’, April 2014 (pg 3) which provide further details of the consultation carried out at each stage of the policy review. The text is reproduced below for ease of reference -

"The Statement of Community Involvement (Involving People in Planning) was adopted in January 2014. This sets out the Council's consultation procedure

with regard to the production of development plan documents. The Council has met these requirements in the preparation of the submission conservation and design policies. Details of the consultation are set out in the Statement of Consultation (Regulation 22 consultation report) which has been submitted to PINS.”

Miscellaneous Matters – Yes, consultation on the Miscellaneous Matters document has been in accordance with the Council's Involving People in Planning document (IPIP). This is explained in the Council's submitted document MISC 05 Legal Compliance Checklist, RBKC, April 2014 (pg 11). This is reproduced below for ease of reference.

“Yes, the Proposed Submission Consultation Report shows the extent of the public consultation and that it was carried out in accordance with the principles set out in the Involving People in Planning document (IPIP).”

The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 (MISC 03) provides further details of consultation undertaken at each stage of policy preparation.

Basements - Yes, consultation on the policy has been in accordance with the Council's Involving People in Planning document (IPIP). This is explained in the Council's submitted document BAS 09 Legal Compliance Checklist, RBKC, April 2014 (pg 6). This is reproduced below for ease of reference.

“The document Involving People in Planning (IPIP), RBKC, Dec 2013 (RBKC 2) has been submitted to PINS. This sets out the Council’s consultation procedure with regard to the production of development plan documents. The Council has met these requirements in the preparation of the submission basements policy. The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 (BAS 02) and Summary of Consultation, RBKC, Feb 2014 (BAS 03) provide further details of consultation undertaken at each stage of policy preparation”.

Council's document Summary of Consultation BAS 03 also sets out details of consultation undertaken at each stage of policy preparation.

- c) **Have any significant concerns been expressed at any stage by third parties about either of the Sustainability Appraisals carried out in relation to the reviews?**

Conservation and Design – No concerns have been raised by third parties.

Miscellaneous Matters – No concerns have been raised by third parties.

Basements – Concerns have been raised by Basement Force (Index of Representations Ref – 195) at the publication stage. The Council has provided a response to these concerns in its submitted document BAS 06/02 titled Council's Response to Representation by Basement Force (Force Foundations Ltd) in support of submitted Response Form, RBKC, April 2014 (pages 6 to 8).

Some concerns were raised in the Second Draft Basements Policy Consultation (21st March to 2 May 2013) by Markham Square Association. These are presented along with the Council's response in the Council's submitted document BAS 47 titled Consultation Responses on Second Draft Basements Policy, RBKC, July 2013 (pages 265 – 268).

- d) **The reviews do not appear to have been subjected to Habitat Regulations Assessments. Please clarify why this is so, and whether a screening exercise was undertaken.**

Conservation and Design and Miscellaneous Matters – The policy has been subject to Habitats Directive Screening Assessment. This is the Council's submitted document MISC14. The assessment concluded that the policies are not likely to affect the relevant Natura 2000 sites namely; Richmond Park and Wimbledon Common.

In the MISC14 document policies CR4, CR 5, CL 1 and CL 2 are shown as being assessed whilst policies CL3, CL4 and CL6 were inadvertently not included. These were assessed originally and like the other policies the same conclusion was drawn i.e. the policies are not likely to affect the relevant Natura 2000 sites namely; Richmond Park and Wimbledon Common. An additional page assessing the three remaining conservation and design policies is now included for completeness and is presented in Appendix 2.

As a result a full Habitat Regulations Assessment was not carried out as part of these reviews.

Basements – The policy has been subject to Habitats Directive Screening Assessment. This is the Council's submitted document BAS 22. The assessment concluded that the policy is not likely to affect the relevant Natura 2000 sites namely; Richmond Park and Wimbledon Common. As a result a full Habitat Regulations Assessment was not carried out for this policy.

