Report to the Council of the Royal Borough of Kensington and Chelsea

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE CORE STRATEGY FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA WITH A FOCUS ON NORTH KENSINGTON

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 19 March 2010

Examination hearings held between 20 and 29 July 2010

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ABBREVIATIONS USED IN THIS REPORT

AA	**Appropriate Assessment**
AHVS	**Affordable Housing Viability Study**
BREEAM	**Building Research Establishment's Environmental Assessment Methodology**
CfSH	**Code for Sustainable Homes**
CS	**Core Strategy**
DPD	**Development Plan Document**
EiP	**Examination in Public**
GOL	**Government Office London**
GLA	**Greater London Authority**
HSE	**Health and Safety Executive**
HS2	**High Speed Two (the proposed high speed rail link to the Midlands and the North)**
IDP	**Infrastructure Delivery Plan**
LDF	**Local Development Framework**
LDS	**Local Development Scheme**
LP	**London Plan**
PPS	**Planning Policy Statement**
PTAL	**Public Transport Accessibility Level**
RBKC	**Royal Borough of Kensington and Chelsea**
SA	**Sustainability Appraisal**
SoCG	**Statement of Common Ground**
SCI	**Statement of Community Involvement**
SCS	**Sustainable Community Strategy**
SFRA	**Strategic Flood Risk Assessment**
SHLAA	**Strategic Housing Land Availability Assessment**
SHMA	**Strategic Housing Market Assessment**
sm	**square metres**
SPD	**Supplementary Planning Document**
TfL	**Transport for London**
UDP	**Unitary Development Plan**

[CC..]	**Post-Submission Change to Address Soundness put forward by the Council**
[IC..]	**Inspector Change**

Non-Technical Summary

This report concludes that the Kensington and Chelsea Core Strategy with a Focus on North Kensington Development Plan Document provides an appropriate basis for the planning of the Royal Borough over the next 15 -20 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Clarifying the Council's vision for the Borough;
- Providing clarification of the dates and phasing of major developments where possible;
- Clarifying the relationship between policies for 'Places' and the Strategic Site Allocations;
- Making limited amendments to the policy for the location of business uses for clarity and consistency;
- Making clear how the development of the Earl's Court Strategic Site will be progressed as part of the wider Earl's Court Opportunity Area; and
- Ensuring a sound policy for achieving affordable housing.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. There are, however, a small number of changes required that are binding on the authority. None of the changes alter the thrust of the Council's overall strategy.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS March 2010 *(ED26)* which sets out an expected adoption date of December 2010. This is achievable and the Core Strategy is generally compliant with the LDS. However the LDS contains a list of saved policies from the adopted Unitary Development Plan *(ED12)* that are to be replaced by the Core Strategy. The Council's Schedule of Proposed Amendments *(ED1b)* includes changes to the Policy Replacement Schedule in Chapter 41 of the Core Strategy that would entail revision of the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI *(ED20)* was adopted in 2007 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out, independently verified and is adequate *(EDs27 – 34)*.
Appropriate Assessment (AA)	The Habitats Directive AA Screening Report (November 2009) *(ED38)* sets out why AA is not necessary to the overall satisfaction of Natural England.
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
The London Plan	The Greater London Authority has issued a revised statement of general conformity with the London Plan by letter dated 10 June 2010 (REP/124919-2).
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS *(ED13)*.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Introduction

i. This report contains my assessment of the Royal Borough of Kensington and Chelsea's *Core Strategy with a Focus on North Kensington* Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.

ii. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Core Strategy *(ED1a, March 2010)* which is the same as the document published for consultation *(ED2, October 2009)* with pre-submission changes from the Schedule of Proposed Amendments *(ED1b)* identified in red.

iii. The Core Strategy (CS) provides a locally distinctive overall vision and strategic objectives. Individual 'places' are identified where significant change is planned and the centres which are the focus for activity (Westway, as a place, is the exception, but is included because of negative impacts which require addressing). The Council has chosen to allocate strategic sites central to achievement of the strategy within the CS. It has also included a suite of development management policies which it sees as central to its delivery strategy and related to its overall vision for the Borough and vision for individual places. The CS includes an analysis of issues and patterns in the form of a Spatial Portrait of the Borough. The document is substantial and complex.

iv. Concerns were raised at the Pre-Hearing Meeting that the Council had neither complied with the statutory requirements for consultation, nor with the SCI *(ED20)*. However, I am satisfied that the requirements have been met in all respects *(PAS Legal Compliance Self Assessment, ED16)*. Additionally, following meetings between the Council and those concerned, an SoCG *(RBKC/17, 20/07/2010)* was submitted to the Examination, which includes proposed additional text under Corporate and Partner Actions in Chapter 30.

v. My report deals with the changes that are needed to make the CS sound and they are identified in square brackets and bold text in the report **[XX]**. Following the Examination the Council compiled a schedule of proposed changes. Those which address soundness **[CC..]** are included in Appendix A. The changes that I recommend **[IC..]** are set out in Appendix C. None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.

vi. During the Examination, and in particular during the hearing phase, many issues were raised by representors which do not address the

soundness of the CS and so they are not considered in detail in my report. However, the discussions were open and frank, helping my understanding of local concerns and the Council sought to address many of them on an item-by-item basis. Some of the changes put forward are factual updates and other amendments are proposed in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. They are shown in Appendix Bi. The Council has also prepared a schedule of minor editorial and grammatical changes attached as Appendix Bii, in addition to which I am content for it to make any further minor changes to page, figure, paragraph numbering etc and to correct any spelling errors prior to adoption.

vii. In addition to those proposed changes, the Council has included proposed changes to Chapter 38 Monitoring at Appendix Biii; to the Policy Replacement Schedule at Appendix Biv; and to Chapter 7 set out in Appendix Bv, all of which I endorse.

viii. The Council's Final Changes Documents have been made available on its website and comments invited from representors. I have taken the consultation responses into account in writing this report.

ix. References in my report to documentary sources are provided in parentheses quoting the reference number in the examination library *(CD, ED..)* .

Assessment of Soundness

Preamble

1. The CS is a lengthy document, running to just short of 500 pages: indeed it has been described as "..*very long, descriptive and contains elements of repetition that make it difficult to read*..". All of this is undoubtedly true and the overlap between the Places and Strategic Site Allocations creates difficulties for the reader. It raises questions of fundamental soundness. The Planning Inspectorate's Soundness Guidance asks "*does the DPD contain material that..should logically be in a different DPD or not in a DPD at all?"* In this context it could be argued that Chapter 2, Issues and Patterns, could well have been left as part of the evidence base, and that the Strategic Site Allocations might have been better as a separate allocations DPD, following advice in PPS12.

