

**RESPONSE BY KENSINGTON SOCIETY TO ID/4
DRAFT MATTERS TO BE EXAMINED BY WAY OF PUBLIC HEARINGS**

Vision & Objectives

Are the differentials between north & south adequately addressed by the vision?

The Vision (CV1) focuses on three strands:

- stimulating the regeneration of North Kensington;
- maintaining the Borough's reputation as a national and international destination; and
- improving the quality of life for everyone.

With regard to North Kensington, it indicates aspirations to:

- increase its public transport accessibility;
- diversify housing supply by introducing more private housing;
- provide better facilities – a new academy, local shopping – two new “town centres”;
- maintain the diversity of Portobello Road; and
- protect Employment Zones as home of thriving small businesses.

The Vision is about the state to be achieved by 2028, but it is not presented as narrowing the differentials between north and south – nor is it likely to achieve that. There is insufficient emphasis in the Vision on narrowing the differentials, how this will be achieved and how the gaps in the provision of local facilities will be addressed.

Is the vision, as set out in CV1 achievable within the Plan period?

NO - it is not clear how the Vision will be achieved: There are elements – Crossrail-related development, the renewal of housing estates, Earl's Court redevelopment, changing the Earl's Court One-Way System, building a new secondary school, etc – which are aspirational, uncertain and also controversial. These may involve significant resources and could raise significant sustainability issues if they occurred before infrastructure – transport, physical or social – are firmly committed, funded and programmed.

Proposal:

The strategy for achieving the vision needs to be disaggregated by broad areas of the Borough and 5-year time periods to indicate the phasing of the proposed developments.

Do the Strategic Objectives provide a satisfactory means for guiding decisions in order to deliver the overall vision?

Not quite: But the “Keeping Life Local” strategic objective is not carried through into the Vision. The Society would like to see the commitment to walkable communities/ “lifetime neighbourhoods” (Draft Replacement

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London Plan), which is the vision/outcome for the “Keeping Life Local” objective of the Core Strategy, reflected in the section on “residential quality of life”.

This section does not spell out what “facilitating local living, including through strengthening neighbourhood centres” in the third bullet means in the subsequent text. The Borough is uniquely placed, because of its high density of population, to support a dense network of local/neighbourhood centres which are the basis for walkable communities, where a wide range of local services are accessible to all at the local level, including local shops, post offices, GP surgeries, pubs and, even, petrol stations!

Proposal: In the section on “residential quality of life” in line 2, after “in London with” add:

“our dense **network of local neighbourhoods** which support vital and viable neighbourhood centres and a wider range of everyday services within easy walking distance”

Is there a potential conflict between legacy and movement objectives (north-south improvements)?

No

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Quanta of Development, Policies C1, CP1, CH1 & Housing Trajectory

Has the Strategy struck the right balance between meeting the present and future London Plan targets for housing?

Is there justification for the targets in CH1?

Has it been demonstrated that the housing target can be met?

Is there sufficient flexibility in the application of CH1?

YES – the overall target is based on the London Plan Housing Capacity Study as agreed between the Borough and the Greater London Authority. This demonstrated that the target was achievable based on sites likely to become available. The capacity of sites was established on the basis of the mid-point of the appropriate density range in the London Plan that would apply to the site.

The Core Strategy does refer in broad terms where the contribution will come from in Chapter 40, Appendix 2 on page 330.

The key issue, however, is as much a matter of the overall numbers, as it is a matter of the housing mix in terms of both tenure and size of units. CH1 seeks to “make provision for the maximum amount of affordable housing with a target of 200 units per annum ...from all sources”. This translates as a target of a third of all new units should be affordable. The table in Chapter 40, Appendix 2 suggests that this will be achieved.

The targets, however, will be set through the London Plan process.

Our concerns – elaborated below – are about:

- the size mix of the net additional units required to meet the needs of Borough residents, both in the affordable and market sectors. We do not consider that the chosen mix will deliver Borough residents with the housing they need;
- the losses from deconversion – this Borough has the highest losses per year in London – and which count against our target, which is expressed in terms of **net** additions; and
- losses of small offices to housing - a source of windfall gains in the past which we can no longer afford.

However, we are very concerned that in its eagerness to maximise the contributions of major sites, such as those in Warwick Road, the Council has acceded, in our view wrongly, to densities at the upper end of the relevant “appropriate density range” in the London Plan. This is producing huge block structures with an unattractive public realm, much of which is roads, while the schemes lack sufficient usable open and amenity spaces.

Proposal: The Council needs to develop its own interpretation of the London Plan density matrix.

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Are the quanta of office and comparison retail floorspace justified?

Offices

The revised estimate of the need for net additional office floorspace is based on projections of employment growth and, assuming that these jobs need to be accommodated in offices, applies an average of 12sqm (net) per employee. This ratio is used by the GLA in the Draft Replacement London Plan for new large-scale office developments in London. No indication is given of whether this is an appropriate ratio for high-rent Central/Inner London or for small businesses.

This assumption may not, therefore, be appropriate in Kensington and Chelsea because:

- the make up of the local economy is to a large extent based on small and medium-sized enterprises – about three quarters of firms employ 5 or less employees; and
- the price of property is expensive.

