



# Statement of Consultation for Regulation 28 (2) for the Submission Core Strategy Development Plan Document

March 2010

## **1.0 INTRODUCTION**

- 1.1 Kensington and Chelsea's Core Strategy has been prepared in accordance with our Statement of Community Involvement and the Local Development (Amendment) Regulations 2008.
- 1.2 This consultation statement meets the requirements of Regulation 30 (e) by setting out:
- If representations were made in accordance with Regulation 28(2);
  - the number of representations made; and
  - a summary of the main issues raised in those representations.

## **2.0 PROPOSED SUBMISSION CONSULTATION**

- 2.1 The consultation on the Proposed Submission Core Strategy including the Sustainability Appraisal, ran for 6 weeks from the 29 October to 10 December 2009 in accordance with Regulations 27 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.

### **The number of representations made**

- 2.2 A total of 429 representations were received from 55 different respondents.
- 2.3 All the representations referred to in this statement were made in accordance with Regulation 28 (2).

## **3.0 SUMMARY OF THE MAIN ISSUES RAISED**

### **Chapter One: Setting the Scene**

- One commend received, considered elsewhere.

### **Chapter Two: Issues and Patterns: Our Spatial Portrait**

Eight comment were received from three organisation/individuals

- The London Healthy Urban Development Unit (HUDU) consider that the reference to deprivation and health inequalities between the North and South of the Borough is not translated into a strategic issue in the Core Strategy with no specific objective for regeneration in North Kensington.
- The Chelsea Society express concern that increased housing density and an increase in the population by an additional 20,000 people needs to be supported by appropriate infrastructure.

- HUDU consider that the Core Strategy fails to identify key health conditions and issues in the Royal Borough.
- HUDU consider that open space provision needs to be better identified
- HUDU consider that there may be a correlation between poor air quality and high levels of respiratory disease.

### **Chapter Three: Building on Success: Our Vision and Strategic Objectives**

Eleven comment were received from five organisation/individuals

- One respondent considers the vision needs further refinement because it is rather too narrow and does not reflect the challenges for the Borough in terms of physical, social and environmental sustainability. A too limited range of numerical targets are laid out and there is insufficient weight applied to economic development compared with the objectives of the London Plan.
- The same respondent considers that in view of the fact that Kensington and Chelsea is the most densely populated Borough in England and Wales where land is scarce there is an overriding need to adopt a Core Strategy which signals a clear determination to resist the further loss of sites for office, retail, small business, leisure and educational use and to set housing targets with equivalent work space.
- The same respondent also considers that the exceptional challenges the Borough faces need to be spelt out more clearly, namely its dense population, high traffic volumes, congestion on the Embankment, employment space challenges and the threat posed by 'upmarket' residential uses which will displace lower value land uses. A target should be set to provide more economically active residents and the Core Strategy should contain stronger policies to find young people pathways into work.
- HUDU comment that the vision should include the fact that an integrated approach to secure better transport, better housing and better social infrastructure will together have a positive influence on deprivation and health.
- HUDU consider that the text should refer to mitigating the impact of development, particularly on health, the environment and residents' amenity.
- Capital and Counties (CapCo) consider that the vision for Earl's Court is important enough to be included in the overall vision for the Borough.
- The Kensington Society state that there is strong support for the Core Strategy, but there are concerns that the Plan still does not deal effectively with a number of key issues. It fails to elaborate key policies in the London Plan, especially those on density of development; views and vistas; the premises needs of voluntary organisations and matching development to

transport capacity and accessibility. It also fails to reflect the needs of Borough residents in the mix of housing that is required in so far as the proportion of new housing that should be affordable; the proportion of market housing that should be in large units and promoting housing choice for the elderly. It also fails to identify the areas at risk from surface water and sewer flooding.

- The Norland Society consider that there is a conflict in the vision and strategic objectives between the objective of 'Renewing the Legacy' and improving north- south transport links as part of the 'Better Travel Choices' chapter in so far as the number of buses and other vehicles passing through the Norland Conservation Area which is detrimental to its character.
- HUDU stress the importance of housing design quality on physical and mental health and the fact that the link should be mentioned. Also a reference should be made to the benefits to health from physical activity associated with open space, rather than just mention physical activity. In a similar vein a specific reference to traffic injuries in relation to vehicular safety should be made.
- The Kensington and Chelsea Social Council consider that the Core Strategy should reflect the need for affordable social infrastructure, rather than it just being accessible and widely available. It is considered that there is a need for accessible and affordable infrastructure and for the mapping of community premises and the identification of future need to be identified.
- The Kensington and Chelsea Social Council consider that there needs to be an evaluation of the employment zones to see to what extent they are geared towards local employment.
- The Kensington and Chelsea Social Council consider that the Core Strategy fails to cater for a variety of housing needs. No specific mention of the housing needs of young people, or the number of empty homes in the Borough, by tenure or location. There is also an assumption that the north is not as densely populated as the south of the Borough.
- The Kensington and Chelsea Social Council consider that the Council's strategic focus on the diversity of housing in mixed communities is unsound when there is a need to increase the stock of social rented housing.
- HUDU consider that the phrases 'quality of life' or 'wellbeing' are not defined and a reference should be made to health. Health should also be linked to strategic objectives two and three.
- The Chelsea Society state in relation to the objective of 'Keeping Life Local' that schools in the Borough are short of space, including playgrounds. The Core Strategy contains no provision to ensure a better future for the needs of children at independent schools. Whilst the Core Strategy is effective at providing new facilities it does not benefit children at existing independent schools and does not plan for the recreational space that may be required.

- The Port of London Authority consider that in relation to 'Better Travel Choices' that the vision appears to be related solely to the transport of people, whilst Policy CT1 is broader and relates to the movement of people and freight..