2. However, on the first point, the Council's focus on North Kensington – rightly in my view – seeks to tackle the most pressing problems of regeneration, social, community and health issues facing the Borough. The inclusion of the spatial portrait provides the basis for this approach. On the second point, the Strategic Site Allocations are central to the achievement of the strategy and will involve substantial investment over a period of time. As a consequence I have concluded that, despite the length and complexity this, in itself, does not amount to an unsound DPD. Nevertheless, to be effective, the CS should convey the essential

messages in a clear and engaging way and many of the issues relating to soundness are concerned with achieving the necessary clarity. In order to assist readers the Council has produced an LDF index of policies by subject.

Matters and Issues

3. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified issues in relation to eleven matters upon which the soundness of the plan depends.

Matter 1 – Do the Vision and Strategic Objectives address the issues and problems facing the Borough and does the Strategy show clearly how the vision will be achieved?

4. The CS has followed the advice in PPS12 (particularly para 4.1) by including a comprehensive vision for the Borough over the next 20 years (CV1). The vision is informed by an analysis of issues and characteristics in Chapter 2 which, in turn, draws heavily on '*The Picture of Our Community*' *(2005 & 2008, CD2)*, a companion guide to the Community Strategy *(CD125)*. It identifies the reasons for the focus on the regeneration of North Kensington and provides the basis for the strategic objectives.

5. During the process of preparation of the CS the Council engaged in consultation to evaluate the issues *(Issues and Options, ED8) and* looked at alternative visions *(Towards Preferred Options, ED6a)*. Together with other documentation in the evidence base it appears that, whilst consideration of spurious strategies was avoided, there is a clear audit trail to indicate how and why the preferred approach was chosen.

6. Representors have sought two changes to the vision:

- To tackle the issue of inequality of health outcomes;
- To ensure the provision of an effective basis for development proposals to come forward at the Earl's Court Strategic Site.

7. The Council has responded with new text relating to both of these **[CC1]** which I consider appropriate and necessary to ensure the vision is a comprehensive statement of the Council's vision for the Borough. The proposed changes also include new text by the Council to improve the CS. I endorse these changes although they are not necessary for soundness.

8. Achievement of the vision is through a combination of a Spatial Strategy including 'place' visions (Chapters 4 – 18), a Delivery Strategy including Strategic Site Allocations Chapters 19 - 27), Development Management, Partnership Actions (Chapters 29 – 36), and an Infrastructure Schedule (Chapter 37) based on the Infrastructure Delivery Plan *(IDP, CD131)*. Whilst comprehensive, the Spatial and Delivery Strategies are necessarily complex and difficult to follow. As an aid, the

Council has produced a table showing the relationship between these and the overall vision *(included in the Council's responses, RBKC/3, pps 7-10)*. This is helpful in signposting the actions through which the vision will be achieved and the Council may wish to make it more widely available to users of the CS. The Council has also proposed to include bold text 'Our Local Case' to headings for the Strategic Objectives (paras 3.3.9 – 3.3.15) to make the point regarding local distinctiveness, and substitute a table listing Strategic Sites and their relationship to 'places' to replace the one at para 19.1.2.

9. Finally it has been argued that there is little attempt to indicate dates or phasing for major developments. The Council has indicated that timescales are set out in relation to the Strategic Sites, and where significant change is envisaged and it is realistic to do so. Nevertheless, it has proposed changes to the text in section 4.3 (paras 4.3.1 – 4.3.7) to include references to timescales and phasing **[CC2 – CC7]**. For clarity it has proposed to amend the commencement date for work on site at the Kensal Gasworks in para 20.3.5 **[CC17]**. The remaining change necessary deletes the reference to an Action Area Plan and introduces a reference to the LDF in the Latimer 'place' chapter at para 9.4.4 **[CC13]**.

Matter 2 – The Broad Quanta of Development and the Housing Trajectory: a) overall housing provision and distribution; b) office and comparison retail floorspace provision.

a) Overall Housing Provision and Distribution

10. The Borough's ten year housing target set down in the adopted London Plan (LP) is 3,500 dwellings with an annual monitoring target of 350. The strategic target for affordable housing provision in the LP is 50% of provision. The CS provides for this requirement from 2007/8 until the LP is replaced, estimated to be in 2011/12. In this respect it is in conformity with the LP. The draft replacement LP increases the supply of housing, proposing a Borough ten year target of 5,850 units between 2011 and 2021. It does not provide a target for affordable housing in percentage terms, but the figures indicate roughly 33% provision should be affordable. Those future targets are being tested at the London Plan EiP but there is agreement between the GLA and RBKC on targets, as achieved through the SHLAA process. The CS proposes to plan for the increase from 2011/12, including annual targets of 600 dwellings with 200 per annum being affordable housing which aligns with the replacement LP Policy 3.12. In a SoCG the GLA has confirmed it's "..*strong in principle support for the Core Strategy's broad approach*.." *(REP/134919-2)*. The Council has proposed to amend Policy CP1 qualifying the annual targets as "*a minimum of..*" **[CC8]**. This is necessary to align with Policy CH1.

11. The Council's response to my initial questions *(RBKC/1)* includes evidence on the deliverability of housing on the Kensal Gasworks site; explanations of the Housing Trajectory Scenarios (including a 'worse case' scenario for Kensal); a justification for the windfall allowance; and SoCG with key site delivery agencies. In addition to the Council's answers, a

paper submitted to GOL *(CD134)* compares the annual windfalls with total completions in the Borough between 2004 – 2008 showing the windfalls as between 29 and 45% of the totals. The paper provides sufficient justification in relation to the PPS3 requirement for robust evidence of genuine local circumstances in order to include windfalls *(PPS3, para 59)*.

12. The remaining concern is that of delivery. It is anticipated that the strategic sites will deliver a minimum of 5,300 dwellings with two sites, Kensal Gasworks and Earl's Court, both designated as Opportunity Areas in the LP, providing 3,000 of those dwellings. The greatest risk to delivery arises from the question mark over the provision of a Crossrail station at Kensal with a worst case scenario showing only 880 units delivered at Kensal coupled with a reduced supply from windfalls. This, the Council suggests may have an impact on overall housing delivery occurring towards the very end of the delivery period *(RBKC/1, para 1.11)*. It is suggested that, because decisions about Crossrail would be known well in advance other measures to achieve a higher PTAL rating could be implemented. Additionally, at the hearing, it became clear that for Earl's Court a significantly greater total than 500 units could be achieved on that part of the site within the Royal Borough. Additional wording provided as part of the Council's proposed changes to Chapter 26 Earl's Court **[CC19]** is necessary to provide the additional flexibility. This, together with the evidence provided suggests that the total amount of housing is achievable within the plan period irrespective of a Crossrail station.

b) Office and comparison retail floorspace provision

13. Based on the Employment Land and Premises Study *(CD20, 21, 21b)* the CS provides for a forecast demand of around 70,000sm of additional floorspace in terms of business uses. Making allowance for existing permissions the plan provides for 20-25,000sm of office floorspace, much of which is located in Kensal and Earl's Court. The Council acknowledges that the 2009 update has not been based on the GLA's latest employment projections but suggests, on the basis of a further update paper *(Appendix 1 to RBKC/35),* that the figure of 69,200sm remains relevant. The update paper suggests the GLA forecast is slightly more optimistic but the difference in jobs per annum is quite small. Representors have used the differences (amongst other evidence), on the one hand, to argue that the net additional office floorspace required would be lower whilst on the other hand, suggesting a higher requirement. In the former case, it is argued that there is no justification for the protection of existing office floorspace (allowing residential development) and in the latter, that the growth targets should be revised upwards.