- e) **Have the reviews had regard to the Sustainable Community Strategy?**

Yes, all three policy area reviews have had regard to the Community Strategy 2008 – 2018, The Future of our Community RBKC (RBKC 7). This is explained in the Council's submitted document RBKC 8 titled Relationship to Community Strategy, RBKC, April 2014.

Conservation and Design – This is also explained in the Council's submitted document 'CD05 - Legal Compliance Checklist', RBKC, April 2014. Text is reproduced here for ease of reference -

"Community Strategy: In the preparation of the Core Strategy, the Council has ensured that the key spatial objectives for the Borough are in harmony with the Sustainable Community Strategy. This is explicitly set out in Chapter 44 of the Core Strategy document.

Participation proportionate: The Statement of Consultation (Regulation 22

consultation report) (CD03) sets out the nature of the consultation. Extensive consultation has been undertaken as part of formulating the policy.”

Miscellaneous Matters – This is explained in the Council’s submitted document MISC 05 Legal Compliance Checklist, RBKC, April 2014 (pg 27). Text is reproduced below for ease of reference.

“The draft policies been prepared with due regard to “The Royal Borough of Kensington and Chelsea Community Strategy 2008 – 2018: The Future of Our Community”. This is detailed further in Chapter 44 of the Core Strategy.”

Basements – This is also explained in the Council’s submitted document BAS/09 Legal Compliance Checklist, RBKC, April 2014 (pg 24). Text is reproduced here for ease of reference -

“Community Strategy”

In the preparation of the Core Strategy, the Council has ensured that the key spatial objectives for the Borough are in harmony with the Sustainable Community Strategy. One of the Core Strategy strategic objectives which is in line with the Sustainable Community Strategy is Strategic Objective CO5: ‘Renewing the Legacy’ which states “Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.”

The over arching basements policy objective is that “all basements must be designed, constructed and completed to the highest standard and quality.” This is clearly in-line with Core Strategy Strategic Objective CO5 which is also supported in the adopted Community Strategy.

Please also refer to separate document - Links between the core strategy review policies and the relevant aims of the community strategy. RBKC April 2014.” (RBKC 8)

f) Have the reviews had regard to national policy?

Conservation and Design – Yes, the draft policies and the alternatives have been assessed against the planning policy of the NPPF (March 2012) and the preferred options that have been developed are considered the best option as they are generally in conformity with the NPPF. The Policy Formulation Report (CD08) submitted to PINS provides further detail at pages 2 to 4.

Miscellaneous Matters – Yes, the policy is seeking to achieve sustainable in-line with the NPPF. The Council’s submitted document MISC 09 titled Policy Formulation Report, RBKC, April 2014 provides further detail at pages 2 to 4.

Basements – Yes, the policy is seeking to achieve sustainable basement development in-line with the NPPF. The Council’s submitted document BAS 18

titled Basements Policy Formulation Report, RBKC, February 2014 provides further detail at pages 2 to 5.

g) Has the GLA confirmed that the reviews are in general conformity with the London Plan?

Yes, the GLA has confirmed that the policies being reviewed are in compliance with the London Plan. The letter from the GLA in response to the February/March 2014 Publication Consultation is attached (Appendix 3). This has been submitted with the bundle of representations and is numbered 109 on the Index of Representations for Basements. The GLA made no comments on Miscellaneous Matters in the letter of general conformity on the July/September Publication Consultation. This has been submitted with the representations on Miscellaneous Matters and is numbered 4 on the Index of Representations for Miscellaneous Matters.

h) Have suitable assessments been completed under s138 of the Local Government and Public Involvement in Health Act 2007?

The Council considers that it has complied with s138 of the Local Government and Public Involvement in Health Act 2007. Section 3A (1) makes reference to the requirements. These are, that representatives of local persons are provided with information about the exercise of the function (a). That representatives of local persons are consulted about the exercise of the function (b), or are involved in another way (c).