#### **Chapter Four: Delivering Success: Our Spatial Strategy**

Eight comment were received from three organisation/individuals

- Capital and Counties refer to the need for a new retail centre to be designated as part of the Earl's Court Regeneration Area.
- The Golborne Forum comment that in relation to the Portobello market, the Core Strategy should promote the concept of a 'Golborne Village' and it should advocate improved signage, street lighting and public art to attract visitors to Portobello Road.

#### **Chapter Five: Kensal**

Thirty-six comment were received from nineteen organisation/individuals

- The majority of comments made within the Kensal Chapter make reference to the Strategic Site Allocation. Broadly consultees found the document to be sound subject to minor assurances.
- The Health and Safety executive wish to ensure that development takes account of the potential risk from the Gasholders on the site.
- Both the Government Office for London (GOL) and the Greater London Authority (GLA) seek reassurance on the deliverability of a Crossrail station to justify its inclusion in the Core Strategy.
- GOL request that the Contingencies and Risks section remains consistent to ensure housing targets are calculated to reflect the impact of the contingencies in Kensal.
- The GLA question whether the proposed crossing of the railway in the form of a bridge would fall within the demise of land currently in the ownership of Crossrail Limited.

#### **Chapter Six: Golborne/Trellick**

Sixteen comment were received from three organisation/individuals

- The majority of the comments received related to the role of the Golborne Road Market and means to keep this a vibrant asset.

- Issues regarding the split of market housing in Wornington as well as the size of Athlone Gardens are also raised.
- The Golborne Forum has made numerous representations and are urging the Council to examine carefully the future use of the Edenham site.
- British Waterways suggest the inclusion of cycle routes, together with the local pedestrian routes, to be integrated with the Grand Union Canal to create and provide better access.

### **Chapter Seven: Portobello/Notting Hill**

Three comment were received from one individual.

- Firstly, that the Core Strategy needs to make a greater reference to the role that the Portobello Road has in meeting the local day-to-day needs of residents of the area. Portobello should be designated as both a local centre and a district centre rather than the 'Special District Centre' as done.
- Secondly, that that description of the Portobello Road be amended, and that the amended description should to make less reference to 'edgy fashion'.
- Thirdly, that the links to Westbourne Grove were not significant, and that the Council should work closely with our neighbours in Westminster to help plan for Westbourne Grove.
- Fourthly, that the Council should be making more of the importance of the market in both contributing to the character of the area and providing job opportunities.

### **Chapter Eight: Westway**

Nine comments were received from two organisation/individuals.

- The Golborne Forum wishes to promote the concept of 'Golborne Village' and for the Core Strategy to advocate improved signage, street lighting and public art to attract visitors to continue up Portobello Road and visit Golborne Road with its vibrant shops, cafes and restaurants as well as the street market. The reference to redevelopment of the skate park should be removed.
- The Westway Development Trust submitted a number of detailed representations relating to sites, in order to retain flexibility, and achieve its own aims – for example redevelopment for a "community use", rather than "health facility". Similarly, to allow flexibility, the Trust prefers a reference to general retail, rather than a supermarket where Bramley Road passes under the Westway. They also feel that the advertisement consent issue should not be included within the Core Strategy, but dealt with through the development control process, as this is useful to the Trust in generating an income.

## **Chapter Nine: Latimer**

Six comments were received from four organisation/individuals.

- Three organisations have commented on the section, the Westway Development Trust, the Golborne Forum and the Kensington and Chelsea Social Council. In addition the Council has considered a petition which has been received separately, as being a representation on the Core Strategy as it concerns a number of issues of relevance to the Core Strategy.
- A number of issues were raised, although few by more than one consultee. Two consultees, as well as the petitioners, were concerned that the sports centres (or the facilities it provides) be retained on site or the immediate vicinity, and that there should be no down grading of facilities. Of particular concern was the need to retain the swimming pool.
- Other concerns were raised concerning the principal of the future redevelopment of the area and the need for this (if it is to occur) to protect, and provide, affordable housing; the need to free Stable Way from its Employment Zone designation, and the need for any redevelopment of the area to meet the day-to-day needs of local residents, better transport, and improved community safety.

## **Chapter Ten: Earl's Court**

Twenty-two comments were received from six organisation/individuals.

- The Kensington and Chelsea Social Council request that several land uses be provided as part of the redevelopment of Earl's Court, including affordable housing, community facilities, swimming facilities, affordable shops and business, and provision for worship space for BME. Also that a Area Action Plan (AAP) be provided for Earl's Court, which will provide greater weight to community involvement.
- One respondent suggests that the Council highlights the potential change likely to occur along Warwick Road and the ability for the wider Earl's Court area to deliver high quality, high density housing.
- TfL, as Highway Authority, and Capital and Counties (CapCo), one of the land owners of the Earl's Court strategic site, object to the unravelling of the one-way system, which they state will be highly problematic and should be subject to further testing and investigation.
- TfL, as landowner, supports the representations by Capital and Counties (CapCo), which request greater clarity in defining the areas of the place, strategic site and wider Earl's Court and West Kensington Regeneration Area. CapCo also state that the draft London Plan designates Earl's Court as a District Centre, but this is only designated as a neighbourhood centre in the

## Core Strategy.

- CapCo request recognition that changes may occur to the servicing arrangements for Exhibition Centre. CapCo also request amendments highlighting that the scheme is likely to involve a mix of residential and non-residential uses, but a convention or exhibition centre as a national destination is no longer being pursued by the developers.
- CapCo request that part of the exhibition centre site be designated as a shopping centre to reflect the retail planned provision. CapCo request flexibility in the housing tenure and request increases in the housing provision to reflect London Plan densities and CapCo's supporting evidence.
- CapCo suggests that impacts on heritage are not crucial, but should be considered as a material planning consideration in accordance with PPG15.
- CapCo request reference to planning brief or SPD be revised to reflect the preparation of an Opportunity Area Planning Framework (OAPF).

