

Copy of report to full Council approving  
submission and minutes of meeting (December  
2012)





## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

COUNCIL MEETING – 5 DECEMBER 2012

### REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND BOROUGH DEVELOPMENT

#### PARTIAL REVIEW OF CORE STRATEGY – PUBLIC HOUSES AND RELATED MATTERS – SUBMISSION STAGE

Full Council is invited to consider a summary of the representations received at publication stage for draft planning policies relating to resisting the loss of public houses and other facilities which keep life local, and in relation to character and use, and to give formal approval for them to be submitted to the Secretary of State for independent examination.

**FOR APPROVAL**

#### **1.0 Introduction**

- 1.1 The Core Strategy was adopted in December 2010 and is therefore an up to date planning document. However, public houses were not included in the list of facilities which are protected by Policy CK1, which ensures that social and community uses are protected or enhanced throughout the Borough. This was because it was not believed the numbers being lost warranted any action. Since this time there have been more applications for changes of use, partly due to spiralling residential property prices and other policies in the Core Strategy have proved ineffective in preventing their loss.
- 1.2 The change to current policy is also supported by the National Planning Policy Framework (NPPF) which was published in March this year. This identified public houses as community facilities and it stated that planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It also stated that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

## 2.0 **Background**

- 2.1 At the full Council meeting on the 7<sup>th</sup> December 2011 a motion for the Council to carry out a review of LDF policy to protect public houses of importance to the community, especially the historic pubs in conservation areas, was carried and on this basis it was proposed that the policy approach to public houses should be reviewed.

### **Land-use issues**

- 2.2 Finding a policy solution has required a wider approach than simply examining public houses. The Planning Use Classes Order allows a pub to change to, for example, a restaurant without the need for planning permission and a public house can also be changed to a Financial and Professional Services use (Class A2) and a Shop use (Class A1) without the need for planning permission. There were also other intriguing questions to be addressed such as how does the planning process differentiate between a public house of importance to the community from one that isn't, and why should the planning process (which is intended to operate in the public interest as a whole) favour the preference of one sector of the drinking public (ie those who like pubs) over another (those that like wine bars and restaurants).
- 2.3 In terms of the need for a policy to resist the loss of public houses a total of 19 responses were received to the initial consultation of which 16 expressed a view on a policy. Of those 16 responses 12 (75%) were in support of a policy. The initial Issues and Options document set out four different options for the protection of public houses. community facility (facilitating social interaction) or provide a service of some sort.
- 2.4 The most popular option was Option four protecting public houses across the borough together with those facilities which provided a place of social interaction or a community service (Restaurants and Cafes and Financial and Professional Services). However, this approach did not safeguard against a public house being changed to another use within the A Class of the Use Classes Order, and then converted to residential. On this basis the scope of the policy was extended to include other uses within the A Class of the Use Classes Order which either could be regarded as providing a place of social interaction or a community service and which deserved protecting in their own right.
- 2.5 A policy was drafted along these lines which went back out for consultation in June. It has the advantage of avoiding having the precise definition of a public house as opposed to a gastro pub which might be argued is a restaurant or defining what a traditional public house might be. Basically the definition still boils down to a facility which facilitates social interaction and help to create healthy inclusive communities.

- 2.6 However, the issue of changes from pubs to other A class uses remains. Whilst the policy is drafted to close the loop hole of other A class being able to convert to residential, and thus incentives to change pubs to other A class uses is reduced, the policy cannot prevent the change fo a pub to another A Class use, as this is permitted development. This can only be overcome by the use of Article 4 Directions, which allow permitted development rights to be withdrawn. However, compensation is payable for commercial land uses (unlike some residential uses), which would make such a course of action prohibitively expensive.
- 2.7 The policy as drafted will protect public houses throughout the Borough, whilst Financial and Professional uses (Class A2) and Restaurants and Cafes (Class A3) will be protected outside Higher Order Town Centres. Within Town Centres both these uses are subject to determination under existing Core Strategy policies.

**Policy regarding the character of our conservation areas and how this relates to use**

- 2.8 When preparing the Council's case for 'Prince of Wales' planning appeal (the change of use of a public house with ancillary accommodation to a residential dwelling) it became apparent that the Core Strategy, as currently written, does not place enough weight on the importance of the variety of land uses, such as individual pubs, shops and other uses, to the overall character of the Borough. It was apparent as part of the public houses consultation that this part of the Core Strategy needs strengthening. On this basis the opportunity was taken after the issues and options stage to create a separate generic policy which would not only deal with the use of public houses and how these contribute to the character of an area and its sense of place, but roll this out for other uses on a borough wide basis.
- 2.8 There was some concern amongst respondents at the draft policy stage and publication stage (the stage to comment as to whether the draft policies are sound) that the generic policy as written, was too wide ranging and lacked objective criteria to assess a proposal. In response, whilst such the draft policy is considered justified and capable of being effective it is now recommended that the policy relating to character and use should only apply in conservation areas where the need to assess the impact on character is a statutory obligation. The draft policy has therefore been added to Policy CL3 which specifically relates to conservation areas and historic spaces rather than Policy CL1 which deals with context and character throughout the Borough.

**3.0 The principal challenges as to why the policies are not sound**

- 3.1 There were six responses out of a total of 26 which raised concerns regarding the soundness of the public house and related uses policy.