The Council has undertaken extensive consultation on all aspects of the Partial Review of the Core Strategy documents. The Involving People in Planning (IPIP) document (RBKC 2) was adopted in December 2013 and outlines the Council's approach to how policy documents, including Development Plan Documents (DPDs) are developed and reviewed. Diagram 2 in the document (Appendix 4) provides a useful summary of the Council's approach to consultation in relation to DPDs. Whilst the document was adopted after the Regulation 18 consultations had taken place, the Council was actually operating this system before the IPIP document was adopted and it applied to all the policies submitted for examination. In other words there was an opportunity to contribute to changes to the Miscellaneous Matters, Conservation and Design and Basements policy initially via discussion groups. Depending on the nature and complexity of policy changes these discussion groups were tailored appropriately. A number of meetings took place regarding 'Basements' whereas the content of the 'Miscellaneous Matters' review was largely updating and moving older policies into the Core Strategy so there was less need for discussion on these aspects.

The consultation statements for the three policy documents outline the consultations that took place in relation to each document. Depending on the nature of the policy change, policy consultation was tailored appropriately. In the case of all three documents there was a specific Regulation 18 consultation where the purpose of the consultation was explained.

Questions Relating to the Partial Review on Conservation and Design

7. Document CD01 seems to be the Conservation and Design Policy Review

document that was submitted in April 2014 under Section 20 of the 2004 Act. However, it is dated “February 2014” (whereas the Miscellaneous Matters submission document is dated “April 2014”). Please clarify, and confirm that CD01 is the document submitted for examination.

Document CD01 is the Publication Policy document that was consulted on in February 2014. Clearly this forms the basis for examination by the Inspector. Document ‘CD02 – ‘Publication Policies Recommended Changes’ document, dated April 2014, sets out the changes that the Council is recommending from the publication version and are for the Inspector’s consideration only.

8. **Document CD01 explains that strikethrough, underline and coloured font to indicate changes to the adopted development plan have not been used given the extent of the changes to chapters 33 and 34 of the Core Strategy. However, there are some parts of document CD01 (on pages 10, 11, 13 and 26) that do include these typing conventions. Please clarify why this is so (bearing in mind paragraphs 9-11 below).**

Document CD02 shows and highlights only the recommended changes made as a result of the final publication policy consultation.

The highlighted parts of document CD01 relate only to the changes made as a result of comments made at the first round of publication consultation (July – Sept 2013). For clarity changes made prior to this were not expressed with these typing conventions. Documents relating to previous consultations show the changes made at each stage. These documents have all been submitted.

- o CD27 - December
- o CD21 - July 2013
- o CD12 - February 2014

Documents CD22, CD16 and CD04 show responses and justification for changes made at each stage.

9. **Document CD01 states on page 4 that “it is only the text that has changed that forms the subject of this consultation”. However, leaving aside the issue raised by question 8 above, it appears that CD01 (along with BAS01 – see paragraph 17 below) includes an entire new section 34.3 of chapter 34 and that this comprises policies that are either revised or additional. Whilst parts of some policies remain unaltered, given that these are not identified in CD01, representors may have commented on any part of section 34.3 of chapter 34. It is noted that changes to section 34.4 of chapter 34 are made as part of the Miscellaneous Matters Review (MISC01).**

Only changes from the previous versions were identified at each stage of the review. It was considered too confusing to try to incorporate all changes from previous iterations of the document at each stage.

The intention was for the consultees to comment on the whole chapter.

Document CD01 could be read alongside the previous consultation documents

(December 2012 - CD27, July 2013 – CD21, February 2014 – CD12).

Tables of comments from prior stages of the review with changes highlighted and justified (ie CD22, CD16 and CD04), are also available.