As a result the employment densities may be closer to Central London densities as well seeking to economise on space due to the type and size of firms.

Proposal: Sensitivity testing with alternative assumptions – say 10 sqm/worker – should be undertaken, which may result in significantly different estimates of need.

Of more concern, however, is the scale of possible losses – such as Charles House (48,729sqm Gross External Area) and the office block at Holland Park Roundabout – for which replacement space may or may not be needed at high-accessibility locations in the Borough. The occupiers of Charles House, for example, may not need replacement space in the Borough, as they have mainly been Government Departments, although some of the charities will need to find space locally.

Comparison retail floorspace

Sales densities depend on shortage of space, rents and the desire to be represented in the Borough's high-order shopping centres. The modelling of estimated need for comparison retail floorspace has used a fairly conservative estimate for the increase in retail turnover per square metre – the sales density – of 1.5% per annum originally based on research on the trends in the 1970s. The London Plan Retail Needs Assessment uses an assumption of 2.2% per annum, which is based on long-term trends since the 1980s and is reflected in the amount and growth of turnover that London's comparison retail floorspace has been able to support.

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Proposal: For the sake of consistency, or even just for the sake of sensitivity testing, the plan should indicate range of likely need, rather than suggest that the need may be much larger than the Borough's centres can cope with.

In any case, the impact of Westfield London and of the longer-term strategy in the London Plan to regenerate the retail offer of the West End, could affect the need for additional comparison retail space in the Borough. The need assessment should be reassessed to take account of these changes.

Both these issues could affect the quantities in Table 38.3, which will need to be expressed as ranges.

Is it necessary to clarify the potential S106 measures?

This covered in Chapter 29 and more fully in the forthcoming SPD.

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Policies for Places

Thames

Should there be a separate "place" for the Thames?

YES – the Thames Policy Area is strategic policy area in the London Plan, subject to a range policy constraints, development pressures along and across the Thames, as well as the major threat of the Thames Tideway Tunnel.

The Society supports the proposal by the Chelsea Society.

Proposal: The Council prepare a place chapter

Strategic Sites Allocations

Kensal Gasworks

How secure is delivery of the proposed Cross Rail Station (CRS)?

This is still in the lobbying stage – there is no station included in the Crossrail Act, neither the Draft Replacement London Plan nor the Mayor's Transport Strategy contains a firm proposal to include a new station. This project is, therefore, not in the Transport for London Business Plan which runs to 2017/18, nor is there any provision for it in the Borough's Capital Programme as it does not look this far ahead. This is not a firm proposal, it is not a programmed project. Until this becomes a firm proposal, with a known completion date, it would be premature to propose a major development for this "dormitory" community.

What would be the impact on the development of the allocation in the absence of a CRS?

This area has one of the lowest levels of public transport accessibility in the Borough, except for the sites adjoining Ladbroke Grove. Without a Crossrail station any large-scale development, especially high trip-generating uses, would be unsustainable.

Have alternatives to the CRS been adequately researched?

Chapter 39 explores contingencies and risks and suggests a Plan B and a Plan C in the event than Plan A does not proceed – these are realistic options.

What would be the impact of the HSE Consultation Zone remaining in force?

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What is the position regarding the bridge links across the railway?

What impact would a reduced quantity of housing on this site have on the affordable housing requirement?

It would be reduced proportionately.

Is the Opportunity Area deliverable?

The Draft Replacement London Plan Annex 1: Opportunity and Intensification Areas contains a new proposal (15) for Kensal Canalside. This proposal indicates a large number of constraints and uncertainties, gives no indication of the key dates or phasing – a feature of many of these Opportunity Areas. The best-case scenario would mean that significant change could begin after Crossrail is completed in 2017/18 (?) and be built in phases in the second half of the plan period.

Has employment been given too low a priority?

No – if anything there is an unrealistic assumption that a new station would attract investment in offices. The line in is the line out – it would enable people from North Kensington to commute out, but it is highly unlikely to attract businesses to set up there or people to commute in. Unlike Paddington, with which parallels have been drawn, Ladbroke Grove would never be seen by the market as an attractive office location. The likelihood is that the area would become a better-connected dormitory suburb than it is at present. Other stations, from Paddington, through the West End, City and Canary Wharf to Stratford, are the more likely locations for large-scale office employment. Any jobs in North Kensington would be primarily local and not dependent on the Crossrail station.

Earls Court

Is there evidence to support a future town centre on the site?

There is no evidence of the need or scope for a new local/neighbourhood centre to serve the proposed development. The development on its own would not even support a small-format supermarket, let alone a new centre, unless located close to the main housing development in Hammersmith and Fulham.

Policy CA7(c) suggests “small-scale retail uses .. to serve the day-to-day needs of the new development.” This does not suggest a new “town centre”, although para 26.2.2 says “the Council will support the designation of a neighbourhood centre within the Earl’s Court Opportunity Area” – this could be more appropriately located in Hammersmith and Fulham where the bulk of the housing would be. The Key Diagram does

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not show a "new centre" in this Borough at Earl's Court. This has been recognised in the proposed alterations to para 31.3.5.

