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The Policy Team
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Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London, W8 7NX

10th December 2009

By Email and Post

Dear Sirs,

**Core Strategy and North Kensington Plan “Proposed Submission Version”
Representations on Behalf of Nottingdale Ltd**

We write on behalf of Nottingdale Ltd, the owner and developer of a large part of the Freston/ Latimer Road Employment Site to provide comments on the Core Strategy “Proposed Submission Version”. Representations have previously been made to the Interim Issues and Options, Places document and towards preferred options.

The comments provided are given with reference to the relevant section in the consultation document. Comments are limited to particular sections and chapters.

In accordance with paragraph 4.52 of PPS12 we have provided comments in reference to the tests of soundness.

In providing these comments we have reviewed the Roger Tym and Partners produced Employment Land and Premises Survey 2007 (based on 2004 data) and the draft report by the same company titled Employment Land Review Update dated September 2009.

Also of relevance is the GLA London Office Policy Review (November 2009) produced by Radius Consulting and Roger Tym and Partners.

The comments provided are presented on the Representation Form (with comments attached) issued by Kensington and Chelsea.

Please contact Alex Graham on 020 7557 9995 or ag@londonpp.co.uk to discuss.

Yours Sincerely,

The London Planning Practice

The London Planning Practice LLP

cc: Richard Jones – Jackson Coles
Grenville Barr – Jackson Coles
Brian Beard - Monsoon



Proposed Submission Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

Development Plan Document

Local Development Framework

Publication Stage Representation Form

Please e-mail this form to: planningpolicy@rbkc.gov.uk

Alternatively send this form to:

Planning Services
Policy Team
Room 328
The Town Hall
Hornton Street
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For further information:

Visit our website at: <http://ldf-consult.rbkc.gov.uk>

Phone the LDF hotline on: 020 7361 3879

Responses must be received no later than midday Thursday 10 December 2009

Personal Details

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To be "sound" a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

"Justified" means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

"Effective" means that the document must be:

- deliverable
- flexible
- able to be monitored

"Consistent with National Policy" means that it is consistent with government guidance contained within Planning Policy Guidance and Planning Policy Statements

Do you consider the core strategy to be legally compliant?

Yes

No

Do you consider the core strategy to be Sound?

Please tick the appropriate box

If you have selected YES and you wish to support the legal compliance or soundness of the core strategy, please be as precise as possible when setting out your comments below

Please make it clear which Paragraph number, Vision box number, Policy box number or Objective box number you are commenting on.

PLEASE SEE ATTACHED

POLICY CH2

40.2. APPENDIX 2 - FURTHER EVIDENCE

Please attach additional pages as required

If you have selected NO do you consider the core strategy to be unsound because it is not.

Justified

Effective

Consistent with national policy

Please tick the appropriate box

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RBKC CORE STRATEGY

Housing Diversity

Comments in relation to:

Policy CH2 (Affordable Housing)

40.2 Appendix 2 - Further Evidence

We object to the affordable housing policy approach being suggested in CH2.

In relation to Affordable Housing the 50% strategic (London Plan) target relates to the delivery from all sources not just those secured through planning obligations on private market housing development. This needs to be reflected very clearly in the wording of the policy. As the Core Strategy will need to be in accordance with the London Plan, it should also be noted that the draft changes to the London Plan are material and these seek to remove the % based target for affordable housing provision.

The policy recommends that a floorspace capacity level is applied. This is set at 800sqm, whereby proposals regardless of the number of dwellings would be expected to provide 50% affordable housing for developments over 800sqm. We object to this for the following reasons:

1. Policy 3A.11 and para 3.60 of the London Plan (2008) states clearly that in assessing capacity the density criteria appropriate to the site location set out in the LP density matrix (Table 3A.2) should apply. As such, using the floorspace calculation proposed does not follow the strategic policy in the London Plan as it applies a blunt uniform requirement regardless of location in the Borough. Many parts of the Borough provide for large family housing and this should inform the density assessment.
2. Notwithstanding the above objection in principle, a threshold of 800sqm based on an assumed 9 unit scheme is considered to be an unrealistic and artificially low floor area. It should be at a level which reflects a reasonable mix of units built to an average size that the private residential market in K&C would require. I.e units larger than the minimum size standards given in the UDP. Research should be taken from recent residential developments in the Borough and from existing (historic) housing stock to establish a reasonable size of unit that the residential market would require. Additionally the Mayors draft Housing SPD looks to raise the minimum unit sizes for residential development. This should also be considered material when judging whether it is sound to apply the minimum unit sizes suggested.
3. The basis for calculating the 800sqm threshold is also fundamentally flawed. It assumes a very convoluted process based on a housing mix that is contrary to the

findings of the Council's own Housing Assessment that identifies a need for high number of family sized units.