The principal grounds that the evidence base regarding the number of public houses lost did not justify a policy; there should be more flexibility in terms of other material considerations such as viability, residential amenity, relocation and other planning benefits, and other uses within Class A2 (Financial and Professional Services) and Class A3 (Restaurants and Cafes) did not warrant protection as no evidence had been provided as to why they should be protected.

- 3.2 In response to the concerns the latest evidence shows that there has been an increase in the number of applications involving the loss of such facilities. Since the Core Strategy was adopted in December 2010 there have been nine applications involving the loss of public houses to residential use and with spiralling residential property prices this trend appears only set to continue. In terms of the policy allowing greater flexibility this would only serve to weaken it – if there are specific issues such as viability or residential amenity they will always be treated as material considerations, but this does not justify their inclusion within a policy.
- 3.3 The need to justify a policy on grounds of facilities lost rather misses the main point in any case. There are other material considerations which justify the need for a policy. The NPPF in particular provides the justification for such an approach stating that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 3.4 Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services a community needs planning policies should plan positively for the provision of community facilities such as public houses. Planning policies should also guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day – to – day needs. On this basis there is ample justification to have a policy which protects Financial and Professional Services (Class A2), Restaurants and Cafes (Class A3) and Drinking Establishments (Class A4).
- 3.5 In relation to the concerns regarding a policy dealing with the use of a building and how this can contribute to the character of an area and its sense of place it was considered by five respondents that this was neither justified nor effective. The policy was too broad and relied on subjective judgments without proper criteria and a developer would have no clarity as to whether a particular building would be contrary to the policy or not before submitting a planning application.
- 3.6 In response, a policy is required which goes beyond simply assessing the visual appearance of a property and how this contributes to an area. The use of a building is clearly a material planning consideration. How the use can contribute to the character

of an area and its sense of place is also a material consideration and this is reflected in the NPPF. The NPPF states that local planning authorities should take into account opportunities to draw on the contribution of the historic environment to the character of a place. Paragraph 131 refers to local planning authorities putting heritage assets into viable uses consistent with their conservation.

- 3.7 In terms of the scope being too broad it is accepted that it is primarily focused on the character of an area and use is part of the character assessment of a conservation area. Under s72 of the Planning, Listed Buildings and Conservation Areas Act 1990 "special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area." On this basis it is recommended that the draft policy be moved from being part of Policy CL1 to Policy CL3 where it will form part of the assessment of character.
- 3.8 In terms of criteria for assessment there are four components specifically mentioned in the reasoned justification for the policy which the Council will be assessing any application against - these are variety; surprise and delight; punctuating the street scene and adding vitality and character to an area. Whilst these are subjective judgments it does not undermine their validity and clearly the Council would need to produce appropriate evidence if any of these components were used as grounds of refusal. In any case, given the latitude of permitted development within the A Class itself it is highly likely that the policy would only be used when the change of use involved changing to a residential use.
- 3.9 The fact that the value of a building would not be assessed until a planning application is submitted is entirely avoidable. The Planning Department operates a comprehensive and efficient pre-application service and a developer could quickly establish whether a proposal might be contrary to this policy.
- 3.10 On the basis of the representations it is concluded that both policies remain sound and can be submitted for examination.

#### 4.0 **The Submission Process**

- 4.1 The next stage in the process is what is known as Submission stage. This is the process of submitting the draft policy document to the Secretary of State for independent examination by an Inspector.
- 4.2 The Council cannot make further changes to the draft policies, without a further consultation, before their submission but can recommend minor changes for the Inspector to consider. Members are invited to consider, whether in the light of the representations received, the policies remain sound and can be submitted to the Secretary of State. If Members consider that more fundamental changes are required to the draft policies they would need to be

revised and further consultation would need to be undertaken before they could be submitted for independent examination.

4.3 The thrust of the response in section 3.0 of this report is that in all cases the draft policies remain sound. However, some minor wording changes are recommended to the Inspector relating to the reasoned justification of the public house policy which clarifies that public houses are a social and community use, but will be determined by Policy CK2, rather than Policy CK1 together with an addition to the first sentence of Policy CK2 so that it refers not only to convenience shopping facilities, but other facilities which make life local.

4.4 With relation to the draft character and use policy, as explained this is recommended to be moved to Policy CL3 in the *Renewing the Legacy* chapter. The publication additions and deletions are shown crossed out or underlined. However, the recommended changes are considered to be fine tuning and are not in response to the soundness of the original wording which was, and still is, considered sound.

## **5.0 The process of preparing a Local Plan and the tests of soundness**

5.1 The Government has made it clear that the production of Local Plans should follow their principles for community engagement in planning. Involvement should be appropriate to the level of planning involved and engagement should start from the outset so that there is a sense of ownership of local policy decisions. It also needs to be continuous so that consultation is part of an ongoing programme and the methods used need to be transparent and accessible. The timetable for the preparation of specific documents is set out in the Local Development Scheme (LDS) which has recently been updated to reflect the timetable for the partial review process.

5.2 Both the Statement of Community Involvement and the Local Development Scheme are adopted documents, the SCI being adopted in December 2007 and the latest LDS was adopted as a key decision in November 2012.