## **Chapter 11: Kensington High Street**

- There were two comments, from one individual requesting specific reference to the potential of the centre to provide leisure use types.

## **Chapter 12: South Kensington**

Five comments were received from four organisation/individuals.

- The Natural History Museum stated that the museum grounds are not public open space, and that the wording should be changed to reflect this.
- The Knightsbridge Association asked for the chapter to identify decisions and actions to protect and enhance residential use and specifically to protect residential use above ground floor level in Thurloe Street. The Association also requested changes to Policy CP11 to include specific reference to it being a residential area and to support for proposals to consolidate the residential element and enhance its facilities. The chapter does recognise the presence and importance of residential accommodation in the area.
- TfL objected to the suggestion that introducing retail units in Pelham Road would weaken existing retail nodes and the potential footfall would not be sufficient to sustain retail.
- TfL also requested that the reference to improvements to the pedestrian foot tunnel be separated from providing step-free access to the station as if any over-station development had to pay for both this would not be deliverable.



### **Chapter 13: Brompton Cross**

- There are 3 comments, from two organisations/individuals all supporting the soundness of the Core Strategy.

### **Chapter 14: Knightsbridge**

Five comments were received from four organisation/individuals.

- The Knightsbridge Association comment that the text puts a disproportionate emphasis on Knightsbridge's role as an international shopping centre and they request that quality of life for residents must be given equal emphasis to commercial interests and should be monitored.
- The Knightsbridge Association also state that any increase in street activities in Montpelier Street would be inappropriate.

### **Chapter 15: King's Road/ Sloane Square**

- No representations were received which questioned the soundness of the chapter. The Fire Service noted that they have ambition to redevelop the Chelsea Fire Station site and would welcome exploring these issues further.

### **Chapter 16: Notting Hill Gate**

Seven comments were received from two organisation/individuals.

- The Healthy Urban Development Unit (HUDU) suggest that the 'Place' refers to the health benefits of reducing an over concentration of fast food outlets, which could be supported by wider healthy eating initiatives
- Metro Shopping Fund (MSF), land owners of a significant part of Notting Hill Gate, objects to the centre being a major office location which seeks to protect offices in Newcombe House. MSF also object to requiring the provision of affordable shops. MSF object to the inclusion of the policy in the place, stating that it should be deleted or better reflect the vision.

### **Chapter 17: Fulham Road**

- There is 1 comment from a resident and it refers to the inconsistency of the maps in Chapters 17 and 18 in terms of the cycling and pedestrian links through the Brompton Cemetery.

## **Chapter 18: Lots Road/World's End**

Six comments were received from four organisation/individuals.

- The Environment Agency note that, whilst the Thames Path has been considered along with ecological enhancements to the Chelsea Creek, they would have preferred a greater emphasis on the Flood Risk associated with development in close proximity to the Thames.
- A resident has raised concern relating to the Council's intention to provide a north-south cycle route within the Borough
- The Port Authority comments that any future links, for example bridges, across the Thames would require early and detailed discussions to prevent any detrimental impact on navigation, environment and river regime. They also request the safeguarding of Cremorne Wharf for cargo handling purposes in line with the requirements of the London Plan. Finally, they require clarification on the use of the Chelsea Creek as a recreational waterway.
- Circadian Ltd comment that their clients support the identification of the Lots Road Power Station site as of Strategic Importance to the Royal Borough. The document refers to the extant 2006 planning permission floorspaces which they consider to be incorrect. Instead, they offer alternative figures.

## **Delivery Strategy**

### **Section 2A Allocations and Designations**

#### **Chapter 19: Strategic Sites Allocations**

- No comments with regard to introduction.

#### **Chapter 20: Kensal Gasworks**

Kensal Place (13 comments) and Kensal Gasworks Strategic Site (10 comments):

These have been summarised in the Kensal place.

#### **Chapter 21: Wornington Green**

Six comments were received from three organisation/individuals.

- The Golborne Forum request surety that the lock up storage units will be re-provided for the market traders; objects to a tower of 15 stories; requests the re-provision a larger Venture Centre and Athlone Gardens to take account of

the larger population; and objects to extending the retail provision along Portobello Road as these units may remain vacant.

- Thames Water request a paragraph is inserted requiring applicants to consider the water and sewer infrastructure requirements of the site. English Heritage requires reference to an Archaeological Priority Area in the area of the Sports Centre.

## **Chapter 22: Land adjacent to Trellick Tower**

Three comments were received from two organisation/individuals.

- Council is urged by the Golborne Forum to examine carefully the future use of the Edenham site.
- Thames Water comments that reinforcement of the water supply will be required by an impact assessment for specific water and sewerage infrastructure. In response these details would be required by Policy C1 so no changes are recommended.

## **Chapter 23: North Kensington Sports Centre**

Five comments were received from five organisation/individuals.

- Three respondents required confirmation that the swimming facilities will be protected in the North Kensington Sports Centre. One of these respondent questioned whether the academy and leisure centre can be accommodated on the site, and what would happen to Grenfell Tower.
- Thames Water request a paragraph is inserted requiring applicants to consider the water and sewer infrastructure requirements of the site.
- English Heritage requires reference to a Archaeological Priority Area in the area of the Sports Centre.

## **Chapter 24: The former Commonwealth Institute**

Two comments were received from two organisation/individuals.