Is there potential to increase the residential element of the redevelopment proposals?

The Kensington and Chelsea part of the Earl's Court site has the highest level of public transport accessibility and is best suited to those uses – large-scale offices (a minimum of 10,000sqm), a cultural facility of at least national significance, hotel and leisure uses – which would generate a lot of trips.

Has consideration been given to the sustainability of the local residential community?

Both the developer's draft masterplan and the Supplementary Planning Document that is being produced by Hammersmith and Fulham will need to have a Sustainability Appraisal and an Environmental Impact Assessment.

Should there be reference to the importance of the Warwick Road Corridor?

The Earl's Court Place chapter 10, despite embracing the Warwick Road Corridor from Old Brompton Road to Kensington High Street, gives little attention to the Corridor, particularly the area north of West Cromwell Road. There is a strong need to transform the wasteland that is the pedestrian environment.

Warwick Road:

Is additional wording necessary to be consistent with CA6?

YES

Wornington Green

Does the allocation fail to provide sufficient flexibility to ensure deliverability?

YES – the Society was very concerned that the Council approved a scheme that only would only have 22.3% of the units, compared with the current estate (32.3%), but more particularly the much higher proportion (55%) proposed in the Core Strategy (para 35.3.10).

Is there justification for the upheaval caused by the proposals?

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NO – especially if the new accommodation will not meet the needs of many of the extended families in the local Moroccan community, for whom this redevelopment may prove a worsening in their housing.

Should there be an increase in the amount of social housing and community facilities?

YES – if only to cater for the doubling in the number of housing units.

Latimer & North Kensington Sports Centre

Does the vision ignore affordable housing provision and associated social infrastructure?

It ignores the loss to the community of a much needed and used centre for a period of time and does not improve provision sufficiently after construction.

Is the proposal for a new shopping centre at Latimer Road Station unsound?

There may be a need for a neighbourhood centre in this part of the Borough if there is major development which increases the amount of housing. There is currently a gap in local shopping provision in this part of the Borough as the local centre at St Helens Gardens has contracted.

The Key Diagram shows this as a proposed “New Centre”

Should there be reference to improved transport and community safety?

YES – these are key issues in this area.

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Chapter30: Keeping Life Local

Is sufficient account taken of the need for social and community infrastructure to meet needs of increased population?

NO – this chapter is largely about improving the current distribution of social and community facilities – it does not reflect the need of a growing population. With the exception of local shops proposed in areas of major housing growth, the plan does not have proposals for filling any gaps in local services. In addition, it does not cover the issue of access to local open spaces – much of the Borough is deficient in terms of access to local open space.

Should post offices and pharmacies be formally considered as social and community facilities (not just “valuable community assets”) so that Policy CK1 can be applied in cases where such facilities are under threat?

YES – if the Council’s determination to protect such uses is to mean anything (see Corporate or Partnership Action for Keeping Life Local) then post offices and pharmacies must appear in the list in para 30.3.4.

Proposal: Include post offices and pharmacies in the list of social and community facilities in para 30.3.4.

Is the sequential approach to changes of use in CK1 too restrictive?

NO – it is absolutely essential, like open space, once lost it is gone forever. The policy is based on the sequential approach for open space in PPG17

Should CK1 provide flexibility for the relocation of uses through use swaps?

NO – unlike replacement open space, where the rules for swaps are clear in terms of ensuring comparability and scale and quality, most other swaps in a high-value location like Kensington and Chelsea tend to result in the “weaker” land use getting moved to a less valuable/more remote location.

Is there justification for a ‘double designation’ for Portobello Road?

Not sure what this question is asking? Is it Special District Centre – ie local and international - or shopping centre and street market?

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Should there be more protection for local shopping facilities in CK2?

YES - this policy is inadequate as it does not protect local shops in local centres. This policy needs to be strengthened to say:

"The Council will ensure that all residents have access to local convenience shops within easy walking distance (400m/5 minutes walk) of their homes.

To deliver this the Council will protect individual shops both within and outside designated neighbourhood centres and actively support the provision of a range of local shops and services within local/neighbourhood centres."

The Council has an index of facilities that should be in a local centre and has details of which of these each centre has.

Should CK3 give more support to walkable neighbourhoods?

YES – this policy is little more than supporting the status quo rather than identifying where gaps need filling and actively seeking to improve the balance/mix of uses in local centres.

The measures for assessing performance need to be expressed as percentage of the population within 400m/5 minutes actual walking distance of a facility, not the proportion of the Borough covered by a crows flight distance of 400m from each facility.

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Chapter 31: Fostering Vitality

Is there too great an emphasis on the protection of higher order town centres?

YES – there is too little emphasis on protecting, maintaining **and** strengthening local/neighbourhood centres (other than in the Vision 3rd bullet, Policy CO1 and para 31.3.25).

There is, however, a strong need to manage the mix of uses in the higher-order town centres to maintain the diversity, character and choice – all matters which PPS4 purports to support but fails to articulate – through maintaining the retail function, whilst managing the non-retail A-class uses, such as A2 (banks, building societies, estate agents, bureaux de change) and A3 (restaurants and cafes).