5.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the key stages for the preparation of local plan documents. Regulation 18 requires that the local planning authority notify interested parties and allow them to make representations about what a local plan with that subject ought to contain. This has been simplified from the previous guidance contained in Planning Policy Statement 12 (PPS12) which has now been superseded by the National Planning Policy Framework (NPPF). However, an Issues and Options stage (March 2012) was followed by

a draft policy stage (June 2012) and finally Publication stage (September 2012). Publication stage involves a consultation on whether the draft policies are sound based on the tests of soundness contained in the NPPF.

## 6.0 **Legal Compliance and the Tests of soundness**

- 6.1 The soundness of the document is tested by a Government Inspector at an independent examination. The key stages before this are discussed below, but the Inspector will be concerned with two separate matters of legal compliance and soundness. Section 20 of the Planning and Compulsory Purchase Act 2004 provides that the purpose of the independent examination is to determine firstly, whether the development plan document (in this case the draft planning policies) have been prepared in accordance with the Act and relevant regulations and secondly, whether they are sound.
- 6.2 With regard to the first part of the test, the Inspector will wish to ensure that the draft policies have been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, the Local Development Scheme; that they have been subject to a sustainability appraisal; that they have had regard to national policy and generally conform with the Regional Spatial Strategy (which in London is the London Plan). The draft planning policies must also be sound which means that they must be positively prepared, justified, effective and consistent with national policy.
- 6.3 The draft policies have been prepared in accordance with the timetable set out in the Local Development Scheme, the latest version of which was adopted in November this year.
- 6.4 This has involved consultation at all stages of the process with specific consultation bodies - the Greater London Authority (GLA), English Heritage, English Nature and the Environment Agency, but also general consultation bodies which includes amenity societies and business people. Full consideration has been given to all the representations that have been received and at each consultation stage a report has been prepared summarising all the responses that have been received and the response to the comments. The Council's website has also been used to advertise key stages of the process.
- 6.5 The draft policies have also been subject to sustainability appraisal which appraises the economic, social and environmental sustainability of the policies. This has assisted in the evaluation of alternative options and has provided a key role in providing a sound evidence base for the policies by demonstrating that the most appropriate option has been selected.

- 6.6 The draft policies must also be in general conformity with the London Plan and the GLA have raised no general conformity issues in this respect.
- 6.7 In terms of the tests of soundness the NPPF states that to be sound local plan documents should be:
- **Positively prepared** – the proposed planning policies should be prepared based on the strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
  - **Justified** – the proposed planning policies should reflect the most appropriate strategy, when considered against reasonable alternatives, based on proportional evidence. A sustainability appraisal is prepared as part of this process.
  - **Effective** – the proposed planning policies should be deliverable over the plan period and based on effective joint working on the strategic priorities.
  - **Consistent with National Policy** – the planning policies should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).
- 6.8 The draft planning policies are considered sound in relation to the above tests in addition to meeting the legal requirements under s20 of the 2004 Planning and Compensation Act.
- 6.9 An important point that Members may wish to bear in mind is that the report produced by the Inspector following the independent examination is binding on the Council and there is no longer scope, as there was with the Unitary Development Plan, to decide whether to adopt the Inspector's recommendations.
- 6.10 Now that the 'soundness' consultation has finished the responses have been considered and as a result some minor amendments will be suggested to the Inspector to produce a better document and clarify certain issues (these are shown at Appendix B). However, none of these go the heart of the soundness of the document. A summary of the responses are considered at Appendix A. Any further amendments or additions to the summary will be reported verbally to Members.

## **7.0 The content of the Core Strategy and the tests of soundness**

- 7.1 A summary of the comments received in relation to whether the Core Strategy is sound have been included at Section 3.0 of this report. No comments have been received which are considered to make the draft policies unsound. Where changes are recommended it is to provide better clarity, or to produce a more finely tuned document (changes are shown at Appendix A and are underlined).

## **8.0 Need**

- 8.1 There is a statutory duty to prepare Development Planning Documents (which would include planning policies) for the borough under the Planning and Compulsory Purchase Act 2004 and to ensure that they are tested at an independent examination.

## **9.0 Legal Implications**

- 9.1 Planning policies must be prepared in accordance with the Planning and Compulsory Purchase Act 2004, the regulations made under the Act (currently the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environmental Assessment of Plans and Programmes Regulations 2004. Section 39 of the Planning and Compulsory Purchase Act provides that in preparing planning policies the Council must exercise the function with the objective of contributing to the achievement of sustainable development. Section 19 of the Planning and Compulsory Purchase Act 2004 provides that planning policies must be prepared in accordance with the Local Development Scheme and comply with the Statement of Community Involvement. Section 19 also provides that the Council must have regard to the Secretary of State's policy and advice, the London Plan, the Community Strategy and the resources likely to be available for implementing the proposals in the Core Strategy. The Council must carry out a sustainability appraisal of the proposals in the Core Strategy and prepare a report of findings. Section 19 of the Planning and Compulsory Purchase Act 2004 provides that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change.
- 9.2 The Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to place a duty on local planning authorities to co-operate with other bodies, including neighbouring authorities, in relation to the planning of sustainable development.

## **10.0 Financial Implications**

10.1 The independent examination of the whole of the Core Strategy cost £120,000 which included the employment of a Programme Officer which was paid for by the Council. However, the costs should be substantially less for the examination of two policies, with the form of independent examination yet to be decided. The Group Finance Manager, Planning and Borough Development, advises that sufficient budget provision to meet additional costs arising from the review of the Core Strategy was carried forward from 2011/12.