14. Given those differing interpretations there appears no consensual basis for revising the total quanta one way or the other. The Council has proposed additional text to para 4.3.5 **[CC5]** indicating that the existing permissions would, if phased evenly, meet forecast demand until 2017, although indicating there is no provision in the plan for strict phasing of development. It has also proposed to amend the total figure in Policy CP1(2) to reflect the increase in floorspace that has occurred since 2004

[CC8] and make further amendments at paras 31.3.31 and 32 **[CC37 & CC38]**.

15. The forecast of retail floorspace, identifying a need for just over 25,000sm of comparison retail floorspace has been criticised for being based on an assumption of an annual 1.5% improvement in sales density. By comparison, a retail needs assessment for the GLA indicated an increase in productivity in the use of space of 2.2% per annum. The justification for adopting a lower figure is given in some detail in the Retail Needs Assessment (*CD18).* Accepting criticism of the uncertainty of projections, the Council has proposed new text in para 4.3.6 indicating that floor area forecasts are not included beyond 2015 **[CC6]**, necessary to ensure that the provision included in the CS remains robust.

Matter 3 – Policies for Places.

16. The overriding concern with the Places section of the CS appears to be the clarity of the messages that the section is intended to convey. The concern is, in my view, of sufficient importance to affect the soundness of the document. The Council admitted that this is a concern and suggested a number of remedies to improve clarity. The first practical action is to simply swap the order of sections 4.4 and 4.5 so that '*A Particular Focus on North Kensington*' precedes '*Places*' **[CC9]**. The second suggestion is to provide additional text to the section and introduce a table to clarify the nature and purpose of the Places chapters and finally to provide, in tabular form, an indication of the relationship between the Places and the Strategic Sites **[CC10 & CC11]**. All of these proposed changes were discussed at the hearings and I consider they provide the necessary clarity.

17. A second general concern with the Places section is the relationship between infrastructure needs, output indicators and monitoring actions which, in the publication version is not clearly explained. Again, the Council has taken the opportunity to suggest replacement text to the section entitled 'Monitoring' within each Place chapter **[CC12 & CC75]** to provide the necessary clarification. Additionally, there are inconsistencies between the infrastructure listed in the Places and that in the infrastructure schedule attached to Chapter 37. The Council has addressed these in tabular form *(RBKC/5, pps 8-9)* and included them as proposed changes. Although these changes are not necessary for soundness I endorse their inclusion.

18. The Council has also accepted that the relationship between the Vision for the Place and the Strategic Site Allocation needs to be clearly articulated. In addition to the changes to Section 4.4, which introduces the Places, changes are proposed to the Strategic Sites Chapters giving references to the related Place chapter. Similarly, changes are proposed to the Places chapters to make more specific links to the Strategic Sites, whilst for those Places without a Strategic Site Allocation, text is proposed to make this clear. Since the relationship between Sites and Places is clearly set out in the table proposed for inclusion in Section 4.4, these changes are not necessary but I endorse their inclusion.

19. In addition to the general changes to the introductory section and those applicable to all of the Places chapters, the Council has proposed a number of changes to individual Places. These relate to para 9.4.4, regarding preparation of a masterplan for Latimer **[CC13]**, the provision of community facilities in connection with the Earl's Court proposals at paras 10.3.10 **[CC14]** and 10.4.2 **[CC15]**, and ensuring the criteria in Policy C3 are recognised in para 16.3.3 **[CC16]**.

20. I do not support the designation of the Thames Policy Area as a 'Place' as suggested by some representors. I concur with the Council's view that it would not fall within the criteria for the selection of 'Places', most particularly in relation to that of planned significant change.

Matter 4 – Keeping Life Local.

21. Concerns have been expressed that Policy CK1 should firstly, allow for 'use-swaps' to allow some flexibility for the relocation of social and community uses, and secondly that the sequential approach to the protection of these uses would be too restrictive, hindering redevelopment proposals. However, the Council insists – rightly in my view - that the policy does not preclude use-swaps, but does not consider these should be promoted, given the complexity of delivery.

22. The sequential test aims to protect existing facilities, allow existing facilities to change to another social and community use, and provide for enabling development to provide investment into local social and community facilities. The Council's proposal to change the wording of the final bullet point of the sequential test *(RBKC/6, p5)* has my support.

23. The use of an 800m walking distance (equating to 10 minutes walk) to underpin the concept of Walkable Neighbourhoods was criticised. The basis for the chosen distance is that it is widely regarded as an appropriate distance to travel to facilities and is in line with advice in the DfT's *Manual for Streets (CD6, para 4.4.1)*. It is also used by NHS Kensington and Chelsea as an appropriate distance for travel to General Practitioners. The 800m is not set within Policy CK3, but is used specifically for monitoring its performance so far as GP surgeries are concerned. There is an argument that 800m is too far, particularly for those with mobility problems and research reported by DfT (*Inclusive Mobility*) suggests only around 50% of those with disabilities, but able to walk at all, can manage more than 200m. Nevertheless, until research findings point conclusively to a different distance, I consider the Council is right to propose retaining the 800m for this plan period.

24. Further changes proposed by the Council include amending the title of Policy CK2, generally replacing references to '*local centres*' with '*neighbourhood centres*', and amending the text to paras 30.3.4 and 30.3.6. Whilst these changes do not go as far as representors would wish, particularly in respect of post offices, the CS is not unsound and so no further changes are necessary. As a consequence of issues raised under Keeping Life Local, the Council has proposed changes to Chapter 7 Portobello Road/Notting Hill (Appendix Biv) which I endorse.

Matters 5 and 6– Strategic Site Allocations.

25. Concerns regarding the Strategic Site Allocations focus on the Kensal Gasworks, Wornington Green and Earl's Court Strategic Sites.