Is CF2 too prescriptive in its requirement for large retail schemes to provide a range of shop unit sizes and affordable shops?

NO – the Society supports this policy as it would help mitigate the effect of a further concentration of shopping in higher order centres by using the benefits to strengthen local centres.

Should CF3 refer to a fuller range of town centre uses?

YES – but many of these do not have to be on the ground floor and displace shops. For example, basements often house betting shops and restaurants, whilst upper floors are good locations for small offices.

Is CF3 too restrictive in relation to non-retail uses?

NO - see answer above on protection of higher-order centres.

The Society supports Policy CF3, although it may seek minor wording changes. We are concerned about changes in the mix in Notting Hill Gate, South Kensington and Portobello Road where the retail element needs greater protection.

Is CF5 too restrictive in protecting office uses?

NO definitely not – property values are so high in Kensington and Chelsea that left to the market (and a historic bias in planning policy in favour of housing) the whole Borough would become residential. The last ten years has seen the loss of 30,000sqm of small office accommodation (enough to house 3,000 jobs) to housing, even when the UDP policy was clear that it should be protected/maintained. The result is that the supply has shrunk. To put this in perspective, the projected need for additional office space over the plan period is 69,200sqm (see para 31.3.31)

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The Borough's economy relies heavily on small firms – 75% of businesses have 5 or fewer employees. The issue is one of maintaining premises for small firms, not just above shops and in the employment zones but throughout the Borough.

It is the mixture of uses that makes for the diversity and sustainability of the Borough.

Is the exclusion of Earl's Court ward from the protection for hotels in CF8 justified?

NO – historically Earl's Court had more than its share of cheap, poor quality hotels. Over the decades many hotels have been converted to housing and others have been improved in quality. Despite still having a concentration of hotels which might justify resisting further hotels (except within the major development at Earl's Court Exhibition Centre) there is little justification for maintaining Earl's Court as an exception to policy CF8.

Chapter 32: Better Travel Choices & Chapter 33: An Engaging Public Realm

Is CT1, as drafted, too restrictive?

NO

CT1 (a) rather than being too restrictive is more permissive than PPG13, PPS4 and the London Plan, in that most high trip-generating uses should be concentrated in town centres, or failing that in edge-of-centre locations, which in the case of offices is defined in PPS4 as within town centres or within 500 metres of a public transport interchange.

The UDP proposed that for large-scale offices the preferred locations were within 400m walk of named public transport interchanges. The proposed use of PTAL 4 and above as "high accessibility" to define such locations is far too generous and unselective for defining preferred locations.

With regard to permit-free schemes and low on-site parking provision, these are essential given that on-street residents' parking is grossly oversubscribed (1.6 permits per on-street residents' parking space) and on-street parking at night is saturated in many areas.

The Society strongly supports CT1 (b) to (o).

Is there a need for linked cycle paths to be provided for in the plan?

The Core Strategy should contain a map of cycle routes and identify where missing links need to be added.

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**Chapter 34: Renewing the Legacy and Chapter 36:
Respecting Environmental Limits**

**Is CE1 reasonable in relation to standards required under the
Building Regulations?**

YES – but needs to be tighter with regard to subterranean living accommodation.

**Should there be more realistic targets in CE1 in relation to
sustainability?**

NO – these targets reflect national and London Plan targets.

**Does CE2 accord with the Planning & Climate Change supplement
to PPS1?**

The issue of planning for flood risk has moved on a lot since December 2007, including the Pitt Report following the July 2007 floods, PPS25, the PPS25 Practice Guide and the proposal for Surface Water Management Plans.

The Society is concerned that, while Policy CE2 seeks to require development to mitigate the effects of, and adapt to, surface water and sewer flooding, the policy does not propose any action to deal with cases likely to be at risk from surface water and sewage flooding, other than:

- resist vulnerable development, including self-contained dwellings (CE2(a));
- require sustainable urban drainage or other measures to reduce both the volume and speed of water run off to the drainage system (CE2(e)); and
- resist impermeable surfaces in front gardens (CF2(f)).

Given that a large number of properties – Thames Water estimate 9,000 homes in the Counter's Creek catchment - are likely to remain at risk for the next 10-15 years, a policy is needed to ensure that all proposals for basements in the areas at risk from surface water and sewage flooding are required to incorporate measures to reduce the vulnerability of these basements to flooding and avoid increasing flooding.

PPS25 Practice Guide says:

“4.71 Where there is high development pressure for new basements or conversion of basements to living accommodation, LPAs should, as informed by the outcomes of the SFRA, formulate

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policy towards basement development. This could be done by preparing a supplementary planning document on subterranean development. If a SFRA highlights that there are surface water flooding issues which requires major investment which will not be carried out in the short-term, a precautionary approach should be applied.

4.72 Basement development should only be permitted in areas at flood risk if it passes the Exception Test, so the basement will be safe. A basement should have unrestricted access to an upper level that people can escape to at all times. However, it should not create new pathways for flood water to existing residents.”

Is there sufficient justification for the policy regarding subterranean extensions?