### **11.0 Equalities Implications**

11.1 The Council when taking decisions in relation to any of its functions must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act). Section 149 provides that the Council must in the exercise of its functions (including its functions exercised as local planning authority) have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, advance equality of opportunity between persons who share a protected characteristic and persons who do not share it and foster good relations between persons who share a protected characteristic and persons who do not share it. An equality impact assessment is the tool by which the authority can assess the impacts on various groups and the decision maker must then have due regard to the results of that assessment. An Equalities Impact Assessment has been undertaken for the two draft policies and is attached at Appendix B.

### **12.0 Sustainability or environmental implications**

12.1 The statutory process requires the preparation of a Sustainability Appraisal, which is broader than, but covers the requirements of, the Strategic Environmental Assessment Regulations that require plans and programmes to be assessed. The draft policies have been assessed against the criteria and have been found to have an overall positive impact.

### **13.0 Staff implications**

13.1 There are no specific staff implications. The draft policies have been prepared by the Planning Policy Team with the assistance of other departments within the Council. This has been absorbed in current work programmes.

### **14.0 Recommendation**

14.1 **The Council is recommended:**

**i) to consider the comments received in relation to the soundness of the draft planning policies and reasoned justification,**

**ii) to approve submission of the planning policies and reasoned justification to the Secretary of State,**

**iii) to approve the minor changes set out in Appendix A and**

**iv) to delegate to the Executive Director for Planning and Borough Development subject to prior consultation with the Cabinet Member for Planning Policy the authority to recommend minor changes to the Core Strategy to improve its legibility and to ensure that it is up to date but which do not affect its soundness.**

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## Appendix A

### Partial Review of the Core Strategy of the Royal Borough of Kensington and Chelsea with Focus on North Kensington – September 2012

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Extracts 1-5 refers to a planning policy for use and character

#### Extract 1:

#### Chapter 2 Issues and Patterns: Our Spatial Portrait

##### 2.1 INTRODUCTION

**2.1.1** For many people, the Royal Borough is seen as the best place to live in London. There are many factors that contribute to its success, but two are of particular importance, both of which derive from its location close to, but not in, central London.

**2.1.2** First, the legacy of fine Georgian, Victorian and Edwardian streets and buildings, built as fashionable suburbs of central London. This built form is, by the standards of much of the twentieth century, both high density, and very high quality.

**2.1.3** Second, the fine grained mix of uses gives the Borough its character and vitality, which also means, because of the high density of population, that the vast majority of residents have local shops and services within a 5 minute walk of home, often interspersed within the residential neighbourhoods. But the Borough also supports world class town centres, museums and hospitals that give the Borough its international and national reputation. These attract large numbers of visitors from well beyond the Borough boundary, reflecting the location close to, but not in, central London. The Borough is anything but a 'residential suburb'. This mixture of uses adds so much to the quality of residents' lives.

**2.1.4** This chapter sets out an analysis of different issues in the Borough, to establish spatial patterns and common themes, to inform the shaping of the Vision and Strategic Objectives (See Chapter 3). It draws heavily on The Picture of Our Community (2005 and 2008), a companion guide to the Community Strategy. All details and maps have been drawn from this unless otherwise stated.

#### Extract 2:

#### Built Environment

**2.2.36** For 300 years, Kensington and Chelsea has been one of the most desirable places to live in London, ever since a private country house was acquired by the Monarchs, William and Mary, and adapted for Royal residence by Sir Christopher Wren in the 1700s. Kensington can claim a pre-eminent position in the hierarchy of the Victorian metropolis, not only as the home to Queen Victoria in her early days, but also because of the lasting legacy of houses, churches, museums and other public buildings which arose during her reign. As a

consequence Kensington and Chelsea grew throughout the 19th Century to provide homes for the newly wealthy middle and upper classes.

**2.2.37** This period of growth has left us with a legacy of Georgian and Victorian terraces laid out in a network of streets, often including garden squares, of the highest quality. The Edwardian period saw a shift away from town houses to the mansion block, allowing buildings to be slightly taller and thus, as we see today, higher density. The same principles of street-based architecture with the town house endured with the mansion block. The two principal building types are combined in a rich mix where neither one nor the other predominates over very large areas.

**2.2.38A** Another important characteristic that is also part of this legacy is the interspersal of small scale studios, shops, pubs and other mixed uses within the residential areas. This adds vitality and variety to the street scene – mixed uses are not confined only to town centres or employment zones in the borough.

**2.2.38** Consequently, the This legacy provides a built environment that is one of the finest in the Country with over 4,000 listed buildings in the Borough and over 70% of the Borough being within a conservation area, including some of metropolitan importance such as the Thames, Royal Hospital and South Kensington Museums conservation areas.

**2.2.39** However, away from the Borough's traditional central belt, there are many examples of twentieth century estate developments. These have a varying degree of success. Erno Goldfinger's Trellick Tower for example, is a much loved icon. However, certain estates (such as Lancaster West and Silchester in the Latimer area, and the World's End Estate in the south west) have become isolated from the rest of the Borough with residents often being deficient of local facilities

**2.2.40** The Georgian legacy in the Borough has left us with a tremendous number of garden squares. These are communal spaces enjoyed by the surrounding properties, but their construction has also resulted in a lack of public open and playable space in some parts the Borough. This however, is counter-balanced somewhat by Holland Park and Kensington Gardens which act as the Borough's primary public open spaces.