Kensal Gasworks

26. The Kensal Gasworks Strategic Site has the capacity for upwards of 2,500 dwellings but has a poor to moderate rating in terms of PTAL (PTAL2 to PTAL3). A new Crossrail station, providing a high speed link into London and achieving a PTAL rating of level 4, is central to the Council's ambitions but is not included in the Crossrail Act 2008. A SoCG with Crossrail Ltd *(ED41)* advises that Crossrail will further examine the business case for delivering a station as part of the Crossrail works. However, this has to be read in the context of the later evidence from TfL *(REP/305087/3)* referring to an HS2 Ltd recommendation for a Crossrail interchange at Old Oak Common (1.5km to the west) *(also CD129)*. The evidence from TfL suggests this may reduce the likelihood of a Crossrail station at Kensal, with possible links to Old Oak Common as an alternative. Clearly there is a degree of uncertainty which would have to be taken into account in the development of proposals for the Gasworks site.

27. Without a Crossrail link the development of Phase 2 is seen as less certain although PTAL4 could be achieved through bus-based improvements *(RBKC/1, SoCG with TfL, and RBKC/7, para 2.3)*. The evidence suggests that, at PTAL4 and with the HSE Consultation Zone enforced, it would be possible to achieve between 1,200 and 1,400 dwelling units in Phase 1 (the Ballymore and Sainsbury's sites). A worst case scenario, based on PTAL3, would achieve between around 800 – 900 units. In comparison the housing trajectory included in the CS *(RBKC/1, Scenario A in Appendix 3)* assumes the Kensal site will deliver 880 units.

28. Additionally there is some scepticism that the requirement for improved infrastructure is capable of being delivered. In particular TfL advises that the difficulties in bridging over the railway should not be underestimated, and a pedestrian bridge over the canal through Kensal Green Cemetery to improve access to Kensal Green underground station may not be a viable option. Nevertheless, as I have already indicated it appears from the evidence and from the SoCG with Ballymore and Sainsbury's that the total amount of housing is still achievable, certainly up to year 10. As a consequence I do not consider changes are necessary to ensure soundness.

Wornington Green

29. Two issues were raised by representors:

- The effect on local residents;
- The amount of social housing and community facilities.

30. The current situation is that the Council adopted a Planning Brief for Wornington Green in November 2009 as SPD. Subsequently planning permission was granted in March 2010 on a hybrid application comprising details for Phase 1 whilst all matters were reserved for Phases 2-5. In August a further application was received for discharge of certain conditions. The site is required to deliver 585 affordable units as replacement for the existing dwellings, together with a minimum of 150 private dwellings. The Planning Brief addresses matters which concerned representors and indicates the use of S106 planning obligations to achieve a satisfactory outcome, including delivery of affordable homes and community facilities. In these circumstances no changes are necessary to Chapter 21 but the Council has proposed to add a reference to the planning permission which I endorse.

Earl's Court

31. The Chapter on the Earl's Court Strategic Site underwent substantial amendment prior to publication *(ED1b)* with a number of changes to Policy CA7. Following the hearings a joint Position Statement between RBKC and Capital and Counties was issued *(REP-139439034)*. The significant remaining differences are:

- The reference to '*small scale*' in the Council's proposed changes in relation to the retail element;
- The reference to '*shorter and longer term*' in respect of the impact on the viability of existing centres;
- The minimum number of homes that could be accommodated on the Strategic Site;
- The requirement for a minimum of 10,000sm of office floorspace;
- The reference to 'national' in respect of the cultural facility.

32. Neither PPS4 (Annex B, local centres), nor the CS itself (para 31.3.12, ref. to day-to-day needs), provide definitions of 'small scale' in relation to retail provision or local centres. Given that the Policy CF1 requirement for the new centre is to serve day-to-day needs of the development, the term '*small scale*' is neither necessary nor helpful. In my view it is over-prescriptive and should be deleted in the Policy and the proposed changes to supporting text at paras 10.3.10 and 10.4.2 **[IC1]**. I also consider the inclusion of '*shorter and longer term*' at para 26.2.2 and '*at the time of the development and in the longer term*' at para 10.3.10 to be at variance with advice in PPS4 and so should be amended. In particular, PPS4, EC16.1d, suggests impact of a proposal on the wider area should take account of capacity in the catchment area "..*up to five years from the time the application is made*.." **[IC2]**.

33. The evidence suggests that 1,000 dwellings would be achievable on that part of the Earl's Court Opportunity Area which lies within the Borough (the Strategic Site) without going outside the London Plan density matrix *(REP/139439/27, para 2.18)* and the RPS Summary

Housing Study submitted as part of the original representation suggests even higher totals could be achieved. However, at this stage, there are no detailed plans to show how these totals could form part of the overall mix of uses or how it would relate to the remainder of the Opportunity Area proposals. For this reason I consider the Council is justified in adopting a cautious approach in Policy CA7.

34. The justification for requiring a minimum of 10,000sm of office floorspace appears to be on the basis of a 50-50 split of the identified need for the Borough between Earl's Court and the Kensal Gasworks Strategic Site. However, in the context of proposals being developed for the wider Opportunity Area the requirement is to provide a capacity of 7,000 jobs with the potential for '*strategically significant offices*' *(draft replacement LP, Annex 1)*. As a consequence, I consider there is justification for Policy CA7 to indicate a provision of a minimum of 10,000sm of office floorspace with the built-in proviso that the use may be provided as part of proposals for the wider Opportunity Area and not just the Earl's Court Strategic Site.

35. On the final point, the suggestion is that '*significant identity*' should replace '*national identity*' in respect of continuing the long standing Earl's Court brand as a cultural destination. The argument for this is that the term used is ambiguous, uncertain and cannot be readily defined. However, it appears to me that the same is true of the alternative suggestion and neither successfully defines the size, scale or identity of the cultural facility required. Rather, the simpler definition of '*a significant cultural facility'* to retain Earl's Court's long standing brand in para 26.2.3 would, in my judgement, provide a sufficient basis on which to formulate appropriate proposals **[IC3]**.

36. Overall, as a result of continuing discussions through the Examination process, a substantial number of changes were proposed to the Earl's Court Strategic Site chapter **[CC18-CC31]**. These largely address acknowledged deficiencies within the text and Policy CA7 although they do not alter the thrust of the Policy or the Council's aspirations for the Strategic Site. However, amendments are required to detailed aspects of the wording, as indicated above.

Matter 7 – Fostering Vitality.

37. In response to representations the Council has proposed changes to Policy CF1 and its supporting text *(RBKC9, paras 1.9-1.12)* **[CC32 & CC33]**. It acknowledges that the development of the Earl's Court Opportunity Area will create a demand for town centre uses with the amount of 'need' being dependent on the scale and nature of the development. However, its view is that there should be no presumption in policy that all the 'need' generated must be accommodated on the wider site. The proposed change to Policy CF1(d) supports the establishment of a new small-scale centre in the Opportunity Area, and changes to the supporting text at paras 10.3.10 and 10.4.2 reflect this approach.