- Both comments received (from English Heritage and Thames Water) did not find the Core Strategy to be unsound. Thames Water however, requested that an additional paragraph be added which commits developers to examine water and waste capacity.

## **Chapter 25 : Warwick Road (5 sites including 100 West Cromwell Road)**

Three comments were received from three organisation/individuals.

- Minor wording changes were sought by Brookfield Developments (the Joint venture partner for 100 West Cromwell Road) to refer to viability of affordable housing. This was seen as being unnecessary. Further clarification was also sought as to the contribution required to facilitate the unravelling of the Earls Court One Way System. This is dealt with elsewhere in the text in relation to Earl's Court.

## **Chapter 26: Earl's Court**

Twenty-one comments were received from six organisation/individuals.

- The Environment Agency supports the proposed strategic site. Thames Water request text requiring developers to demonstrate that there would be adequate water supply and waste water discharge capacity to serve the proposed developments.
- The GLA require improvements to bus services to be included the Infrastructure and Planning Obligations. One respondent requests that development contributes to improving the north south cycle routes through the strategic site.
- English Heritage (EH) requests a reference to an archaeological priority area in the vicinity of the strategic site.
- Capital and Counties (CapCo), one of the land owners of the Earl's Court strategic site, request changes to reflect the preparation of a joint Opportunity Area Planning Framework for Earl's Court, which will be used to identify the full scope and quantum of development including the potential for a new town centre designation. In terms of the strategic site allocation, CapCo request amendments to clarify the land use allocations, design principles and infrastructure/planning obligations in this borough, those in LBHF and those where the location has yet to be decided. CapCo also supply evidence to support increasing the housing provision in K&C from 500 to 1,000; greater flexibility in the 10,000m<sup>2</sup> office space to include other land uses such as hotel and leisure; and removing reference to a convention or exhibition centre; and provision for a destination use. CapCo request that the retail provision serves several functions, including meeting the day to day needs of the existing residents and meeting the needs of visitors to the new development.
- CapCo requests support for improvements to the servicing and access arrangements. CapCo also require that the unravelling of the one-way system to revised to reflect 'improvements' to the one-way.
- CapCo object to the prescription that high density does not necessary mean high rise.

- CapCo also request flexibility in delivering a waste management facility, providing a connection for a decentralised energy network and improvements to biodiversity.
- CapCo require clarification of the level of risk of not delivering an exhibition or convention centre and inclusion of the risk of not unravelling the one-way system.

### **Chapter 27: Lots Road Power Station**

Two comments were received from two organisation/individuals.

- Thames Water comments that reinforcement of the water supply will be required by an impact assessment for specific water and sewerage infrastructure. In response these details would be required by Policy C1 so no changes are recommended.
- Circadian Ltd comment that their clients support the identification of the Lots Road Power Station site as of Strategic Importance to the Royal Borough. The document refers to the extant 2006 planning permission floorspaces which they consider to be incorrect. Instead, they offer alternative figures

### **Chapter 28: Proposals Map**

- Comments are dealt with elsewhere.

### **Section 2B Policies and Actions**

### **Chapter 29: Policies and Actions**

Sixteen comments were received from ten organisation/individuals.

- See Chapter 37: Infrastructure for responses to Infrastructure and Delivery and Policy C1.

### **Chapter 30: Keeping Life Local**

Seventeen comments were received from eleven organisation/individuals.

- Comments have generally supported the Council's approach.
- There have been further representations from the Kensington Society regarding the protection of post offices as social and community uses.
- The Metropolitan Police have also asked that we acknowledge their complex operational circumstances and support this.

- Representations have also been made which question the suitability of the social and community sequential test. This has lead to certain respondents asking that a needs test be used.

### **Chapter 31: Fostering Vitality**

Forty-two comments were received from eighteen organisation/individuals.

- Representations were received from sixteen organisations and one individual, these included Westminster City Council, the GLA, GOL, the Metropolitan Police, the owners of some of the larger development sites within the Borough, and the Kensington Society.
- Officers of Westminster City Council were supportive of the Core Strategy, raising no objections.
- The GLA raised initial concerns about the Core Strategy's stance on the protection of hotels (the Core Strategy allows hotels to be lost in Earl's Court Ward).
- GOL's concerns relating to the provision of affordable shops, the justification of a borough specific interpretation to the edge of centre sites (and the sequential approach); and the identification of possible sites to meet retail need to 2015 rather than 2026 have been allayed.
- The Kensington Society, raised three main issues; that more needs to be put in the Core Strategy to promote the voluntary sector; that the Council's definition of 'accessible' in terms of public transport accessibility, was too relaxed which results in the document lacking the necessary spatial element; and that it should be made clearer that the Council 'supports', rather than 'permits', town centres as being the focus for new high trip generating uses. Particular concern related to offices, where the society was concerned that these should be directed, firstly to town centres, and then areas of PTAL 5 or 6 ('very good' or 'excellent') rather than PTAL 4 ('good').
- The Metropolitan Police were generally supportive, but requested a relaxation to the Council's Employment Zone policy to give them what would be effectively carte blanche to implement their estate strategy, even if this were to down grade the protection of the Borough's Employment Zones.
- The other key issues raises by respondents related to retail issues, to the provision of offices (and other trip generating 'town centre' uses), and the provision hotels.
- With regard retail uses; the owners of the Earl's Court site, requested the designation a new town centre in the Earl's Court Strategic Site or wider area.