## Extract 3:

### Strategic Objective One: Keeping Life Local

**Social and community uses, local shopping facilities, 'walkable neighbourhoods'**

#### **Our Local Case**

**3.3.9** In spite of the recession which started in 2008/9, residential land values will continue to out-compete those 'local' borough functions which are essential for a successful residential neighbourhood – the local shops and community facilities that are often interspersed within the residential environment, and the Borough or London wide, or in some cases international facilities, such as our hospitals. One of our strategic priorities therefore is to protect and promote functions that otherwise might be lost to residential use.

## CO 1 Strategic Objective for Keeping Life Local

Our strategic objective to keep life local is for strong, effective local centres and for social and community facilities to be widely available and for neighbourhood functions, including neighbourhood shopping facilities, to be easily accessible so that residential communities can flourish.

### Extract 4:

## Strategic Objective Five: Renewing the Legacy

### Quality design, conservation and enhancement

#### Our Local Case

**3.3.13** We have inherited a remarkable historic townscape and a large number of historic buildings. The exceptional visual quality of our built environment is matched by the finely grained mix of uses, underpinning our success as a highly desirable place in which to live, work and invest. Over 4,000 buildings are listed and there are over 100 garden squares. Conservation Areas cover more than 70% of the Borough. The Royal Borough is known for its legacy of Georgian, Victorian and Edwardian architecture but there are also a number of twentieth century buildings which continue the legacy of high quality design. Our listed buildings and conservation areas contribute immensely to local distinctiveness both within the Borough and to London as a whole.

## CO 5 Strategic Objective for Renewing the Legacy

Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough

### Extract 5:

## Chapter 34

## Renewing the Legacy

## Conservation, quality and design

### 34.1 INTRODUCTION

**34.1.1** The Borough has inherited a remarkable historic townscape and a large number of historic buildings. The exceptional quality of the built environment and finely grained mix of uses underpins the Borough's success as a highly desirable place in which to live, work and invest. Over 4,000 buildings are 'listed' and there are over 100 garden squares. Conservation areas cover more than 70% of the Borough. The Royal Borough is known for its legacy of Georgian, Victorian and Edwardian architecture, interspersed with corner shops, pubs, studios and small pockets of mixed uses, but there are also a number of twentieth century buildings which continue the legacy of high quality design. Our listed buildings and conservation areas contribute immensely to local distinctiveness both within the Borough and to London as a whole.

**34.1.2** Renewing the Legacy is an integral part of the Core Strategy's central vision of Building on Success. The exceptional quality of the built environment underpins the reputation of both Kensington and Chelsea, and our residents' quality of life.

**CO 5 Strategic Objective for Renewing the Legacy** Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.

## **34.2 WHAT THIS MEANS FOR THE BOROUGH**

**34.2.1** Careful incremental improvement is needed to ensure our conservation areas remain of the highest quality. However, there are a number of small areas in the south and two large areas in the north of the Borough which are not within conservation areas. It is important that these areas are not regarded as 'second class' in terms of the future quality and contribution for which we should be striving. We should aspire for these areas to be our future conservation areas and a high design quality is needed to create a new design legacy for the Borough.

**34.2.2** There is inevitable pressure for change, as the existing, often historic, building stock is updated, renewed or replaced to meet today's needs and changing lifestyles. These changes are not only physical. The mixed uses in the borough –as set out in Keeping Life Local and Fostering Vitality – are an integral part of the Borough's character. Even small changes of use, that reduce the finely grained mix of uses that are interspersed in our residential areas can be damaging to the quality of the Borough.

**34.2.2A** Maintaining and improving the mixed-use and architectural character, quality, inclusivity and setting of the Royal Borough's exceptional built environment is vital. Past approaches, where no worsening was good enough, are no longer acceptable. The prevailing philosophy will be to drive up the quality of design to improve the quality of the Borough's built environment. The local context is of primary importance in achieving this.

**34.2.3** To ensure continued design excellence in the Royal Borough, the Council and the Royal Institute of British Architects (London) have appointed an Architectural Appraisal

Panel. The purpose of the panel is to review key planning proposals and offer support and advice to the Council's officers, planning application committees and its Design Champion, and for planning applicants to deliver high quality architecture within the Royal Borough.

### 34.3 PLANNING POLICIES

## Context and Character

**34.3.1** The Borough's townscape is unique in its high quality, finely grained, historic built environment with a strong context and character. The Council has a reputation of upholding high standards of conservation and design.

**34.3.2** The Council consider that the assessment of planning applications should be based on whether they are 'good enough to approve' rather than 'bad enough to refuse' to ensure the continuation of our existing high quality environment.

**34.3.3** The Council have a hard-won reputation for requiring more for the Borough's historic urban fabric than pure preservation when it comes to assessing planning applications. We have embraced the principle of resisting 'design that fails to take the opportunities available for improving the character and quality of the area and the way it functions'. We are therefore constantly seeking to improve our environment and new development must improve upon the existing situation.