4. The text to the capacity assessment also falls short of explaining why a scheme of residential development just over the capacity size (say 810sqm) would require a commuted payment and what that payment would be. It must only be logical that a 9 unit scheme of minimum sized units equating to 800sqm cannot mean that 10 units are achieved by anything other than the addition of another minimum sized unit.
5. The floorspace minimums do not take account of other site specific circumstances such as conversion schemes which have to work within the confines of an existing property and cannot be manipulated to meet a pre-defined set of standards with any accuracy. This is especially true of listed buildings.

In its current form the suggested policy basis is onerous and likely to significantly stifle residential development damaging the delivery of market and affordable housing across the Borough.

It should be made clear that all affordable housing expectations must be reasonable and they must be tested through the process of financial viability.

We **object** to part 'm' of this policy. Whilst it is encouraging that the Council recognise the benefits that off site affordable housing can achieve, we object to the need for offsite affordable provision to be applied for concurrently with the main application. There are adequate safeguards in the ability to word legal agreements to ensure development of market housing or the 'main site' does not and cannot proceed in the absence of an agreed and suitable affordable housing scheme on a site that is acceptable to the Council.

Expecting a second site to be acquired and designed for the planning obligation in the absence of any assurance (ie planning permission) for the delivery of the market housing would cause significant funding difficulties and frustrate housing development. It also seeks to pre-empt what an acceptable level of affordable housing might be for that site before a planning application is made.

Again, the clear strategic policy is to encourage rather than constrain housing development and on this basis the current suggestion is considered to be counterproductive to that aim by placing unreasonable financial and development risk burdens on those capable of delivering new housing in K&C.

We **object** to part 'q' of this policy. A requirement for 85% of any affordable housing provision to be social rented is contrary to the London Plan. The recent proposals published in April 2009 by the new Mayor for revisions to the London Plan also state that there will be a greater focus on stimulating development of more intermediate housing options and family sized housing in London which this policy position directly contradicts.

Appendix 2 – Further Evidence

We object to the assertion that affordable housing provision should be calculated on the basis of floorspace. Flat sizes and the sizes of habitable rooms for affordable housing are standardised by the Housing Corporation. There is no such requirement for market housing and indeed there should not be a penalty of additional cost for building affordable housing as a result of different approaches to housing design. The Mayor has clearly indicated that sizes of private units across London are often too small and larger units should be provided (see draft housing SPD).

It is easier to quantify affordable housing as habitable rooms than floor area and it allows for a direct comparison that is not possible if floor area is used. This is because the standards for affordable housing are strict and so the provision of a certain area of affordable is unlikely to fit exactly or easily with these standards.

There is a justification given for judging the need for any development to provide affordable housing by the capacity of the site to accommodate 10 or more houses. This appears to be based upon the fact that 'very large' (250-300sqm units) are often proposed in the Borough and these can limit or circumvent the amount of affordable housing delivered.

Large flats/ houses are often proposed as they meet the requirements of people wishing to live in the Borough and provide, for the most part, a provision of family sized dwellings which the Council is keen to encourage. Indeed, the Core Strategy states that the latest housing market assessment shows the main shortfall in terms of market housing as being three and four bedroom homes. It goes on to state that approximately 80% of market housing in the Borough should be three and four bedroom homes.

It is clear that generous sized units that provide for families will therefore be needed to meet local housing need.

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CHAPTER 9 - CV9 VISION

PARA 31.3.31

PARA 31.3.34

PARA 31.3.36

POLICY CFS

Please attach additional pages as required

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RBKC CORE STRATEGY

Chapter 9

CV9 – Vision

Nottingdale Ltd support the Vision for the Latimer area. The Nottingdale Village development in the Freston Road Employment Zone (EZ) have provided significant regeneration and a radical improvement in the architectural quality of the area. Larger scale development addresses the west cross route and the later phases of development provide for the repair and re-establishment of a more traditional road network behind this in accordance and in advance of the 'Vision'. In terms of architectural quality, this is evidenced by the Yellow building which was shortlisted for the prestigious World Architecture Festival awards in the Office category and for an RIBA award. New development in the area should build on this success.

Paragraph 9.3.15 recognises that the Nottingdale Village (NDV) development has changed the nature of the area and that the development provides a greater stimulus for local shopping. The development completed and approved to date therefore represents a **positive element** that will help to underpin the delivery of the new Latimer Town Centre.

RBKC CORE STRATEGY

Paragraph 31.3.31 – Demand for “large” offices

It is clear that there is a demand for larger sized office floorspace as evidenced by the occupation of the two headquarters buildings (the Yellow Building and the White Building) at Nottingdale Village.