- A number of objections were also raised concerning the policy to both require the provision of affordable shops, and a range of unit sizes for new large scale retail developments.
- Two objections were also received concerning the policies which determine the appropriate mix of shop/non shop uses within the Borough's town centres.
- With regard other town centre uses, some representations were received which sought a relaxing of the Council's position with regard favouring retail uses at ground floor level. There was also some concern that other non town centre uses, other than offices, were not supported within the town centres.
- A representation was received from the Knightsbridge Association, that the Core Strategy did not adequately consider the impact upon residential amenity of A3, A4 and A5 uses.
- The land owners of the Earl's Court site objected to the allocation of 10,000 sq m of office space on the Kensington and Chelsea part of the site, whilst the major land owners in Notting Hill objected to the need to protect existing office space in that centre, arguing that no need given amount of office floorspace already in pipeline.
- With regard hotels; one representation was received which was diametrically opposite to the views of the GLA, in that the Council was going too far in protecting the existing hotel stock.

## **Chapter 32: Better Travel Choices**

Sixteen comments were received from eight organisation/individuals.

- The GLA reported TfL's concerns that there was not sufficient reference to safeguarding land for transport, in particular with reference to the Crossrail route and associated land. A reference to the Mayor's Land for Transport Functions SPG was requested.
- TfL raise a number of comments regarding cycling and walking and have requested further references to the London Cycle Hire Scheme, the proposed Cycle Superhighways and Legible London where some wording has been proposed.
- The Chelsea Society raises concerns that an increased population in the borough would place unacceptable demands, *inter alia*, on the road and public transport networks and that the Core Strategy doesn't respond to this danger. A particular concern regarding servicing vehicles generated by new residential development was also raised.

### *Earl's Court*

- Capital and Counties, on behalf of The Earl's Court and Olympia Group (ECOG) believe that the policy on the Earl's Court One Way System (CT1n) is not legally compliant and is unsound. They contend that it is not based on a sound and credible evidence base. They believe that the policy should refer to 'investigating' rather than 'seeking' the return of the ECOWS to two-way operation. TfL, Highway Authority for ECOWS, have requested a similar change in wording. ECOG also comment that policy CT2e, which requires improvements to the West London Line's interchange with the underground network, should be subject to the changes being feasible as part of the broader redevelopment of the area.

### *Traffic and parking*

- Capital and Counties, on behalf of ECOG consider policy CT1b, which states that "*new development should not result in any material increase in traffic congestion or on-street parking pressure*" unsound and inconsistent with PPG13: Transport. They believe the policy is too restrictive. They also believe CT1c, requiring all new residential development to be permit-free, is unsound as "*market housing is likely to require access to a car*".

## **Chapter 33: An Engaging Public Realm**

Nineteen comments were received from eight organisation/individuals.

- With regard to Policy CR1 Capital and Counties on behalf of Earl's Court and Olympia Group refer to the flexibility of being able to change street network patterns, which are not always based on the historic street pattern, but can be based on uses and the scale of development proposed.
- With regard to Policy CR 5 (Open Space) the GLA comment that Policy 30.12 of the London Plan requires boroughs to prepare Open Space Strategies and these should inform the basis of open space policies within the Core Strategy.
- HUDU support Policy CR1. However, there is no reference to the map of street connectivity in the supporting text and the need to focus on those areas where connectivity is poor.
- HUDU note that the Borough does not consider the provision of new open space to be a strategic issue, but the policy requires all major development in areas of deficiency to provide open space. Criterion (e) of Policy CR5 refers to the provision of child play space, but there is no reference to the importance of child's play in the supporting text. Criterion (h) refers to the promotion of the Thames and the Grand Union Canal for health and well being, but there is no reference in the text.



## **Chapter 34: Renewing the Legacy**

Twenty comments were received from eleven organisation/individuals.

- HUDU mention the importance of housing design quality on physical and mental health and the fact that the link should be mentioned.
- HUDU comment that a reference should be made to the benefits to health from physical activity associated with open space, rather than just mention physical activity. In a similar vein HUDU wish specific reference to traffic injuries in relation to vehicular safety.
- Capitals and Counties on behalf of Earl's Court and Olympia Group and Sun Life Assurance plc consider that the reference to 'exceptional' architecture outside designated conservation areas to be inconsistent with Policy CR2. They request that this is amended to 'highest architectural quality' to be consistent with the Policy.
- Capitals and Counties on behalf of Earl's Court and Olympia Group wish the text to be amended at paragraph 34.3.10 so that when considering a development proposal, the Council will agree relevant views, vistas and gaps with the applicant.
- A respondent wishes a specific reference to be incorporated which refers to major development aggravating the flooding situation with regard Counter's Creek.
- With regard to tall buildings, the GLA comment that the Council has not identified suitable locations for tall buildings, even though there has been significant urban design and capacity work to support possible identification. In particular, areas at Kensal Canalside and Earl's Court, both emerging as key Opportunity Areas in the Draft London Plan may be suitable for tall buildings.
- In relation to tall or high buildings (Policy CL2h), Capitals and Counties on behalf of Earl's Court and Olympia Group wish to introduce more flexibility to the Policy to allow proposals which have a neutral impact on the townscape. On this basis they propose some minor re-wording changes. They state that a building that is visible from different locations may be acceptable providing it has a positive or neutral impact on local townscape. In addition a negative impact may be outweighed by other benefits to be generated by the scheme.
- Capitals and Counties on behalf of Earl's Court and Olympia Group wish the reference to the location and townscape sensitivity in relation to tall or high buildings to be of 'significant' importance, rather than the 'utmost' importance
- Brookfield developments wish to see the tall buildings policy amended because it is unduly restrictive. They wish to see the reference to 'exceptional' design quality replaced by 'the highest' and only reference to 'prevailing height', not 'prevailing height within the context.'