38. Whilst, in general, I support those changes as being necessary to provide a clear indication of the policy stance adopted by the Council, for the reasons given above (para 32) I consider it to be over-prescriptive to refer to the new centre as '*small-scale*' **[IC1]**. My conclusion in this respect is supported by the Council's evidence *(RBKC9, para1.6 & 1.7)* which indicates that the scale of the development has yet to be decided, and that the scale of the retail element appropriate to the site will be explored as a basis for a joint SPD with the neighbouring borough of Fulham and Hammersmith. As I have also indicated in para 32, I consider use of terms such as '*in the shorter and longer term*' to be contrary to national advice in PPS4 and should be replaced **[IC2]**.

39. The aspirations of Policy CF2, so far as the provision of affordable shop units is concerned, has strong support locally as a crucial support to local businesses and the desire to keep life local. It is based on local concerns that the trend for larger shops poses a threat to the smaller independent traders – a tension that is manifest particularly in Portobello Road and Market. The case for the provision of affordable shop units is made on the basis of local evidence in the Report of the Commission on Retail Conservation to RBKC in May 2007 *[CD23]* with a recommendation that S106 agreements should be used to require the provision of small units in new developments.

40. There is criticism from the retail development industry that a requirement for large retail developments to provide small and affordable shops could put new retail developments at a disadvantage in the market place. It is suggested the Policy would act as a barrier to new retail developments. Whilst this argument carries some weight in the general context of retail development, within the Borough there appear few opportunities for larger scale retail developments to which the Policy would apply. The approach is supported by Policy 4.9 in the replacement LP, which encourages the provision of small, affordable shop units, but the replacement LP remains in draft form at the present time. Additionally there is no specific support for the approach in Government policy in PPS4 and there remain unanswered questions regarding the impact on viability. The Council has proposed to amend the text to allow for a financial contribution in lieu of physical provision. This, in my view, is a necessary change **[CC34 & CC35]**. However, in view of the concerns expressed above, I consider the first sentence of the revised Policy in CC34 should be amended to indicate that the Council will 'seek', rather than 'require' the provision **[IC4]**.

41. Policy CF3 seeks to secure the success and vitality of town centres by protecting shop floorspace in primary retail frontages. The CS, para 31.3.23, indicates that the primary and secondary retail frontages equate to the core and non-core frontages in the UDP. However, this requires a reference back to the UDP to identify the particular frontages. The Council recognises this and has proposed a change to the text at para 31.3.23, and that maps indicating the primary and secondary frontages will be published on adoption of the CS. In my view the change is necessary for soundness **[CC36]**. The Policy has been criticised on the basis that A2 uses such as banks are appropriate in all shopping frontages but PPS4

(Policy EC3.c and Annex B) advises that primary frontages are likely to include a high proportion of retail uses and that councils should make clear which uses will be permitted in such locations. The Council is, in my view, properly seeking to control changes of use to protect and enhance the differing roles of the types of frontages.

42. There has been criticism of Policy CF5, the Council's pre-submission proposed changes, and the proposed changes arising through the Examination process. The Policy is intended to influence the location of business premises within the Borough. With respect to office premises, these are classified as very small (up to 100sm), small (100-300sm), medium (300-1,000sm) and large (over 1,000sm) with protection for existing, and permission for new developments of each type in differing locations. The two significant concerns with the Policy relate to firstly, the control of large scale offices in Employment Zones and secondly, office floorspace in town centre locations. In both cases there is an issue of judgement in respect of the purpose of the Policy and of effectiveness of the criteria in achieving the desired effect.

43. In respect of large offices in Employment Zones the Council provided additional evidence *(RBKC/35)* stating that the ambition of CF5, and particularly criterion (k), is to resist large scale offices on the basis that such developments would change the character and function of these areas. It is argued that the Employment Zones should maintain a broad mix of employment opportunities to protect the small units favoured by local employers and to ensure diversity of uses within the Borough. In support of this aspiration the Council draws on the Employment Land Study *(CD20)* and subsequent reports *(CD21 & 21b)* which indicate that small units are a key feature of the Borough's stock and there is a continuing demand for them. As a consequence it suggests the policy in the CS is appropriate. I have seen no convincing evidence to counter the conclusion.

44. In proposing changes to criterion (k) the Council suggests that, as drafted, it is open to misinterpretation – meaning either that no individual large office units or business centres containing a mix of smaller units would be permitted; or alternatively that no individual large scale offices would be permitted, but that large business centres would be supported if they were made up of very small, small or medium-sized units. It is the latter interpretation that was intended by the Council. The proposed change **[CC46]** has the effect of clarifying the purpose of the Policy. An aspect of the proposed change which is less convincing is the intention that medium-sized units should make up no more than 25% of the total office accommodation. The justification for this is based on information from an Office Valuation for 2005, showing that the average floor area of around 90% of all units across the Borough is less than 300sm *(RBKC35)*. This appears to me an arbitrary justification for what would be an overly prescriptive policy and for this reason the phrase should not be included in the proposed change **[IC5]**.

45. On the second matter of concern criterion (a), as drafted, seeks to protect large offices in Higher Order Town Centres and other accessible

areas, the latter defined in para 32.3.34 as having a PTAL score of 4 or greater. The need to protect offices both within town centres and more generally across the Borough is justified by evidence in the reports and updates referred to above *(RBKC 20, 21 & 21b)* suggesting that the loss of any existing floorspace will mean that additional floorspace must be found from additional windfalls over the Plan period. As the most accessible locations, Higher Order Town Centres are seen as appropriate locations for office uses of all sizes and so it is clearly reasonable to protect office floorspace in these locations.

46. The Council's proposed changes to Policy CF5 and its supporting text **[CC39-CC46]** reduce the area in which large offices would be protected from any part of the Borough in PTAL4, to only those within, or adjacent to, town centres. The reason given is to protect offices which have a functional linkage to the town centres, defined as within a two minute walk, approximately 160m of the boundary of the defined frontages. However, this is at variance with the definition customarily used to identify 'edge of centre' for retail purposes in PPS4 (Annex B) and appears to have no alternative reasoned basis for its choice. The PTAL score would continue to be used to define accessible areas for the purpose of locating new offices. In view of the clearly defined purpose of the Policy – to prevent the loss of any floorspace - there is no clear justification for the proposed change differentiating between the protection of existing office floorspace and the provision of new floorspace. As a consequence I consider two of the proposed changes, amending Policy CF5a and providing a new paragraph after 31.3.33 should not be included in the CS **[IC6]**, whilst **CC39** and **CC40** can only be included with appropriate amendments **[IC7 and IC8]**. The remainder of the proposed changes provide necessary clarification of the Policy and its supporting text.