The Employment Land Review Update incorrectly states at para 3.31 that the Yellow building is the only high quality office building in the area and that Monsoon (the occupier) is a notable exception to demand for this size of unit. This is incorrect. The planning permissions, and development now built, clearly show that the new White Building, providing in excess of 9,000sqm of office floorspace is part of the same development cluster and is fully let to Talk Talk as a headquarters building.

Also of relevance is the office building at 125 to 135 Freston Road occupied by Chyialis which has been ignored by the study, alongside its occupation of 130 Freston Road as another significant overspill office in the Employment Zone.

Finally, the planning permission for 137-139a Freston Road, provides for a further large office building of approx. 5,000sqm with some smaller flexible business units at ground floor.

All of these indicate a strong demand for office floorspace in the area and it is simply not correct for the Study to assume that one part of the Nottingdale Village development (the Yellow Building) represents an “exception” to the majority of demand which is considered to be from smaller companies. Nor is it correct based on the evidence available that for mainstream offices, Freston Road is seen as a “very marginal location and there is little demand” (para 3.29).

The Study also incorrectly states at para 3.29 that the Yellow Building letting to Monsoon is a deal that results from the development of the Westfield Shopping Centre. The whole Nottingdale Village (in excess of 30,000sqm of Class B floorspace) is being developed by Nottingdale Lts a company owned by Monsoon. There clearly is a wider trend, evidenced even more by a further planning application by Nottingdale Ltd at 99-11 Freston Road for a further large office development.

These assumptions are therefore unsound.

RBKC CORE STRATEGY

Comments in relation to:

Policy CF5 – Location of Business Units

Paragraph 31.3.36

Paragraph 31.3.34

Paragraph 31.3.36

This paragraph states:

“In particular it is these smaller units which are of particular demand for the Borough's creative and cultural industries. As a borough with some of the highest land values in the country, there is a danger that lower value land uses, such as light industrial or small offices, will be replaced by higher value uses such as housing (including student accommodation) or large-scale offices. In addition the Council notes that none of the Borough's Employment Zones are located in areas which are well served by public transport and therefore that, as major trip generators, large scale offices in these areas are likely to increase car use and congestion.”

This paragraph explains some of the reasoning behind policy CF5. Namely, that large scale offices (defined as those in excess of 1,000sqm) will be resisted in Employment Zones because:

1. Smaller business units are in particular demand
2. Larger scale offices (and other higher value land uses) will replace or displace smaller business units
3. Large scale offices will increase car use and congestion as the Employment Zones are not well served by Public Transport.

We contend that these assumptions are unjustified and therefore the policy going forward in CF5 is unsound. The reasons are:

1. Demand

It has been shown that although small business units may be in demand in their own right, with reference to our comments under para 31.3.31, there is clear demand for what the Council term “large offices”, which reflects the general trend assumptions in the original 2007 Employment Land Review Report, ie that office space requirements will increase whilst industrial requirements will decrease.

The evidence is clear at least at the Freston Road Employment Zones that a large number of office developments exist and have permission and it is wrong to simply ignore their presence and to focus on the minority element of this employment zone as being that which defines its character and function.

2. Large Offices Displacing small business units

It is simply not credible to assume that small flexible business units and small light industrial units will be lost as a result of larger employment development. The evidence is to the contrary in the Freston EZ. Specifically, the Nottingdale Village development has delivered over 4,300sqm of new dedicated flexible light industrial space designed as very small units. This was delivered in an area which previously contained no dedicated small industrial units.

Further, the more recent (2009) planning permission for 137-139a Freston Road has delivered over 1,000sqm of flexible 'very small' business units in place of a large industrial unit which was suited to only a limited market and did not provide small flexible business space as identified as being in demand.

The evidence of recent development is therefore that a **significant increase** in small flexible business units has been delivered alongside larger office developments in excess of what has previously existed in the Employment Zone.

The evidence does not support the assumption that larger scale offices have displaced or replaced small business units from the area. To the contrary, the developments have delivered a significant increase in small business units across the employment zone and this can continue to be the case with a policy that seeks positive replacement and provision without stifling other employment generating development.

3. Large scale offices will increase car use, congestion and are not well served by Public Transport

The Freston Road employment zone is well served by public transport. The sites developed as part of the approved Nottingdale Village already provide for:

- 23,433sqm of B1a offices in two large headquarters buildings for Monsoon and Talk Talk
- A light industrial building providing 4,378sqm of dedicated 'very small' light industrial units

A more recent permission at 137 to 139a Freston Road allows for 1,077 sqm of Class B1 open floorspace providing a mix of "very small" flexible business units and a further 5,008sqm of Class B1a office floorspace, together with some limited retail space and residential development.