10. **Similarly, CD01 contains what appears to be a replacement section 33.3 of chapter 33, from paragraph 33.3.16 to paragraph 33.3.28 and policies CR4 and CR5. However, again the changes are not identified in CD01. Sections 33.1, 33.2 and 33.4 of chapter 33 do not appear to be altered by this Review as they are not included in CD01 (although changes are made to section 33.4 as part of the Miscellaneous Matters Review). Policy CR6 “Trees and Landscape” is included in CD01, although the sustainability appraisal advises that it is unaltered. Notwithstanding this, representations have been received about it. No reasoned justification for policy CR6 appears to be included in CD01. Finally, it is noted that changes are made to policy CR7 and reasoned justification in the Miscellaneous Matters Review (MISC01).**

The policies CR4, CR5 and CR6 and the associated reasoned justification were subject to review. The full scope of the review is as detailed in the response to question 12).

The only change in the reasoned justification for CR4 (paragraphs 33.3.16 – 33.3.20), is the updated text in paragraph 33.3.16 to reflect the fact that we now have 37 conservation areas. This was not considered to require consultation as it is a factual statement.

Representations have been received regarding policy CR6, though no changes have been made.

11. **Page 234 in chapter 34 of the adopted Core Strategy contains a diagram entitled “Renewing the Legacy: Conservation Areas, Listed Buildings, Registered Parks and Gardens and Strategic View”. This is not included in CD01; does this mean that it is intended to be deleted?**

The consultation document included changes to the text only in chapters 33 and 34. This diagram is not intended to be deleted.

12. The questions set out in paragraphs 7-11 above are asked because it is essential that the scope of the Examination is absolutely clear. Please could the Council clarify precisely which parts of chapters 33 and 34 of the adopted Core Strategy are subject to the Conservation and Design Review.

Chapter 33:

Paragraphs 33.3.16 to 33.3.33 including policies CR4, CR5, CR6

(It is these parts of the chapter that were subject to the review, but please note that no changes have been proposed to policy CR6 or its reasoned justification para 33.3.29 – 33.3.33).

Chapter 34:

All of section 34.3 Planning Policies

13. In document CD01, chapter 34 appears before chapter 33. Please explain.

The review focused principally on Chapter 34. It was thus considered appropriate to draw attention to the major part of the review by ordering the chapters in this way.

Questions Relating to the Partial Review on Miscellaneous Matters

- 14. Chapter 4 has been updated to include revised housing figures. Are these taken from the current statutory London Plan?**

It is confirmed that the housing figures quoted in Chapter 4 Miscellaneous Matters have been taken from the adopted London Plan (July 2011). The table of annual average housing provision can be found at page 83 (Appendix 5). A review of the London Plan is currently underway and further updates will be made in due course when the further alterations are adopted.

- 15. What appears to be an extract from a Policies Map is included in connection with policy CF10 “diplomatic and allied uses”. Is this unchanged from the current adopted development plan? The existing “proposals map” on page 184 of the adopted core strategy is difficult to interpret in this regard.**

Yes, it is unchanged from the map taken from the extant UDP policies document.

- 16. Footnote 16 refers to “Evidence Base report for Basements and Climate Change Policy (March 2013)”. Is this the main technical evidence to justify the changes to the revised Code for Sustainable Homes and BREEAM standards set out in policy CE1 “climate change”? Is there any other published evidence?**

Yes, it is confirmed that the evidence base report for Basements and Climate Change Policy (March 2013) (BAS 39) is the technical evidence to justify the changes to the revised Code for Sustainable Homes and BREEAM standards as set out in policy CE1.

In relation to other policy changes, these were largely updates and incorporating the extant UDP policies into the Plan. It was considered that there was no need for further evidence to make these changes. In the case of the creation of temporary sleeping accommodation (proposed policy CF9) the Council wishes to avoid the loss of permanent residential accommodation to ensure that the housing target can be met and indeed exceeded. In the case of Diplomatic and Allied uses (proposed policy CF10) it remains the case that the Council wishes to minimise their impact avoiding areas where there is tighter knit residential use.

In the case of policy on Improving Alternatives to Car Use - CT1 the opportunity was taken to ensure that the existing policy was updated to reflect coach parking as this had been the subject of previous UDP policy.