47. A further amendment aimed at creating a sound policy is proposed to Policy CF5(a)ii to make explicit that social and community uses which serve residents will be favoured above office uses within town centres **[CC45]**.

48. The Council's reliance on a floorspace to worker ratio of 14.7sm for offices has been criticised with alternative densities suggesting a figure of 12sm, as used for the draft replacement LP, as more likely to be appropriate. However I was not convinced by the evidence that there would be a difference in the net additional office floorspace required from changing the assumptions such that actual allocations would be significantly different.

49. Whilst indicating its opinion that the CS is now in general conformity with the London Plan, the GLA has maintained its concern that excluding hotels in the Earl's Court Ward from the general protection offered by Policy CF8 could be in conflict with LP Policy 3D.7. In a SoCG, it has been agreed with the GLA that text will be added to para 31.3.48 indicating that the Council will review the Policy in the light of evidence collected as part of the Annual Monitoring exercise. Since this is an issue of conformity the additional text is necessary **[CC47]**.

Matter 8 – Better Travel Choices and An Engaging Public Realm.

50. The issues raised in respect of these chapters included the problems of achieving north-south links (para 32.3.9), particularly in respect of increasing traffic volumes, including bus and heavy goods traffic, through conservation areas; the requirement that new development should not result in an increase in traffic congestion or on-street parking pressure (Policy CT1(b); and issues regarding cycle provision, with particular respect to providing continuity of cycle routes separate from the highway network. The first and last of these are particularly problematic in a substantially and densely built-up area and the Council has shown evidence of the difficulties in finding solutions. In respect of the second issue, the Council points to the Borough's heavily congested road network and the serious impact that can arise from any significant increases in traffic and on-street residents' parking.

51. In my view, none of these raise issues of soundness, although the Council has responded to the criticisms with a number of changes. In respect of other issues, I consider a change to Policy CT1(n)(i) is necessary to ensure commitment is not made to action prior to the results of an investigation into the one-way system **[CC48]**. I also consider that Policy CR6(g), requiring maintenance of street trees, is not deliverable through the planning system and the Council has agreed to move this to Corporate or Partnership Actions **[CC49]**. The remainder of the Council's changes have my support as improvements to the document.

Matter 9 – Renewing the Legacy and Respecting Environmental Limits.

Renewing the Legacy

52. The publication of PPS5, whilst not altering primary legislation, has introduced a new terminology, including the introduction of a new phrase 'heritage asset' as a generic term to cover historic designations. The Council has agreed that changes are necessary to Chapter 34 to ensure it reflects the new advice, notably in respect of policies CL3 and CL4 and their supporting text. The changes are not included in the Council's schedules, so I have included them in Appendix C **[IC9-12]**.

53. Policy CL2 includes specific requirements for tall buildings, using an approach grounded in the distinctive local character of high density, low to medium rise built form. The GLA had previously expressed concerns about conformity with the LP which suggests identifying suitable locations for tall buildings in DPDs. However, the GLA has indicated that the Council's response has been helpful and agreement has been reached on additional text to be included following para 34.3.29 **[CC58]**. This indicates a procedure appropriate for sites where there may be scope for a district landmark. This is necessary for conformity reasons. The Council has taken the opportunity to revise Policy CL2 (criteria h-m) and the supporting text. The Council acknowledges that the Policy is open to misinterpretation and so it is potentially unsound. The proposed changes successfully address the problem **[CC50-CC62]**.

54. Another aspect of Policy CL2 which has been criticised by representors concerns criterion (g) requiring subterranean extensions to meet specified criteria. The justification is that there has been an increasing number of applications for this type of development in recent years and CL2(g) is proposed to replace Policy CD32 in the UDP. Additionally, the Council has adopted a Subterranean Development SPD in 2009. CL2(g) introduces a new criterion indicating that subterranean developments under listed buildings are unacceptable. I am satisfied that the Council has provided sufficient evidence to support the approach, including reference to relevant appeal decisions *(RBKC/11, para 5.5)* and to the Planning Practice Guide to PPS5. It has proposed to introduce a reference to subterranean development in para 34.3.39 which I endorse.

55. Policy CL5 seeks to achieve high standards of amenity in all new developments, but has been questioned for not being specific in its requirements. The Council has argued that the approach has been followed since 1982 and has been shown to be sound. However, it has accepted that additional text should be provided to the reasoned justification, particularly in dealing with issues of assessing sunlight and daylight, privacy, and sense of enclosure **[CC63-CC65]**. The Council has also proposed minor changes to the wording of Policy CL5 including the reinstatement of 'reasonable' in relation to visual privacy, and inserting 'material' in relation to worsening of conditions concerning daylight and sunlight, which I consider to be necessary **[CC66]**.

56. Concerns raised about the treatment of the London Density Matrix and vistas and views in Chapter 34 have, in my judgement, been addressed through the pre-submission Proposed Amendments *(ED1b)* and no further changes are necessary.

Respecting Environmental Limits

57. The Supplement to PPS1: Planning and Climate Change (paras 30 - 33), requires councils to help achieve the national timetable for reducing carbon emissions, but – importantly – that they should ensure what is proposed is evidence-based and viable. It has been suggested that the requirement under Policy CE1 to meet specific CfSH/BREEAM standards is possibly undeliverable because it is too ambitious and is too prescriptive. The Council's evidence includes two studies: the first considers the viability and feasibility to which conversions and refurbishments can be retrofitted to meet the required environmental standards *[CD79]*, and the second, the AHVS *[CD58 & RBKC19A]* considers assumptions for viability analysis in relation to the provision of affordable homes. The latter study assumes that Code Level 4 applies to both market and affordable housing sites, concluding that a 46% affordable housing target for the Borough would be achievable.

58. Further substantive evidence has been provided to the Examination by the Council in support of its approach *[RBKC/12, sections 1 and 3]*. However nothing I have seen supports any requirement for developments to achieve above Level 4, or 'excellent' in respect of non-residential development. A suggestion that there should be a '*subject to viability*'

requirement has not been pursued. Accordingly, I consider the Policy requires amendments to ensure that the achievement of levels in advance of those set out nationally are sought rather than required **[IC13]**. Additionally, the Council has proposed sensible amendments to criteria (a) and (b) so that the standard is applied to residential development over 800sm and non-residential development over 1,000sm. The change will limit the requirement for an assessment to larger developments, reflecting the local floorspace thresholds used for determining affordable housing requirements *(RBKC/12, para 1.4)* **[CC73 & CC74]**.