YES – most subterranean developments are inherently unsustainable, due to the amount materials used, CO2 emissions and increased surface water runoff:

- the removal of hundreds of tons of soil and rubble;
- the addition of large amounts of concrete for subterranean structures;
- loss of vegetation and increased water runoff; and
- the greatly increased use of energy for heating, cooling and ventilation.

This makes a nonsense of seeking energy-efficient new buildings. By seeking to retrofit the main building this helps to mitigate the energy consumption of the subterranean development.

Are the policies which cover sustainability, both in terms of construction and operation, sufficient to cover the range of considerations in PPS1 and associated documents?

NO – there are major sustainability issues arising from construction – excavation, disposal of construction waste, embodied energy in existing buildings and new buildings - as well as heating, cooling and ventilation. (see para 36.3.12)

Although some of the latter issues are covered by Policy CE1, for new buildings as well as (subterranean) extensions, there are limited policies covering construction waste (CE3(e)) and policies for heating and cooling (CE1(a) and (b)) only apply to “major developments”.

Proposals: If the strategic objective in Policy CO7 is to be achieved the relevant policies in the London Plan need to be adapted and included in this chapter, including:

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- construction waste (CE3(e)) – see Draft Replacement London Plan Policy 5.18
- air conditioning see Draft Replacement London Plan Policy 5.9

All references to “major development” in CE policies need to be defined in terms of floorspace (developments of 1,000 sqm or more) as the size of many luxury housing units are as much as 300 sqm or more, yet these schemes may be for less than 10 units. The national definition of 10 units for housing schemes – as indicated in the glossary - is inappropriate.

Change definition in the glossary for “major development” to “all developments where the floorspace is 1,000 sqm or more.”

In addition, there needs to be clearer policy on the need for Construction Traffic Management Plans for all schemes involving developments with 1,000sqm or more or those involving subterranean development.

Is CL3 too prescriptive, going beyond the assessment in PPG15?

NO – this policy reflects the high proportion of the Borough covered by conservation areas – nearly three-quarters – the large number of listed buildings and the experience of unscrupulous developers demolishing buildings over the weekend. (This was highlighted as a problem by the Secretary of State in a letter to local planning authorities on 28 May.)

Should CL1 make specific reference to the London Plan density matrix to determine appropriate densities?

YES – the only reference to the density matrix is in para 34.3.7. The London Plan (2008) says:

Policy 3A.3 Maximising the potential of sites

The Mayor will, and boroughs should, ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Boroughs should develop residential density policies in their DPDs in line with this policy and adopt the residential density ranges set out in Table 3A.2 and which are compatible with sustainable residential quality.

Is CL2 too prescriptive and unduly restrictive in respect of high buildings?

NO – both the policy and the criteria should be more explicit. Just as CL2 requires “the highest architectural and urban design quality, taking

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opportunities to improve the quality and character of buildings and the area and the way it functions”, the policy should also require both large or tall buildings to make a positive contribution to the views and townscape on which they impinge.

This concept of making a positive contribution should be embodied both in the lead statement and in CL2 (h) by adding:

“and (iv) makes a positive contribution to the views, vistas and skyline on which it would impinge and relate positively to the streetscape and its local context.”

Should each site be considered on its merits rather than a blanket approach?

NO – this is not a blanket approach but criteria-based policy that informs the assessment of individual proposals.

Can the approach set down in CL5 be reasonably applied to commercial uses as well as residential?

YES – due to the high-density, mixed-use nature of the Borough most new commercial developments are likely to impinge upon residential areas and individual residential buildings. To ensure daylight and sunlight, privacy, avoid a greater sense of enclosure and ensure that there is no increase in nuisances, new commercial needs to respect residential neighbours.

New residential buildings will need to be designed to avoid impinging on commercial neighbours, if only to preserve the amenities of future occupants of the residential building. Where new residential developments are proposed, the policy will protect future residents by ensuring that despite existing commercial neighbours, their amenities are assured by the design, orientation and separation distances of the new residential building.

Will CL5 be effective in the absence of specific recognised standards?

The standards applicable in new developments elsewhere are difficult to achieve in Kensington and Chelsea, except for major new developments, as these standards, such as BRE sunlight and daylight standards are already compromised. The new policy CL5(a) represents a considerable advance over the UDP Policies CD33 and CD34, which allowed a further deterioration in standards where the existing conditions were sub standard and the worsening was not “significant”. The “no worsening” condition, which has been used in Westminster for decades, is strongly supported.

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Should there be a moratorium on subterranean developments until Thames Water improvements have taken place?

The Society's concerns about subterranean developments and flood risk relate to:

- designing all developments, including those with a subterranean element, to mitigate flood risk from surface water flooding by reducing or even eliminating surface water run off;
- designing subterranean developments which may be used for residential use, particularly if it is used for sleeping accommodation, to ensure that it will not be flooded and have two means of exit; and
- ensuring that these measures do not increase the risk to adjoining properties or the street of being adversely affected. A FLIP in one location can increase the flooding in other areas by pushing the flood along.

Given that the risk from surface water and sewer flooding is likely to remain for the next 10-15 years – ie for the duration of the plan – a precautionary approach should be taken. (See comments above on Policy CE2.)