All of these developments were approved by the Council on the basis that they had **good access to public transport** under the test set out in Policy E1 of the current UDP.

Access to the area has **improved**, not declined since these planning permissions were granted. The closest underground station is Latimer Road at an average 300m from the main Nottingdale Village development. In particular, the extension of the circle line service on the Hammersmith and City Line will increase services from this station. Furthermore, links to Westfield on the opposite side of the West Cross Route provide access to the Shepherds Bush Overground and Underground services as well as to a new bus service. Local bus services are also close by and provide very good access to these main rail hubs. It is likely that with Latimer Town Centre being developed as part of the Vision, further public transport improvements will occur.

Finally, the justification in paragraph 31.3.36 is that “...***as major trip generators, large scale offices in these areas are likely to increase car use and congestion.***”

Again there is no evidence of this. Any perceived problems of car congestion and parking can be adequately controlled by the planning process by limiting commuter parking provision and ensuring the adoption of appropriate travel plans for offices.

The permissions granted for the Nottingdale Village Development which contained two large office buildings are evidence of this approach. They were limited in terms of parking provision. Only 18 spaces were permitted for over 30,000sqm of employment floorspace across the site, including light industrial uses. It was determined at the time that this would not give rise to any congestion or parking pressure locally. This is reinforced by the fact that the Borough is covered by a residents CPZ limiting opportunities to park on street. Finally, the proximity of public transport to the site, and zone generally, provide a more viable and effective means of accessing the site for office workers and this can clearly be seen each working morning and evening. Further, the presence of workers in the employment zone and in the large offices is acknowledged by the Council's DPD at **para 9.3.15 of Chapter 9** as being of benefit by providing a greater stimulus for local shopping, underpinning the vision for a new Town Centre at Latimer.

There are other benefits of to the development of larger office developments in parts of the employment zone. Principally, it is these developments that have allowed for the building of the less viable newly built flexible small business units across the site and paid for the significant improvements to the local street pattern and provided for a high quality of architecture – all key parts of the Vision for the Latimer area.

Paragraph 31.3.34 – “Accessibility”

This states that:

“The Council considers an area which has a Public Transport Accessibility Level (PTAL) score of 4 or greater to be accessible.”

There is nothing contained in the evidence base to suggest a PTAL 4 limit would be necessary to support development of the size and type already recently approved for the Freston/ Latimer Employment Zone. Applying an arbitrary PTAL 4 restriction would act to

stifle economic development in an area that the Council has always considered to be a perfectly accessible location suitable for large office development.

Policy CF5- Location of Business Units

Based on the preceding justifications given in respect of paragraphs 31.3.31, 34 and 36, we object to the following parts of this policy:

Offices

The categorisation of different offices sizes is arbitrary and is not based on any sound evidence. The evidence base for Employment supply and demand only distinguishes between small scale offices of 100 – 300sqm and other office floorspace. It does not identify a need for a limit on office floorspace based on the thresholds provided. Ie medium offices at 300sqm-1000sqm and large offices of 1,000sqm or more.

The justification for limiting large offices in the Employment Zones is to protect these locations for small scale and medium sized offices and to avoid traffic congestion in areas away from Public Transport.

There is nothing to say that say five “medium sized” offices of approx 1,000sqm each would generate any more or less people movements that one 5,000sqm office. Yet the policy seems to be worded in CF5 to allow one and prevent the other. In effect the impact will largely be the same and limiting offices to 1,000sqm will reduce economies of construction. In reality, larger offices are often sub divided based on inherent design flexibility to allow each floor to be separately let.

The policy should therefore avoid an arbitrary floorspace restriction and instead seek flexible designs that allow for sub division based on market demand.

The evidence in the Roger Tym and Partners report clearly highlights that buildings such as the Yellow Building, developed in the Freston Road Employment Zone, are let out to a number of tenants.

Light Industrial

The policy seeks to protect light industrial uses throughout the Borough and specifically in the Employment Zones.

The Employment evidence base makes it clear that there is a decline in demand for industrial space and the greater demand is for small office units. This part of the policy is not therefore credible or based on the evidence available. New light industrial space of approx 4,300sqm delivered as part of the Nottingdale Village remains unlet after a year of marketing and points to evidence of this reducing demand.

Employment Zones

We object to the resistance of large scale offices in the Employment Zones. This ignores the presence and established character of the built and permitted development specifically in the Freston Road Employment Zone. For the reasons given in the preceding paragraphs it is clear that the evidence does not support this position and that alternative wording would

ensure delivery of smaller units as part of wider development delivery. For instance, requiring a small percentage of new developments to deliver small office units to meet the demand identified, whilst supporting and building on the regeneration success established in the Freston Road Employment Zone.