59. The final matter concerns Policy CE2, Flooding, which seeks to require development to mitigate the effects of and adapt to surface water and sewer flooding. This is an emotive subject with a raw edge as a consequence of a severe flooding incident in the Counter's Creek catchment during July 2007, when over 500 properties reported flooding for the first time. Following this Thames Water undertook a study into Strategic Sewer Flooding Alleviation. Amongst the findings, the report indicates that over 7,000 properties will be at risk of internal flooding from a 1 in 10 or more frequent event by 2020, and that average sewage levels have risen from around 2.13m below ground level in 1971 to 1.92m in 2008 *(REP/135068/3 and RBKC/27 - Thames Water study findings, p7 and fig 3)*. The report concludes that a New Strategic Relief Sewer would be the most appropriate solution, with a timetable for its implementation running until 2018.

60. There is a feeling from some representors that the CS does not adequately address the concerns and amongst the suggestions are firstly, that there should be tighter control or even a moratorium on subterranean developments; that basement development should only be permitted in areas at flood risk if they pass the Exception Test in PPS25, and that the Proposals Map should show areas at risk of sewer flooding in the Counter's Creek catchment in addition to the EA flood risk zones.

61. Policy CE2 already indicates that the Council will resist vulnerable development, including self-contained basement dwellings in Flood risk Zone 3 and require Flood Risk Assessment in Zones 2 and 3. It also requires the incorporation of suitable flood defence or flood mitigation and other measures (Policy CE2 criteria d - e) in addition to the requirements under Policy CL2 (g) and has produced a Subterranean Development SPD to guide developers. The latter document makes it clear that self-contained basement dwellings in Zone 2 and any basement uses in Zone 3 will only be appropriate if they pass the Exception Test. I believe the Council is correct in suggesting these measures put in place sufficient safeguards to reduce vulnerability and prevent the risk of flooding. There is not sufficient evidence of harm, in my view, to require a moratorium on all subterranean developments at this time.

62. The Council proposes to show Flood Risk Zones 2 and 3 on the Proposals Map **[CC77]**, but has resisted suggestions that 'indicative flood risk zones' for areas affected by surface water and sewage flooding should also be shown on the basis that they cannot be shown accurately at present. This is clearly the case. The map provided in the Thames Water

study is the result of hydraulic modelling which included assumptions, whilst Map 17 of the SFRA shows only surface water not sewage flooding, and is in any case, only indicative. I support the Council's view that more research is necessary before accurate flood risk zones can form a basis for development planning and be shown on the Proposals Map. However, I endorse the Council's additional text after para 36.3.18 committing it to an early review of Policy CE2 once areas with critical drainage problems have been identified accurately, and its proposed additional text in Policy CE2 to include '*areas with critical drainage problems*' for the purposes of criteria b - d.

63. Thames Water expressed concern that the CS was unsound in respect of dealing with the Thames Tideway Tunnel and, in its further statement has suggested changes to the text of para 36.3.19 and to Policy CE2 – although it conceded the latter does not go the heart of the tests of soundness. Pre-submission, the Council proposed changes to para 36.3.19 but proposed only one minor change to the wording of the Policy. No further changes are proposed and I consider none are necessary.

Matter 10 – Diversity of Housing.

64. Chapter 35 was amended prior to publication *(ED1b)* firstly, to take account of the revised targets incorporated in the replacement London Plan in Policy CH1; secondly to introduce an element of flexibility in respect of the application of criterion (b), and amend the wording of criterion (j) of CH2; and thirdly by deleting criterion (c) of CH3.

65. The outstanding questions arising from representations and my questions were:

- The proportion of family sized units required by Policy CH2(a);
- The application of standards through Policy CH2(b);
- The affordable housing requirement stated in Policy CH2(i);
- The calculation of affordable housing using floorspace rather than number of units;
- The protection of market residential use through criterion (c) of Policy CH3;
- The balance between benefits of estate renewal and consequences for residents implied by Policy CH4.

66. Policy CH2(a): The Council intends to explain how to achieve the housing mix in an SPD for adoption in 2012. It considers the CS is not the appropriate vehicle to prescribe a mix since there are too many constraints within the Borough for a blanket approach and the mix will vary over time. It has proposed amendments to the text in para 35.3.10 to include a reference to *four or more* bedrooms. These are not necessary for soundness, but I support their inclusion.

67. Policy CH2(b): The standards are for Lifetime Homes and wheelchair accessibility, referred to in the Council's Access SPD; and floorspace and floor-to-ceiling heights from the draft London Housing Design Guide. As a consequence of representations the Council has proposed to introduce an element of flexibility to the wording of CH2(b) and changes to the supporting text at para 35.3.12 providing justification and further explanation of the requirements **[CC67, CC69 & CC70]**. Without the changes to the criterion the application of the Policy could be unduly rigid, and not properly justified, so they are necessary for soundness.

68. Policy CH2(i): The criterion states that the Council will require the "*maximum reasonable amount of affordable housing with the presumption being at least 50% provision*..". Whilst the overall target referred to in para 10 is roughly one third of the overall total, the target of 50% is a site target based on a SHMA *[CD48]* which provides justification based on need and on viability analysis through an AHVS *[CD58 & RBKC19A]*. The overall aim is to positively enhance the creation of mixed communities. The wording suggests that the delivery target is a minimum policy requirement and therefore can only be exceeded. As a consequence it could be argued that any scheme failing to exceed 50% affordable housing would be contrary to policy. The wording is ambiguous and could be interpreted as inflexible and contrary to national and LP policies. The Council's proposed changes which would require developments to provide 50% from all developments exceeding the minimum floorspace, and requiring justification where this is not proposed, are necessary to provide clarity **[CC71 & CC72]**. The changes proposed to the supporting text at para 35.3.18 are also necessary to justify the Policy and explain the requirements for justifying proposals not providing 50% affordable housing **[CC68]**.

69. Use of floorspace: The use of floorspace as a basis for calculating the requirement for affordable housing has been criticised because of a perceived absence of supporting evidence, and because LP Policy 3A.11 is based on sites with a capacity of more than 10 units. On the latter point, however, the GLA has not raised issues of conformity. The Council's case is based on the special circumstances that exist in the Borough of high density development on generally small sites, with the provision of housing tending to be at the upper end of the property market, leading to the 10 unit threshold being a blunt instrument. Justification for a floorspace based approach is provided in the AHVS *[CD58 & RBKC19A]* whilst calculations for the actual thresholds are set out in the CS at Chapter 40. The evidence suggests that the floorspace equivalent is on the generous side compared to a ten unit threshold and floorspace has been used for this purpose elsewhere in the London area. On this basis I consider the CS to be sound in respect of its requirement for affordable housing.