- The London Borough of Wandsworth considers the high buildings policy to be unsound because it does not pay adequate regard to those DPDs of its neighbours, namely the Wandsworth Submission Core Strategy. They consider it important that there is some acknowledgment of existing and pipeline tall buildings in Wandsworth which may be visible from Conservation Areas in Kensington and Chelsea. There should also be some acknowledgment of the level of development proposed in the Vauxhall/Nine Elms/East Battersea Opportunity Area, some of which may be visible from the Embankment and Chelsea Bridge.
- The London Planning Practice on behalf of 53-56 Hans Place consider that the policy regarding tall buildings is unduly 'prescriptive' and that reference should be made to tall buildings defining important routes, crossings, nodes and retail hierarchies. In response the text is not considered unduly prescriptive, but clearly lays out when a tall or high building may be acceptable.
- The London Planning Practice on behalf of 53-56 Hans Place consider that Policy CL2(f) regarding additional storeys and roof level alterations for a detached building to be below the prevailing building height not to be justified. Instead they suggest that a detached building should have a height 'reflective of local context.'
- With reference to subterranean development the London Planning Practice on behalf of 53-56 Hans Place consider that the wording to Policy CL29(g) is amended so that excavation underneath or adjacent to a listed building is resisted where there is a clear and detrimental impact on the character and setting of the listed building, rather than excavation being resisted in principle.
- The London Planning Practice on behalf of 53-56 Hans Place and the owners of 31 Holland Park comment with regard to Policy CL5 (Residential amenity) that the preservation of sunlight and daylight to commercial properties cannot be applied as rigorously as it can for residential properties. The policy should therefore adhere more appropriately to the Building Research Establishment (BRE) Guidelines.
- The Kensington Society comment that the Core Strategy only makes a passing reference to views and vistas and those specifically referred to in the UDP are not addressed. It recommends that specific views and vistas should be shown on the diagram for 'Renewing the Legacy' and where appropriate, shown on the diagrams in the 'Place' chapters.
- The Chelsea Society comment that the Embankment and spaces fronting it, such as Royal Hospital, are of the greatest importance. The Society is concerned that little is said in the Core Strategy regarding the protection of views and vistas. Ideally the Thames Policy Area should be identified as a 'Place.' The Core Strategy is ineffective in identifying the Thames Policy Area, in addressing its needs, in setting out policies for its protection or identifying

river related uses and that a specific policy should be included to promote, protect and enhance the environment of the River Thames.

- With regard to Policy CL6 dealing with small scale alterations and additions, the Kensington Society comment that windows, mouldings, balustrades and other architectural details have been included in a list of minor alterations which only ensures that harm is not caused, rather than a positive test of enhancement. They recommend that they should be removed and put into a separate category in Policy CL2, whilst Policy CL6 should be renamed, 'Technical and Servicing Equipment.'
- DP9 consider that Policy CL3 relating to the historic environment goes beyond the assessment in PPG15.
- HUDU consider that the benefits of sunlight and daylight to health should be recognised in the text.
- DP9 comment in relation to Policy CL5 that with reference to privacy and sense of enclosure a suitable test is not set out.

### **Chapter 35: Diversity of Housing**

Forty-seven comment were received from twenty-six organisation/ individuals.

#### **Policy CH1: Housing Targets**

- There were only a limited number of comments on Policy CH1 and its supporting text.
- GOL state that the target of 600 additional dwellings per annum from 2011/12 derived from the recently completed London wide SHLAA is accepted, although this is a higher target than the 350 in the adopted London Plan, which is yet to be tested at examination. Their concern is that the policy lacks clarity and, critically, does not appear to cover the full plan period to 2028.
- GOL have queried the evidence to support the targets, and raised the need to satisfy that the target can be met over the Plan period, in excess of the 5323 homes delivered through strategic site allocations.
- The GLA have raised concerns that the three year target of 90 affordable dwellings per annum, which has been negotiated with the GLA as a short-term delivery target, is a funding-based target, and not need-based. Therefore, they express concern that it does not conform with London Plan policy, or PPS3 or PPS12. They have sought assessment against the realistic needs and supply within the borough target does not follow the more recent evidence being presented in setting the latter target of 200 units per annum, due to be implemented from 2011/2012. The 200 unit target should therefore apply from the adoption of the plan on the basis of the evidence.

- There is also concern that the range of targets for affordable housing leads to some confusion and does not provide clarity. This stems from the 50% target on qualifying sites, and the numerical target as a proportion of expected housing delivery.
- A number of comments reflected concern that the 85% social rented housing and 15% social rented housing borough wide target was too onerous, and that the emerging London Plan tenure split should be adopted (60% social rented housing and 40% intermediate housing).

## **Policy CH2: Housing Diversity**

### *Housing Mix & Lifetime Homes/ Wheelchair Homes*

- The requirement for new residential developments – including conversions and amalgamations and changes of use to meet lifetime homes standards, floor to ceiling height and area standards, and wheelchair accessibility in 10% of dwellings - has received a number of objections. The objections are based on consistency with PPG15, paragraph 3.4 of which requires alterations and extensions to listed buildings to be either needed or desirable from a heritage perspective, rather than from the perspective of other regulations. To require all residential proposals which include alterations/extensions to listed buildings to comply with those other standards is very likely in most cases to be inconsistent with PPG15 paragraph 3.4 requirements.
- In particular, the imposition of floorspace and floor to ceiling height standards (CH2.b.ii), is considered to be lacking evidence. The objections raise issues of soundness therefore based on justification, while recognising the importance of achieving suitable standards of residential amenity.