It is also the Council's view that updating policies on Noise and Vibration (Policy CE6) and contaminated land (Policy CE7) do not involve an evidence base to be collated. A proportional approach has been undertaken.

Questions Relating to the Partial Review on Basements

17. **BAS01 is the Publication Planning Policy on Basements.** This explains on page 4 that the reasoned justification (paragraphs 34.3.46 to 34.3.72) and policy CL7 will be inserted into section 34.3 of Chapter 34 of the adopted Core Strategy. Space for this insertion is shown in CD01 (Conservation and Design Policy Review) at the bottom of its page 15. Please confirm that:
 - (a) The whole of document BAS01 forms the submitted Basements Policy partial review plan for examination;
 - (b) BAS01 is intended to be an addition to chapter 34 of the Core Strategy, parts of which are also subject to change in the other two partial reviews – see paragraphs 7-13 above; and
 - (c) Paragraph and policy numbers may consequently change as a result of any “main modifications” that might be recommended in these Examinations.
 - (a) Yes, the Council confirms that it is the whole of document BAS01 titled Basements Submission Planning Policy, RBKC, April 2014 that forms the submitted Basements Policy partial review plan for examination
 - (b) BAS01 is an addition to chapter 34. Draft policy CL7 (in BAS01) and will supersede Policy CL2: New Buildings, Extensions and Modifications to Existing Buildings criteria (g) (Chapter 34 of the Core Strategy (RBKC 1)) and CE1: Climate Change criteria (c) (Chapter 36 of the Core Strategy (RBKC 1)).
 - (c) The Council accepts that Paragraph and policy numbers may consequently change as a result of any “main modifications” that might be recommended in these Examinations.
18. Further preparatory questions relating to the Partial Review on Basements may be published on the Examination website prior to the publication of Matters and Issues on 4 August 2014.

Appendix 1: CD Review - Table of Recommended Changes

Policy	Existing	Recommended Change	Council's comment on change
Paragraph 34.3.18 and Policy CL2(c)	<p>34.3.18 Some buildings detract from their surroundings because of their scale or design. Where the redevelopment of such buildings comes forth, a flexible approach will be taken in order to facilitate redevelopment. Such buildings will only be identified through Supplementary Planning Documents or Development Planning Documents.</p> <p>c. facilitate the redevelopment of 'eyesores' by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable.</p>	<p>Remove this paragraph from the reasoned justification and remove policy CL2(c)</p>	<p>This is considered to be a main modification.</p> <p>The Council on reflection considers that the issue related to an eyesore building will be more dealt with more appropriately at the planning application stage. Therefore depending on site specific circumstances 'other material considerations' can apply and a case by case approach taken.</p>
Paragraph 34.3.20	<p>34.3.20 The character and appearance of a conservation area is not only provided by the high quality and appearance of individual buildings within the area and the interrelationship between them but it</p>	<p>34.3.20 The character and appearance of a conservation area is not only provided by the high quality and appearance of individual buildings within the area and the interrelationship between them but it</p>	<p>This is not considered to be a main modification.</p> <p>Small alterations proposed to the supporting text.</p>