70. Policy CH3(c): The purpose of Policy CH3 is to ensure a net increase in residential uses. In particular there is seen to be a need to balance the demand for housing against the need for social and community and employment uses. Criterion (c) which provided for new residential use and floorspace everywhere except in certain specified locations was

proposed to be deleted in the pre-submission amendments. I agree that this is a sensible deletion on the basis that it duplicated other policies elsewhere in the CS, and is replaced by a note identifying the relevant policies. The Council has proposed one further change, identifying the need to resist the loss of both social rented and intermediate housing which I support.

71. Policy CH4: Estate renewal carries with it the potential to disrupt the lives of existing residents to a significant degree and Policy CH4 is designed to address concerns that existing communities could disintegrate as a consequence. Amongst the provision of the Policy, criterion (b) indicates that all existing tenants will be guaranteed an opportunity of a home within the area. The first of the estate renewal projects, Wornington Green, proposes to achieve this by phasing development to allow for re-housing existing tenants prior to demolition. Kensington Housing Trust, which owns the estate, has entered into a S106 Agreement covering the general affordable housing provisions of the scheme.

72. As a consequence of representations the Council has proposed to rephrase criterion (b) qualifying the '*opportunity of a home*' by stating that it should '*meet their needs*', and replacing '*in the area*' with '*in the neighbourhood*'. These are not necessary amendments but they have my support. However, I am more concerned that the criterion suggests the guarantee to existing tenants will be provided by the Council through the planning process. The wording is ambiguous and requires clarification, if it is to remain as a criterion, to the effect that the Council will "..*require a guarantee that all existing tenants have an opportunity of a home.*." **[IC14]**.

Matter 11 – Infrastructure/Monitoring, Risks and Contingencies and the Proposals Map.

73. The infrastructure necessary to support the CS is identified so far as possible by the Local Infrastructure Delivery Plan *(CD131)* which will be monitored formally through the Annual Monitoring Report. Chapter 37 provides an overview and is supported by the Infrastructure Schedule providing a snapshot of known infrastructure requirements. The Council recognises that this involves an issue of keeping up to date, and has proposed changes to this effect which are helpful but not necessary on the basis that it is only a snapshot. However the Council considers the schedule should be included in order to ensure that infrastructure requirements are taken into account in site planning. This is, in my view, correct, but I also support the Council's proposal to include additional text to para 37.2.5, advising where up-to-date information may be found.

74. A number of changes are necessary to the Proposals Map for clarity and accuracy. In particular, the boundary of the Earl's Court Strategic Site requires amendment to correctly identify the site; the Notifiable Installations at Kensal require identification and the Council has proposed to include the information on the Proposals Map. The designation of Lot's Road as a Strategic Site on the Proposals Map should be deleted as planning permission has now been granted for this development. These

changes are included in Appendix A **[CC76 - CC81]**. Additionally, the Key Diagram requires amendment to symbolically show a new centre within the Earl's Court Opportunity Area as proposed in Policy CF1 **[CC82 & CC83]**. The Council has agreed that the omission of Lot's Road as a broad location for development on the Key Diagram is a graphical error but its Schedule of Changes omits a proposed change. So I have added this in Appendix C **[IC15]**.

75. A proposal that the frontage of Brompton Road running west from Montpellier Street be amended on the Knightsbridge International Centre Map is not, in my view, supported by credible evidence. I have also considered the suggestions for the identification of flood risk areas based on different criteria to that provided by the Environment Agency but, as I have indicated at para 62, there is no justification for departing from established practice in this instance.

Overall Conclusion and Recommendation

76. **I conclude that with the changes proposed by the Council, set out in Appendix A, and the changes that I recommend, set out in Appendix C, the Royal Borough of Kensington and Chelsea Core Strategy with a Focus on North Kensington DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly.**

77. **For the avoidance of doubt, I endorse the Council's proposed minor changes set out in Appendix Bi; its proposed editorial changes set out in Appendix Bii; proposed changes to Chapter 32 Monitoring at Appendix Biii; to the Policy Replacement Schedule at Appendix Biv; and to Chapter 7 set out in Appendix Bv.**

Patrick T Whitehead

Inspector

This report is accompanied by:

Appendix A (separate document)

Appendix Bi (separate document)

Appendix Bii (separate document)

Appendix Biii (separate document)

Appendix Biv (separate document)

Appendix Bv (separate document)

Appendix C (attached)

Appendix C – Changes that the Inspector considers are needed to make the plan sound

These changes are required in order to make the Core Strategy sound.

Inspector Change No.	*Policy/Paragraph/Page*	**Change**
IC1	Proposed changes CC14, CC15, CC20, CC23, CC33.	Delete the term "small scale" in each proposed change.
IC2	Proposed change CC20 Proposed change CC32	Delete "short and longer term" Delete "both at the time of the development and in the longer term".
IC3	Proposed change CC21 and CC24	Replace references to "a significant cultural use that is of at least national identity" with "a significant cultural facility" in both proposed changes, and replace the first sentence of CC20 with "A new significant cultural facility is required."
IC4	Proposed change CC35	Replace the first sentence with "seek the provision of affordable shops in new large scale retail development or mixed use development with a significant retail element.."
IC5	Proposed change CC46	Delete "..and where the total floor area (net) of the medium-sized units make up no more than 25% of the total office development".
IC6	Council's proposed changes, amending Policy CF5a and providing a new paragraph after 31.3.33	These two changes should not be incorporated in the Core Strategy and have been deleted from Appendix Bi.
IC7	Proposed change CC39	In the first sentence, after "..in other accessible areas" delete "close to town centres".
IC8	Proposed change CC40	In the second sentence, after "town centre locations" delete "or to sites immediately adjoining these locations"

IC9	Sub-heading preceding paragraph 34.3.31	Replace "Historical Environment" with "Heritage Assets – Conservation Areas and Historic Spaces"
IC10	Policy CL3 Heading	Replace "Historical Environment" with "Heritage Assets – Conservation Areas and Historic Spaces"
IC11	Sub-heading preceding paragraph 34.3.38	Replace "Historic Assets" with "Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology"
IC12	Policy CL4 Heading	Replace "Historic Assets" with "Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology"
IC13	Policy CE1	Insert "and seek to achieve:" as follows: • CE1a(i) - after "Up to 2012: Level Four;" • CE1a(ii) – after "Up to 2015: Excellent;" • CE1b(ii) – after "Up to 2015: Very Good (with 40% of credits achieved under the Energy, Water and Materials sections);"
IC14	Policy CH4(b)	Amend the Council's proposed change to criterion (b) of Policy CH4, to read: "require a guarantee that all existing tenants have an.."
IC15	Key Diagram	Add Lot's Road as a broad location of development.