Proposal: In areas which are subject to flood risk from surface water and sewage flooding along Counter's Creek no basement sleeping accommodation should be permitted.

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Omissions:

Areas of Metropolitan Importance

Areas of Metropolitan Importance were originally designated in the Greater London Development Plan as “super conservation areas” – places that deserved their own development management regime because of their metropolitan importance.

The Borough is fortunate enough to have five of these designated areas – see Glossary on page 440. They are mentioned in paras 2.2.38 and 28.1.2 and in the Glossary, as well as the South Kensington place chapter (12.1.1).

These areas, whether as separate places or under the Renewing the Legacy theme, deserve more prominence.

Proposal:

The Thames Policy Area deserves to be a “place” – a Supplementary Planning Document and/or a Place Chapter should be developed.

The South Kensington chapter should give more emphasis to this designation, although we welcome the proposal to seek a World Heritage Site designation from UNESCO. An SPD for the Museums complex would be appropriate.

Kensington Gardens, Holland Park, Brompton Cemetery and Kensal Green Cemetery deserve supplementary planning guidance, such as Conservation Area Proposals Statements, and SPDs on Views and Nature Conservation which would provide more specific protection.

CL2: Shopfronts

The Council’s headline policy for shopfronts and town centres should be to drive up the quality of shopfronts to improve the attractiveness and competitiveness of all our town centres, including local, neighbourhood centres.

The reasoned justification, para 34.3.30 only says “particular emphasis is placed on ensuring high standards of design for all shopfronts..”, while the preamble to Policy CL2 says “modifications to existing buildings to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions.”

In order to provide a more direct lead policy statement both for the policies in CL2 (n) and (o) and for the Supplementary Planning Document on Shopfronts.

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The Society considers that the issues needs a specific statement and rationale.

Proposal:

After Shopfronts CL2 add a statement that says:

“drive up the quality of shopfronts so as to improve the attractiveness and competitiveness of the Borough’s town centres. The Council will:”

and then the order of (o) and (n) should be reversed.

CL2(e) Developing over Gardens

According to CLG’s analysis of the source of new housing, the Borough has experienced a growth in “garden grabbing” (34% of new housing came from this source in 2005-2008) – development of garden space/land previously used for housing as a source of land for new housing. Whilst we think that this phenomenon is not a key issue, there is a problem with extensions and increasing “lot coverage” and a consequential erosion of gardens and openness through infill developments and extensions.

Previous policy on infill development (CD30) has expired and other policies affecting the senses of enclosure (CL5(c)) and openness (cf CL2(e)) are vague. This only leaves sunlight and daylight and overlooking as issues where extensions covering an increasing amount of back gardens are sought.

The Society considers that a policy is needed that tackles this issue.

Proposal

After CL2(e) add: “resist extensions where the development would significantly reduce the remaining garden space where the existing building already covers more than 60% of the lot”

Additional Stories/Roof alterations

The UDP policies for extensions (CD44 and 45) sought to “resist, unless..” Policy CL2 (e) and (f) are both phrased as “require” developments to meet certain criteria.

Views and Vistas

The London Plan and the UDP both cover the issue of views and vistas. The London Plan (2008) requires Boroughs to develop a view management framework for local views (Policy 4B.16). The Core Strategy does not acknowledge the policies in the UDP which deal with views of the Thames, South Kensington, from Kensington Gardens and Holland Park.

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Some vistas/views are shown on some of the Place maps, but the absence of a Thames place means that none of views along and across the Thames are "designated".

CD1, CD2, CD6, CD8, CD10, CD13, CD14 and CD15: Why is there no policy for views? Are these being used as the hooks for SPDs? There are several references to other strategies or SPDs. (eg CD70) CD15 is woefully undefined.

While the preamble to Policy CL1, especially paras 34.3.5 and 34.3.10, refer to views, the policy itself only refers to:

- views of the river (CL1 (d));
- strategic and local vistas, views and gaps (CL1(e))
- the impact of tall buildings on "deliberately framed views and specific vistas (CL1(q)(ii))
- whilst views identified in CAPS are only covered in the reasoned justification (para 34.3.33), but not in policy CL3.

The Council has promised an SPD on views, but there is no lead policy on views on which to hang such a document.

Proposal

A new section in the "Renewing the Legacy" chapter is required to deal with views and views management. Meanwhile the Key Diagram and the Places maps should show the key views that are the subject of saved UDP policies CD1, CD8, CD10, CD13/14, CD15 and CD17, and any views in Conservation Area Proposals Statements.

Improving land and buildings in poor condition

There is no replacement policy for CD26 (Encourage improvement of land/buildings which are in poor condition), although the Corporate Action section includes references to use of Buildings at Risk and S215 powers. There needs to be a policy that illustrates the Council's determination to take action to tackle eyesores and neglect.

Proposal

The Council will intervene to manage and restore land, buildings and public spaces that are damaged or neglected.

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Chapter 35: Diversity of Housing

Will CH2 jeopardise the creation of mixed communities?