	<p>is also gained from whole and partial street views as well as views into and out of the area. Therefore development that impacts setting, including the effect on views, gaps and vistas identified in conservation area appraisal documents, needs to be assessed to ensure that the character and appearance of the area is conserved.</p>	<p>is also gained from whole and partial street views as well as views into and out of the area. Therefore development that impacts on-setting, including the effect on views, gaps and vistas <u>and other character and appearance issues</u> identified in conservation area appraisal documents, needs to be assessed to ensure that the character and appearance of the area is conserved.</p>	
Policies CL4(d)&(f)	<p>d. require the reinstatement or removal of internal or external architectural features of listed buildings or scheduled ancient monuments, commensurate with the scale of the development;</p> <p>f. strongly encourage any works to a listed building to be carried out in a correct, scholarly manner by appropriate specialists;</p>	<p>d. require the reinstatement or removal of internal or external architectural features of listed buildings or scheduled ancient monuments, <u>where harm is caused to the significance of the asset</u> commensurate with the <u>scale level of the proposed</u> development;</p> <p>f. <u>require any work to a listed building to sustain the significance of the heritage asset and as such</u> strongly encourage any works to a listed building to be carried out in a correct, scholarly manner by appropriate specialists;</p>	<p>This is not considered to be a main modification.</p> <p>Changes to the wording of the policy are proposed in order to bring the policy in line with the NPPF paragraph 126 and 128, which requires the local planning authority's approach to heritage assets to be proportionate to significance.</p>

Paragraph 34.3.43	34.3.43 Small-scale alterations and additions comprise minor external changes to the appearance of a building or its curtilage, including balustrades, alarms, cameras, grilles, shutters and other security equipment; servicing, plant and telecommunications equipment; removing physical barriers to access; railings, walls, piers, gates and forecourt parking; signs which that are not advertisements, flagpoles and balconies and terraces.	34.3.43 Small-scale alterations and additions comprise minor external changes to the appearance of a building or its curtilage, including balustrades, alarms, cameras, <u>awnings</u> , grilles, shutters and other security equipment; servicing, plant and telecommunications equipment; removing physical barriers to access; railings, walls, piers, gates and forecourt parking; signs which that are not advertisements, flagpoles and balconies and terraces.	This is not considered to be a main modification. Small alterations proposed to the supporting text in response to representations at the publication stage.
Paragraph 33.3.28	33.3.28 The River Thames forms the southern boundary, and like the Grand Union Canal to the north, the potential of the Thames as a leisure, recreation, biodiversity and transport resource remains under utilised. The River Thames is an important transport route, and with its foreshore and banks is a unique open space with a special environmental character and reduce the river's potential as a navigable waterway.	33.3.28 The River Thames forms the southern boundary, and like the Grand Union Canal to the north, the potential of the Thames as a leisure, recreation, biodiversity and transport resource remains under utilised. The River Thames is an important transport route, and with its foreshore and banks is a unique open space with a special environmental character-and- <u>reduce the river's</u> <u>potential as a</u> <u>navigable</u> -	This is not considered to be a main modification. It is proposed that there are changes to the supporting text in order to correct grammatical errors.

	Permanently moored vessels or the extension of riverside sites into the river can have a detrimental effect.	<u>waterway</u> . Permanently moored vessels or the extension of riverside sites into the river can have a detrimental effect <u>and reduce the river's potential as a navigable waterway</u> .	
Policy CR5(c)	c. resist development that has an adverse effect on garden squares, including proposals for basements;	c. resist development that has an adverse effect on garden squares <u>and communal gardens</u> , including proposals for basements;	This is not considered to be a main modification. Addition of text in response to representations at publication stage.

Appendix 2:

REVIEW OF THE CORE STRATEGY SCREENING ASSESSMENT

Addendum

Conservation and Design Publication Planning Policies				
POLICY NO.	POLICY	WHY POLICY WILL HAVE NO IMPACT ON NATURA 2000 SITES	LIKELY TO HAVE AN IMPACT	ESSENTIAL RECOMMENDATIONS TO AVOID POTENTIAL NEGATIVE
CL3	Heritage Assets - Conservation Areas and Historic Spaces	Small alterations proposed to the supporting text. These measures will not be likely to have any effect on a European Site.	NO	None
CL4	Heritage Assets - Listed Buildings, Scheduled Ancient	The policy is being updated and not substantially altered. These measures will not be likely to have any effect on a European Site.	NO	None
CL6	Small-scale alterations and additions.	Small alterations proposed to the supporting text. These measures will not be likely to have any effect on a European Site.	NO	None