**34.3.4** The Borough is a highly desirable place to live, shown by the highest average home prices in England<sup>2</sup>. These strong residential land values have led to pressure for the change to residential use. The principle of change of use is addressed in Keeping Life Local and Fostering Vitality. But the part that use plays in character must not be overlooked. The distinctive character of many buildings comes from their use, their role in the community, the facilities they provide and the activity they generate as much as their physical appearance. Their use contributes to the character of a **conservation** area and to a sense of place. The Borough contains a scatter of incidental mixed uses within its residential neighborhoods which offer variety, surprise and delight, punctuate the street scene and add to the vitality and character of a **conservation** area. Their loss diminishes the character of the townscape, the cherished local scene and the vitality and diversity of the area.

**34.3.4A** The Borough has considerable residential densities but surprisingly modest building scales. For example, Victorian terraced housing in the Borough typically consists of 700 habitable rooms per hectare (hrha) in 4 storeys, Edwardian terraced mansion blocks increasing this to 970hrh in 6 storeys. In North Kensington, the typical density and height of the postwar estates are 500hrh and 5-6 storeys, much lower than in the Victorian period.

**34.3.5** ~~Text moved to 34.3.10 below. Vistas and views as well as gaps between development are often planned aspects of townscape, particularly within the Victorian period.~~

**34.3.6** The Borough does not shy away from high density designs, it is an exemplar in demonstrating that high density and high quality are compatible - our context encourages us to deliver high density schemes.

**34.3.7** However, the Council considers that densities should not be used as the sole determinant of design, as it would undermine our duties to have regard both to the desirability of preserving or enhancing the character or appearance of conservation areas, and to good design<sup>3</sup>. The density matrix in the London Plan<sup>4</sup> therefore needs to be read in relation to the context of the development.

**34.3.8** The physical context of the Borough is highly valued, far beyond the Borough itself, and it has become a well-known and cherished part of London. Context is relevant to the size of the development. For example, for a single dwelling house the relevant context may be just the immediate street, whereas a larger development would draw on the wider area for its context.

**34.3.9** The Borough is fortunate to abut the River Thames in the south and the Grand Union Canal in the north. These river and canalside environments are considered important features in maintaining the Borough's distinctiveness. The Thames and areas adjoining have been designated as the Thames Policy Area in conformity with the London Plan. The Council considers that developments within these environments should pay great respect in ensuring their enhancement.

**34.3.10** The quality and character of an area is not only provided by the individual buildings but it is also gained from views into and out of the area. [34.3.5] Vistas and views as well as gaps between development are often planned aspects of townscape, particularly within the Victorian period. When considering development that impacts on views, vistas and gaps, it is important to respect the local context. The Borough has one designated strategic view which is that of St Paul's as seen from King Henry's mound in Richmond Park.

**34.3.11** It is important that a comprehensive approach is taken to site re-development so that layout and design quality are not compromised, there is efficient use of land and opportunities to improve the surrounding townscape are taken. This can include, on occasions, assessing adjacent sites and their development potential as part of the development appraisal process, so that a piecemeal and uncoordinated approach to site re-development is avoided.

## Policy CL 1

### Context and Character

To deliver this the Council will:

a. i) require development through its architecture and urban form to contribute positively to the context of the townscape, addressing matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials, vistas, views, gaps and historic fabric;

~~ii) resist the change of use of any building where the current use contributes to the character of the surrounding area and to its sense of place.~~

~~a.~~ require the analysis of context to be drawn from an area that is proportionate and relevant to the size of the development site;

~~b.~~ require the density of development to be optimised relative to context;

~~c.~~ require riverside and canalside development to enhance the waterside character and setting, including opening up views and securing access to the waterway;

~~d.~~ resist development which interrupts, disrupts or detracts from strategic and local vistas, views and gaps;

e. require a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment, resisting schemes which prejudice future development potential and/or quality

### Policy CL 3

#### Heritage Assets – Conservation Areas and Historic Spaces

The Council will require all development to respect the existing context, character, and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive for all.

The Council will require development to preserve and to take opportunities to enhance *the cherished and familiar local scene*.

To deliver this the Council will:

a. *require development to protect the special architectural or historic interest of the conservation area and its setting, the character or appearance of which it is desirable to preserve or enhance;*

b. require full planning applications in conservation areas;

c. resist substantial demolition in conservation areas unless it can be demonstrated that:

i. the building or part of the building or structure makes no positive contribution to the character or appearance of the area;

- ii a scheme for redevelopment has been approved;
- d. require a *replacement replica* in the event of a collapse or unauthorised demolition of a structure *that made a positive contribution to the character or appearance of* a conservation area;
- e. ensure that the character of mews properties is preserved and enhanced and to resist inappropriate alterations and extensions;
- f. resist the loss of, and inappropriate alterations and extensions to artists' studios;
- g. **resist the change of use of any building where the current use contributes to the character of the surrounding area and to its sense of place**

Extract 6 refers to planning policy for public houses and other A Class uses which provide a wider social role

## Extract 6:

### Chapter 30 Keeping Life Local

~~30.3.7 Public Houses are also considered a social and community use in the Borough, and recent concern over their loss to residential use has been noted. However, the Borough has only lost 6 public houses to residential units in the last decade. This is not to say that their loss is anything but regrettable. However, the Royal Borough is fortunate to have 173 bars (113 of which are traditional public houses) and the entire Borough (excluding open spaces) is served by one or more of these facilities being within a 10 minute walk. Therefore, the Council considers that there is too little evidence to resist their loss at the present time. This will be kept under review. The Borough has also experience a number of traditional public houses changing into other drinking establishments which do not provide the same community function to residents. However, these changes do not represent a change under the Town and Country Planning (Use Classes) Order 1987 and cannot presently be controlled by the Council.~~

The above paragraph will be replaced by the paragraphs 3.3.14A 3.3.14B and 3.3.14C Which appear after paragraph 14.3.4

### Local shopping **and other facilities which Keep Life Local**

**30.3.9** The evidence on local shopping deficiency shows that a policy is required to retain and enable better access to shopping facilities on foot or by bicycle in order to significantly improve the quality of urban life.