### *Amalgamation of Units*

- Comments indicate that the proposal to require that planning permission would be required for proposals involving the amalgamation of five units into a smaller number of units or a single home has a mixed response. In particular the internal consistency between evidence and policy application has been questioned – e.g. the Council has recently carried out a Housing Market Assessment for the Borough which demonstrates that there is a definitive need for larger dwellings for families in both the market and affordable housing sectors. This demonstrates that 80% of new dwellings over the next 20 years should be large dwellings of 3 and 4 bedrooms. This is to some degree conflicting with other policies in the Core Strategy such as part (f) of Policy CH2 which seeks to "*resist development which loss of five or more residential units*". This is seen as a very restrictive policy when applied to all future development within the Borough and would not assist in allowing the Council to meeting other objectives such as addressing housing need.

### *Houses in Multiple Occupation*

- The comments on this issue relate to the policy application while the principles to allow the self containment of HMOs where self contained studio flats are to be created are generally supported. However, it has been suggested that the way this policy is currently drafted leaves a degree of

uncertainty as to how the policy would be implemented in practice. For example, would the Council's floorspace standards be imposed on the new studio units and does the policy allow for any reduction in the number of units in a building if the overall living accommodation is improved? As with the application of standards, there is a question over different approach towards these uses within historic buildings where alterations are more restricted but a current HMO use may not result in the optimum use of the building? It is also believed that the policy should allow for the loss of HMO accommodation where other planning goals are met such as in the restoration of a listed building.

#### *Affordable Housing*

- There were a large number of wide-ranging objections to the affordable housing policies. One of the main objections related to the floorspace trigger, with a number of respondents stating that units or habitable rooms should be used instead of floorspace. Several commentators objected to the floorspace threshold because they felt it was not justified in terms of viability.
- Some objectors felt that seeking 50% affordable housing above 800sqm was too onerous and would stifle development. A number of developers felt, again, that it would have an adverse affect on proposals which included between 10 and 25 units.
- The policy to limit the location of off-site affordable housing (to exclude wards with the highest concentration of social rented housing) was criticised by some organisations as being too restrictive.
- There was some criticism of the intention to seek 85% social rented housing and 15% intermediate housing – it was argued this split did not conform to the London Plan.

#### *Gypsies and Travellers*

- The Government Office for London welcomed the inclusion of the policy on gypsy and travellers and the reference to a forthcoming DPD.

### **Policy CH3: Protection of Residential Uses**

- An objector commented that the policy is unduly restrictive and that the draft Core Strategy should return to the policy presumption of residential development on all sites and recognise the exceptional circumstances where small or medium business use across the borough can be developed for housing. The Core Strategy should refer to other important London Plan and national policy considerations which set out the agenda for a sustainable approach including the promotion of more efficient use of land though higher density. To this end, they state that the reference to arts and culture uses should be deleted, and the reference to offices in areas with high PTAL rating.

## **Policy CH4 : Estate Renewal**

- There were a limited number of comments on this issue. The GLA broadly supported the policy in draft stages.

## **Chapter 36: Respecting Environmental Limits**

Thirty-three comment were received from nineteen organisation/individuals

### **REL Map**

- Capital and Counties request that the location of the new on-site waste management facility be amended to allow its location elsewhere on the Earls Court Regeneration Area site.
- Thames Water request the installation of measures, such as non-return valves, to protect subterranean development from sewer flooding.
- HUDU requested reference to health benefits of mitigating climate change.
- One respondent requested that Policy CE1(b) requiring BREEAM and EcoHomes standards for conversions and refurbishments defined as major development be revised for development involving the creation of 5 units or more.
- Several respondents objected to the policy approach in CE1, raising concerns over viability, feasibility and some stated that the planning system should not go beyond Building Control requirements. Several respondents stated that the policy is not in accordance with national and regional policy and may not be feasible given the sensitive historic townscape in the borough. Respondents generally requested that 'where viable / feasible' be made explicit in the policy. Respondents also raised concern with using the Code for Sustainable Homes to assess environmental quality of existing development where subterranean developments are proposed.
- The GLA did not raise concerns with the soundness of CE1, but put forward several suggestions such as removing the text clarifying the types of emissions ("including those from energy, heating and cooling"); requiring the cooling strategy to be a passive design solution in hierarchy in CE1(d); reference to unregulated energy; and making it clear that it's the building heating systems and infrastructure that are able to be connected to form a district heat and energy network. The GLA also requested that requirements for CHP are where feasible.
- GoL supports the Council's ambitious carbon reduction targets, but seeks to ensure that CE1 is not overly restrictive and therefore unreasonable. GoL also state that the Inspector will require a justification for the hierarchy in CE1(d).

## **Policy CE2: Flooding**

- Thames water wishes to strengthen the flooding policy to avoid developments at risk of sewer flooding unless the appropriate infrastructure could be put in place in advance. They also wanted express support for the Thames Tunnel to reflect the Mayor's position in the Draft London Plan. They wished for some errors in the wording of paragraph 36.3.19 to be clarified. They also wanted rewording of the corporate action regarding Counters Creek to support partnership working in the long-term as Thames Water has recently secured regulatory funding to progress short-term mitigation from sewer flooding for the period 2010 to 2015. GOL also wanted the policy to support the principle of the Thames Tideway Tunnel.
- A resident considered that the information regarding flooding incidents on the Counters Creek were inaccurate.
- The Environment Agency were disappointed that the Sequential Test was not mentioned in the flooding policy and suggested that the Thames Tunnel policy was included separately as the Thames Tideway Tunnel as it will not have any implications for flood relief.
- The Kensington Society considered that the Core Strategy fails to identify the areas at risk from surface water and sewer flooding and there is a need to ensure that basements proposed in areas of flood risk from surface water and sewer flooding are designed to avoid or control risk of flooding and danger to life.
- A resident wanted modifications in the map to reflect the Counters Creek Study. Capital and Counties seek change in terminology so the policy would not resist uses such as hotels, health services and education uses in buildings within Zone 3. They also wanted the use of SUDs to reduce only the speed of water but not the volume.