Appendix 3: GLA Letter of General Conformity March 2014

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

Jonathan Wade
Royal Borough of Kensington & Chelsea
Kensington Town Hall
Horton Street
London W8 7NX

Our ref:
D&P/LDF20/LDD01/14/MJ01
Date: 25 March 2014

Dear Mr Wade

Kensington & Chelsea Local Development Framework (LDF) – Partial Review of the Core Strategy – Basements Publication Planning Policy; Conservation and Design Publication Planning Policy

Statement of general conformity with the London Plan (Planning and Compulsory Act 2004, Section 24 (4) a)

Thank you for consulting the Mayor of London on the above documents and requesting an opinion on general conformity. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor has delegated authority to me to respond.

Basements Publication Planning Policy

On 28 August 2013 the GLA considered the Basements Publication document that formed part of the Partial Review of the Core Strategy (reference LDF20/LDD13/HS01) and supported the Council's approach to basement extensions.

The GLA has reviewed the latest version of the Basements Publication Policy document and supports the borough in preparing additional evidence to support its local policy on basements. It is in my opinion that the proposed document and its Publication Policy CL7 on basements are in general conformity with the London Plan.

The Mayor's emerging Sustainable Design and Construction Supplementary Planning Guidance (SPG) encourages boroughs to prepare a local policy to minimise the impacts from basement developments where there are local conditions that make them a particular issue. The SPG will be published in April 2014.

Conservation and Design Publication Planning Policy

The proposed Conservation and Design Policy Review is in general conformity with the London Plan and the GLA has no further comments to make on the document.

If you would like to discuss any of my representations in more detail, please contact Martin Jones on 020 7983 6567.