The purpose of this policy should be to create mixed communities. In practice there are few statements to that effect, except:

- Para 35.1.1: "Our strategic focus is therefore on achieving a diversity of housing in mixed communities, to reduce the potential of further polarisation between, in broad spatial terms, the north and south of the Borough."
- **5.3.6** A mix of sizes and tenures will be expected to create a balanced and mixed community. Included within this mix, might be the potential to cater for some of the Borough's student population. (NB: the cross reference is to Policy CH2 – which is silent on this issue.)
- **Community Strategy, Homes and Housing: Aim 2:** To increase the type and number of homes to build mixed, balanced and sustainable communities (page 433)
- **CA6 Warwick Road** envisages: g. affordable housing as part of residential development on all the sites to ensure a mixed and balanced community"

It could be inferred from the lead policy statement in Policy CH2 that "creating mixed communities" is not the declared aim of the policy, merely to diversify the mix of types of housing.

There is, however, an attempt to avoid concentrating/dumping affordable housing in wards which have a high proportion of affordable housing (CH2(l)), and to ensure estate renewal includes a high proportion of additional market housing, but there is no attempt to "refine the grain of the mix of housing" by requiring off-site affordable housing to be provided in the vicinity of the market housing scheme with which it is associated.

Proposal: The Society proposes that:

Policy CH2: Housing Diversity be amended to read:

"The Council will ensure new housing development is provided so as to promote mixed communities and to further refine the grain of the mix of housing across the Borough."

Policy CH2 (a) line 5: after "site," add "the housing mix of the local area,"

Policy CH2(l) be amended to say:

(l) require any off-site affordable housing to be provided within the vicinity of the market housing development, and only failing that elsewhere in the Borough, except the following wards: Golborne, St Charles, Notting Barns, Colville, Norland, Earl's Court and Cremorne"

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Are the thresholds too low?

NO – successive thresholds have been abused – even though they have been lowered from 15 to 10 units. Many schemes used to be for 14 units, then 9 units. Experience in the Borough has shown that over the last ten years developers have greatly increased the size of the units and have claimed that no affordable housing is required by a threshold based on the number of units, even though the total floorspace may vastly exceed other schemes. These tactics have led the Council to define the threshold for triggering the affordable housing requirement in terms of floorspace.

The Society strongly supports the Council's approach and the proposed threshold.

Is there robust and credible evidence to support retention of the lower affordable housing threshold?

YES – there is both a high need and high property values that enable an affordable housing contribution to be provided. The London Plan threshold of ten units, however, has been circumvented by ever-larger units, which in terms of floorspace are the equivalent of more than ten units. The Council has sought to find a more effective common unit – floorspace – which puts all schemes on the same footing.

Is the application of standards required by CH2 to listed buildings justified and credible?

YES – but in practice there may be a trade-off between preserving listed buildings and achieving higher standards.

Is CH2 consistent with PPS3 and the London Plan?

YES: The Borough's housing market is the most unusual in the country and there is strong evidence which demonstrates the exceptional circumstances which justify further tailoring of the policies to ensure that they are effective in delivering the objectives and policies, but more particularly the agreed outcomes.

The Borough has a unique combination of:

- the highest land and property prices;
- the highest built and population densities;
- some of the lowest occupancy rates (the opposite of over crowding);

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- one of the highest proportion of properties owned by non-residents, often as non-primary residences – not just small London flats for working in London during the week;
- a very active super-luxury housing market with houses and flats of mansion proportions (see latest report by Knight Frank);
- one of the highest proportions of private-rented housing in the country; and
- one of the highest proportions of empty housing – mainly in the private sector.

These special circumstances have meant that there is strong justification for adopting policies which are designed to:

- deliver a proportionate amount of affordable housing, based on viability;
- deliver higher standards;
- protect houses in multiple occupation and hostels which make a significant contribution to supply of affordable housing in the private sector, especially for single-person households;
- reduce significant losses of housing units through deconversion; and
- deliver a significant contribution of affordable housing.

Proposal: No action needed?

Should CH2 give a stronger steer towards more family housing?

No – the demographic structure of Kensington and Chelsea, for the last 60 years or more, has had an unusually high proportion of one and two-person households. Currently – but also for the last 30 years or more – these households make up about 80% of all households.

Families – households consisting of parents and dependent children – make up less than one in six households; this is also a long-term feature of the Borough.

There is, however, a major unmet need for large units in the affordable housing sector – see para 35.3.10 and comments on Wornington Green. Indeed, the key issue for all large/family households may be primarily an issue of affordability, but this is by no means the only or even the main reason for families moving out of the Borough – others include lack of social infrastructure - good secondary schools, public open space, sports facilities, play facilities, garden space and youth facilities. Moving out is perhaps a lifestyle decision, including the search for good schools, rather than just the affordability of a larger flat or house.

Nevertheless, despite the high proportion of small households and households living in flats, a relatively large proportion of housing units are large houses or flats (ie 3 or more bedrooms). Successive Censuses show that, despite the high cost of housing and the high built density, the

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Borough has one of the lowest occupancy rates – they have more rooms per head. This is because many of the larger houses and flats are occupied by small households who can afford to buy more space than their basic needs. This accounts for the “poor fit” – many large units are occupied by small households who can outbid larger households.