## **Policy CE3: Waste**

- The Port of London Authority supported the wording in the policy regarding Cremorne Wharf. However, they considered that further reference to the use of the river as a sustainable mode of transport should be included and the waste DPD must set out the steps which will be taken in order to get waste materials delivered to and exported from the site by water. They also wanted to be involved in discussions with the Borough and the GLA to enhance the use of the Thames for transport.
- The Environment Agency (EA) supported the policy and found it to be legally compliant and sound.
- GOL supported the commitment to meet the apportionment figure and to prepare a waste DPD but wanted confirmation of the proposed timetable for the DPD which was later given to them.

- Capital and Counties wanted a change in the wording from ‘waste treatment’ to ‘waste management’ which was agreed. They also wanted to increase flexibility and deliverability in the policy by making use of the rail and waterway network for the transportation of waste ‘where feasible and viable’.
- The Environment Agency supported the biodiversity policy as being sound.
- HUDU request reference to poor health caused by air pollution.
- HUDU request reference to the impact of noise and vibration on ill health and wellbeing. Capital and Counties request that the noise standards refer to regional and national standards and request that tranquil areas are respected and enhanced, subject to viability.

## **Section 2C: Infrastructure**

### **Chapter 37: Infrastructure**

Five comment were received from four organisation/individuals

- GOL refer to Chapter 37 of the Core Strategy which sets out further detail of the infrastructure projects that will support and enable development, including *delivery lead*, *delivery period* and *funding arrangements*. They suggest that the Infrastructure Table would benefit from additional information in the ‘Why’ column setting out the number of homes/quantum of commercial development that is dependent on delivery of each infrastructure item, and requested further information on the IDP process.

#### **Various Detailed comments on the Infrastructure Table were received.**

- Thames Water support recognition that delivery of infrastructure is critical to the delivery of all the strategic objectives of the Core Strategy and the inclusion of Policy C1. However, they seek specific reference to utilities infrastructure to ensure the provision of adequate water resources together with the necessary treatment and distribution systems, and waste water treatment capacity and disposal routes due to the need to be sufficiently flexible to enable water supply and wastewater infrastructure to respond to the demand new development creates. A utility infrastructure-specific policy within the Core Strategy is sought.
- The GLA support the reference towards contributions towards Crossrail within the CAZ. However, since drafting the policy, the London Plan SPG on these contributions has moved on. Some updating in recognition of this is sought.
- Other objectors consider that much of this sub-section is intended to provide the start of a basic framework for infrastructure planning, upon which the Community Infrastructure Levy (CIL) can subsequently be hung. They consider that the list within paragraph 29.2.4 is in respect of planning obligations and that many items such as “affordable shops” are not justified by policy, or in the case of health facilities, police and fire infrastructure and other



services should be funded by other sources and not the development industry. They should therefore not be included in the list of items to be covered by planning obligations.

- Along a similar theme, the Kensington Society express concern about the need for infrastructure needed to cope with housing expansion while many of the ancillary social, medical and commercial services on which residents rely are already over-subscribed, have little or no room in which to expand and are faced by prohibitive K&C land values if they want to expand.

## **Section 2D Monitoring, Risks and Contingencies**

### **Chapter 38: Monitoring**

Four comment were received from four organisation/individuals.

- Of note were the reps received from the Government Office for London (GOL) considered that some of the indicators/targets could be made more robust through the addition of numerical targets for example policies CA4(e), CA4(f), CA5(c) & CA5(d).

### **Chapter 39: Contingencies and Risks**

Three comment were received from two organisation/individuals.

- GOL wished to see the Council set a desired quantum of development linked to infrastructure. This was of particular importance with regard the Kensal area, were a Crossrail station not be delivered.

## **Section 3 Supporting Information**

### **Chapter 40: Housing Trajectory and Supporting Information**

Two comment were received from two organisation/individuals.

- GOL have made representations to the table in Chapter 40 shows that 5323 homes can be delivered through the strategic site allocations in the plan. They state that the Core Strategy should make it clear how the remaining homes (that will not come forward on the strategic sites) are to be delivered. They therefore seek reassurance that the Council has the evidence base to support the full target.
- Capital & Counties have stated that housing trajectory at p.319 should be adjusted to reflect an additional 500 units (minimum) at the Earls Court strategic site from 2013/14 onwards. This means the table showing the strategic site allocations on p.321 should be adjusted to show a minimum of 1000 units at Earls Court and an estimate of affordable units of 0-400

## **Chapter 41: Policy Replacement Schedule**

- A representation was received which noted that the policy replacement schedule required updating.

## **Chapter 42: Proposals Map**

### **Proposals Map**

Six comment were received from four organisation/individuals.

- Metro Shopping Fund have asked that the frontage of Newcombe House be redesignated as part of the Notting Hill Gate District Centre.
- Capital & Counties, wanted the designation of a local centre and the boundary of the wider regeneration area shown.
- The Chelsea Society wanted the Thames Policy area to be shown.
- The Knightsbridge Association wanted the shopping centre boundary to be amended/reduced in size.

## **Chapter 43: Evidence Base**

No specific comments made. They have been addressed in relation to specific chapters.

## **Chapter 44: Relationship to Community Strategy**

One comment received from one organisation/individual

- One comment was received from NHS London Healthy Urban Development (HUDU) who stated that the Core Strategy did not reflect the concept of spatial planning by not integrating Kensington and Chelsea PCT's strategic priorities and the aims of the community strategy 2008-2018 to improve and protect the health of the local population and reduce inequalities. They wanted the vision and the strategic objectives to refer to health addressing health aims of the community strategy.

## **Chapter 45: Glossary**

No specific comments.