Yours sincerely

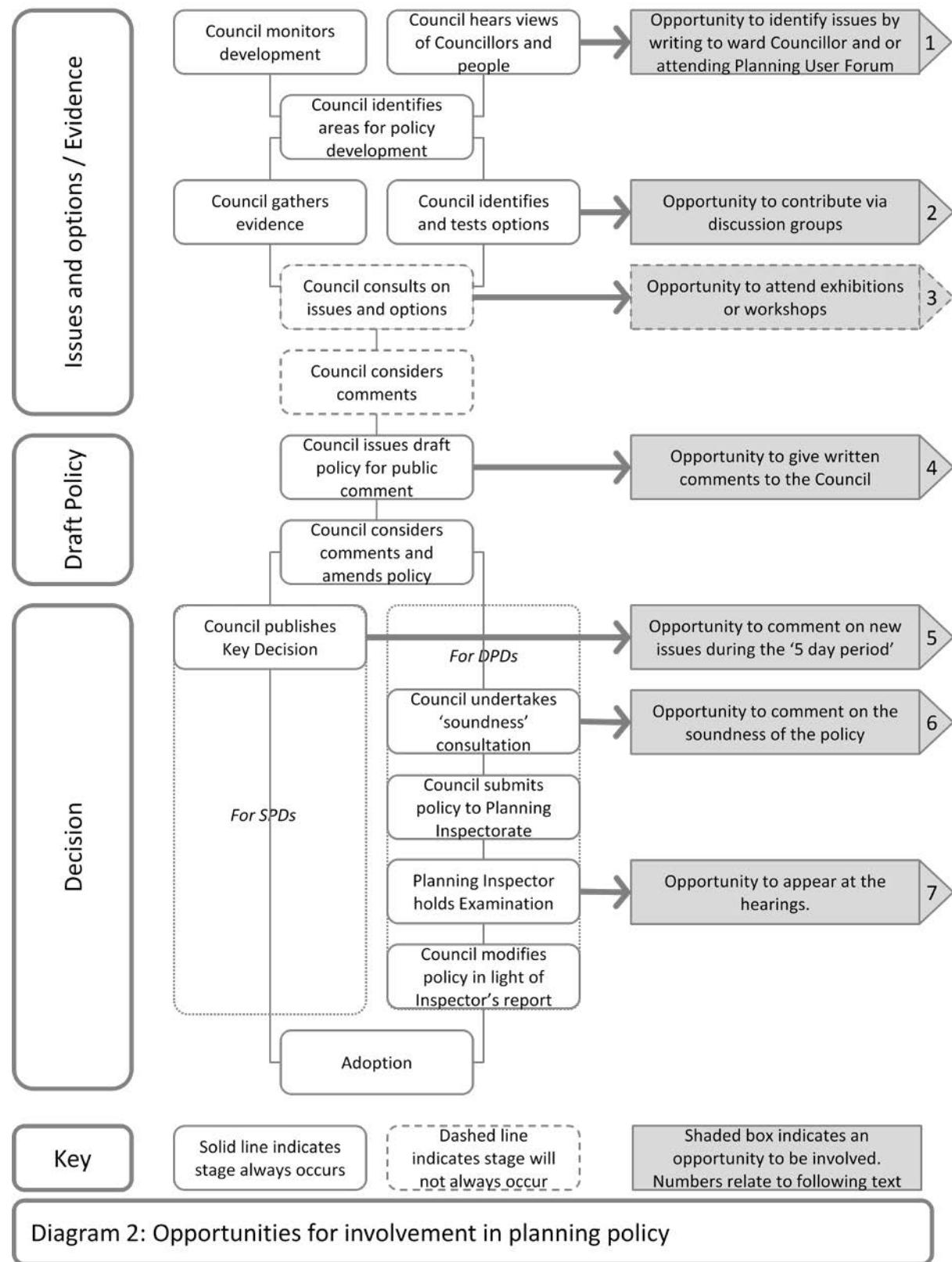


PP. Stewart Murray
Assistant Director - Planning

cc Kit Malthouse, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
Eric Pickles, Secretary of State
National Planning Casework Unit, DCLG
Alex Williams, TfL
Preeti Gulati Tyagi, Acting Planning Policy Team Leader, Royal Borough of Kensington and Chelsea, Kensington Town Hall, Hornton Street, London W8 7NX

Appendix 4

Extract from RBKC 2 - Involving People in Planning (IPIP), Diagram 2



Appendix 5

Extract from the London Plan, July 2011 showing housing targets

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target based on the average capacity estimated to come forward over ten years may not fully reflect unique uncertainties in housing output arising from the impact of the current economic downturn. Boroughs may wish to highlight the implications of these

uncertainties for achievement of their targets in their Annual Monitoring Reports (AMR), drawing on the strategic context provided by the SHLAA/HCS report of study, the London Plan AMR and forthcoming Housing SPG.

Table 3.1 Annual average housing provision monitoring targets 2011-2021

Borough	Minimum ten year target	Annual monitoring target
Barking and Dagenham	10,650	1,065
Barnet	22,550	2,255
Bexley	3,350	335
Brent	10,650	1,065
Bromley	5,000	500
Camden	6,650	665
City of London	1,100	110
Croydon	13,300	1,330
Ealing	8,900	890
Enfield	5,600	560
Greenwich	25,950	2,595
Hackney	11,600	1,160
Hammersmith and Fulham	6,150 #	615 #
Haringey	8,200	820
Harrow	3,500	350
Havering	9,700	970
Hillingdon	4,250	425
Hounslow	4,750	470
Islington	11,700	1,170
Kensington and Chelsea	5,850 #	585 #
Kingston	3,750	375
Lambeth	11,950	1,195
Lewisham	11,050	1,105
Merton	3,200	320
Newham	25,000	2,500
Redbridge	7,600	760
Richmond	2,450	245
Southwark	20,050	2,005
Sutton	2,100	210
Tower Hamlets	28,850	2,885
Waltham Forest	7,600	760
Wandsworth	11,450	1,145
Westminster	7,700	770
London Total	322,100	32,210

These figures do not include the increment to provision in Earls Court Opportunity Area identified by the EIP Panel in their report to the Mayor – see Annex 1