In the last 20 years, many larger properties have been sold on the international market as non-primary residences. An increasing number of new flats and houses, including deconversions of buildings consisting of many flats to a single house, have been sold abroad.

As a result, new larger “family” housing not only does not go to “families”, it does not meet the housing needs of Borough residents – they just don’t get them. To focus on providing more “family” housing would be both counterproductive and would be a wasted opportunity to provide more housing that might actually deliver primary residences for Borough residents.

The Society, therefore, strongly contests the statement in para 35.3.10 that:

“the main identified shortfalls in terms of market housing are for three- and four-bedroom homes. Over the next 20 years, the size of new market housing to be required (sic) in the Borough is 20% one- and two-bedroom units and 80% three- and four-bedroom units.”

As indicated above, adding 320 large units per year (80% of 400 market units) over the next 20 years, would be a poorly-targeted policy as it would not meet the housing needs of Kensington and Chelsea residents – the target group for the Strategic Housing Market Assessment (SHMA), as the amount of “leakage” would be immense, in that the vast majority is likely to be sold to an overseas market, and very few would go to “families”.

The Society recognises that the choice of both the one third:two thirds split between affordable and market housing is based on pragmatism, but questions the “soundness” of choosing a “guideline” [What is its status?] that 80% of new market housing should be large units. Our objection is that, based on the objective of meeting the housing needs of Borough residents, if over half the net additional housing (320 out of 600 units per year) over the next 20 years were to be large units which to large extent would not contribute to meeting the needs of residents for a primary residence, then a more refined approach is needed. The evidence for the proposed size mix for market housing needs to be reassessed and better targeted policy be developed. The SHMA must be challenged.

The current 80:20 proposals would, for large schemes, produce predominantly large units for a predominantly overseas market predominantly for non-primary residences that are occupied for only a small part of the year. This makes a nonsense of undertaking a SHMA –

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choosing a size mix which would guarantee that half of the net additional units did not contribute to meeting the needs of Borough residents.

Proposal:

The existing SHMA needs to be revised by sensitivity testing alternative assumptions on the proportion of new units that could be retained to meet the identified need among Borough residents. Meanwhile a "manual override" is needed on the proportions generated by the SHMA.

In any case, the

Para 35.3.10 – delete the third and fourth sentence and replace with:

"Due to the unusual nature of the Kensington and Chelsea housing market, where there is a long history of a high proportion of new and larger houses and flats being on sold the international market as non-primary residences, few of any additional large units (with three or more bedrooms) would be taken up by Kensington and Chelsea households needing more accommodation. Accordingly, to ensure that a significant proportion of new housing meets the needs of Borough residents, the preferred mix should not seek to provide predominantly large market housing units, but to provide an equal proportion of small and large units. Even this proportion will be dependent upon providing the proper infrastructure, such as schools, which permanent residents need"

Is CH3 unduly restrictive?

NO – over the last ten years the rise in property values for housing has meant that, supported by the historic bias towards change of use to housing, non-housing uses have been "cleansed" from residential areas in the Borough – such as small offices, builders' yards, pubs, petrol stations, car repairs, community uses, hotels, hostels, post offices, upper floor retail in town centres, etc – changing the mixed-use nature of the Borough. The new policy recognises that this process has gone too far.

Proposal: No change

Should CH3 give more protection to social-rented housing?

YES – policy CH3(b) has already been breached by the Wornington Green estate renewal scheme, where, despite the evidence of the Borough's Strategic Housing Market Assessment (SHMA) which led to a recommendation that 55% of the homes should have three or more bedrooms, the proportion was reduced from 32.3% to 22.3%. As a result,

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whilst the number of affordable units remained the same (538), the number of bedrooms in these units was reduced by 119.

Should it return to a policy of presumption of residential development on all sites?

Absolutely not!! The presumption of residential development on all sites is no longer appropriate – the developments over the last 20 years have taken things too far in the direction of mono-use neighbourhoods, when the very essence of the Borough was its mixed-use nature that supported small businesses, local services, and a wide range of social and community uses.

Is the policy too restrictive when applied to all future developments?

NO - the process has already gone too far.

Is the imposition of floorspace and ceiling height standards in CH2 sufficiently justified by the evidence?

YES – although there is evidence at one end of the housing market of super-luxury housing with a very large amount of floorspace and high floor-to-ceiling heights, at the other end of the private housing market and in particular some of the affordable housing contributions have had very low space standards. This why the Mayor is introducing minimum space standards in the Draft Replacement London Plan through Policy 3.5, Table 3.3 and new draft Supplementary Planning Guidance.

Will the application of CH4 result in the disintegration of existing communities?

This is a major concern especially at Wornington Green, where the existing overcrowding suffered by extended families will be exacerbated by the reduction in large units (3 or more bedrooms).

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**Infrastructure/Monitoring, Risks & Contingencies/ Proposals
Map**

How will the plan be monitored to make sure major new development is developed in locations that conform with the plan, such as the proportion of new retail, offices, cultural uses, etc floorspace within town centres?

How will the losses of social and community facilities be monitored, such as post offices, pharmacies, petrol stations, pubs, etc?

FINAL