**30.3.10** The Council will use walkable neighbourhood indicators to assess accessibility to local shopping facilities. National indicators recommend an 800 metre (875 yard) walk. However, the use of national indicators is not appropriate due to the relatively large number of shopping centres within the Borough. As such, a 400 metre (440 yard) area is considered to be more appropriate in terms of assessing local shopping deficiency.

**30.3.11** Currently 74.8% of the Borough is located within a 5 minute (400m or 440 yard) walk of a neighbourhood or higher order shopping centre, of this, 1.5% are served by local centres in neighbouring boroughs. Excluding public spaces, the main areas with an established deficiency are Latimer, Kensal (east of Ladbroke Grove) and parts of Earl's Court. In these areas, many residents will have to walk for more than 10 minutes (or 800m) to local shopping facilities. Lots Road is currently seen as being deficient. However, once implemented, the planning permission for the Lots Road Power Station site will address the deficiency. Whilst it is noted that there is little residential accommodation currently in the area shown as deficient in Kensal, the Kensal Gasworks Strategic Site is allocated for significant housing growth in this Core Strategy, meaning that local shopping facilities will be required. The deficiency in Earl's Court is expected to be resolved through the redevelopment of the Earl's Court Exhibition Centre Strategic Site.

**30.3.12** By developing these sites and by creating new neighbourhood centres in Latimer and Kensal, it is calculated that 76% of the Borough would be within a 5 minute walk of local shopping facilities.

**30.3.13** Individual shops and parades are also important as they offer convenience retail to those living in areas which are not located near defined shopping centres.

**30.3.14** As well as social and community facilities, the Borough must also cater for local employment needs, this both improves the sense of belonging and can contribute to a more sustainable community. The issue of local employment is covered in more detail in *Fostering Vitality*.

**30.3.14A** *The continued loss of the Borough's stock of public houses over the past 30 years has eroded an easily accessible social focus for the community. From 181 premises in 1980 to 110 in 2012, well over one third have been lost and with escalating residential property prices, this trend is set to continue. The Borough has experienced a number of traditional public houses changing into other drinking establishments which do not provide the same community function to residents. However, these changes do not represent a change under the Town and Country Planning (Use Classes) Order 1987 and cannot be controlled by the Council.*

**30.3.14B** *Public houses not only make a valuable contribution to the community and cultural life of the Borough, but at neighbourhood level they offer a source of identity and*

distinctiveness, provide opportunities for social interaction and provide places to meet which support community cohesion – in short the essential ingredients of a sense of community and place. They are part of that fine grain mix of uses, which provide not only historical continuity, but contribute economically and to the vitality of our residential communities and the character of an area. They are an essential ingredient for promoting healthy communities and maintaining diverse, strong, secure and accessible neighborhoods.

**30.3.14C** However, it is not only public houses that display these distinctive characteristics. Other uses such as shops, financial and professional services uses and restaurants/cafes are also valued, for both the service that they provide and their wider social role. This essential mix of uses in the Borough's predominantly residential areas, not only makes these areas highly desirable places in which to live, helping to provide services locally for the community and beyond, but adds to the character and distinctiveness of the Borough as a whole. The approach of maintaining and protecting a broader range of uses also brings greater benefit to the wider community, rather than favouring a particular group within it.

## Policy CK 2

### **Local Shopping and Other Facilities which Keep Life Local**

The Council will ensure opportunities exist for convenience shopping throughout the Borough **and other facilities which keep life local.**

To deliver this the Council will

- a) protect individual shops **(Class A1)** outside of designated town centres.
- b) **resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough**
- c) **resist the loss of Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres**

**NOTE:** Further policy mechanisms for delivering **local shopping facilities** are included in Policies CF1, CF2 and CF3 in *Fostering Vitality, Chapter 31*



## **Equalities Impact Assessment**

### **Partial review of the Core Strategy Revisions to Policy CK2: Local Shopping Facilities**

**October 2012**

## Equality Impact Analysis Tool

### Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

### General points

Single Borough EqIA Tool

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. If your EqIA does not require you to carry out additional consultation, please omit section 04.
7. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough lead:

<p><b>RBKC</b> Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc.gov.uk">angela.chaudhry@rbkc.gov.uk</a> 020 7361 2654</p>
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## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012 Q4
Name and details of policy, strategy, function, project, activity, or programme	<p><b>Partial review of the Core Strategy: Policy CK2: Local Shopping Facilities</b></p> <p>The purpose of the Partial Review of the Core Strategy is to revise relevant policies so that they include resisting the loss of local facilities valued by the community. The relevant policies are Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces and Policy CK2: Local Shopping Facilities. Two separate Equalities Impact Assessments (EqIAs) are being undertaken for amendments to each of the policies. This EqIA relates to revisions to Policy CK2: Local Shopping Facilities. The revisions extend the policy to include ‘other facilities’ which are CK2(a) shops (Class A1), CK2(b) resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough and CK2(c) resist the loss of Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres.</p>
Lead Officers	<p>Name: Jonathan Wade            Position: Planning Policy Team Leader            Email: jonathan.wade@rbkc.gov.uk            Telephone No: 020 7361 3000</p>
Lead Borough	RBKC
Date of completion of final Full EIA	October 2012
Section 02	<b>Scoping of Full EIA</b>
Plan for completion	<p>Submission: December 2012            Resources: 1X Senior Planning Officer, 1 X Planning Policy Team Leader</p>

**Analyse the impact of the policy, strategy, function, project, activity, or programme**

Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.

This section assesses the impact of the revisions to Policy CK2 on nine protected characteristics. The revisions to the policy are given a score to indicate whether they have a positive (+) or a negative impact on the nine protected characteristics. The relevance of the revisions to the protected characteristics is further indicated proportionately as low (L), medium (M) or high (H). Where the revisions have no relevance to a protected characteristic, the impact is classed as neutral (N).

Protected characteristic	Borough Analysis	Impact: Positive (+), Negative (-), Neutral (N), Low (L), Medium (M), High (H)
Age	<p>Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p> <p>The revisions resist the loss of public houses and other drinking establishments (Class A4) throughout the Borough. They also resist the loss of restaurants and cafes (Class A3) and Financial and Professional services (Class A2) outside of Higher Order Town Centres.</p> <p>National Planning Policy Framework para 70 states that planning policies and decisions should, <i>“plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venue, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”</i>.</p> <p>At para 69, the NPPF states that <i>“the planning system can play an important role</i></p>	+ (M)

		<p><i>in facilitating social interaction and creating healthy inclusive communities.”</i></p> <p>The revised policy will enable an extended protection of local facilities which will help with social interaction at all age groups. In particular this will be supported through the protection of public houses and restaurants as these are popular places for people to meet. It also protects local services which is mentioned at para 70 of the NPPF.</p> <p>The revised policy is also likely to have a particularly beneficial impact on older people who would value local facilities within easy walking distance even more than people in other age ranges.</p>	
	Disability	<p>A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities.</p> <p>The revisions are likely to benefit people with a disability by resisting the loss of local facilities which keep life local. The revisions will enable local facilities to continue to be located in accessible locations which have been used by the community for many years. The revised policy will help provide convenient and walkable local facilities for those with mobility impairments (including all age groups). Protecting places such as public houses and restaurants will help people with disabilities to interact socially, encourage their involvement in local community activities and reinforce the local community. The protection of other service uses will also help in this respect.</p>	+ (H)
	Gender reassignment	<p>Gender reassignment is the process of transitioning from one gender to another.</p> <p>The revisions to Policy CK2 are not particularly aimed at people who are in the process of transitioning from one gender to another. The revisions are not considered relevant to this protected characteristic.</p>	N

	Marriage and Civil Partnership	<p>Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.</p> <p>The revisions are not considered relevant to this particular protected characteristic as they are not specifically aimed at protecting a service for married people or civil partners.</p>	N
	Pregnancy and maternity	<p>Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p> <p>There is likely to be a moderate benefit to women who are pregnant or on maternity leave with infant/s to have easily accessible local facilities such as shops, public houses, restaurants and cafes. This would make it easier for them to shop, meet, socialise and use these facilities. The protection of service uses within Class A2 should also help in this respect.</p>	+ (M)
	Race	<p>Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p> <p>The revisions support a range of local uses valued by all races to continue to operate. They will help reinforce the local community and should have a low benefit for this protected characteristic.</p>	+ (L)
Religion/belief (including non-	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally,	+ (L)	

	belief)	a belief should affect your life choices or the way you live for it to be included in the definition.  As with race above, the range of local uses valued by people from different religious persuasions will be protected and therefore will have a benefit for this protected characteristic.	
	Sex	Sex means a man or a woman  The revisions are likely to benefit both men and women equally by protecting local facilities so they remain within easy access and there are likely to be moderate benefits for both sexes.	+ (M)
	Sexual Orientation	Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.  The revisions to Policy CK2 are aimed at people with any particular sexual orientation. The revisions are not considered relevant to this protected characteristic.	N

**Human Rights or Children's Rights**  
If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice

The protection of local shopping and other facilities which keep life local, may have a marginal benefit in relation to Article 27 of Human Rights.

Article 27 states "1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

The revisions are in accordance with the National Planning Policy Framework (para 69 and 70). The revisions will

	<p>help facilitate social interaction and create healthy, inclusive communities. Para 70 of the NPPF requires positive planning for the provision and use of shared space, community facilities (such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further requires protection against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.</p> <p>The revisions will not have any impact on Children's Rights.</p>
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<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	<p>Survey of public houses presenting a time series data from 1980, 2002, 2007 and 2012. The survey shows a decline in the number of public houses in the Borough from 168 in 1980 to 110 in 2012.</p> <p>Research on appeals – Research was undertaken on appeals lodged against other Councils' decision to grant planning permission for a loss of public house and other community facilities to other uses. This data is unlikely to have any impact on protected characteristics.</p>
<b>New research</b>	<p>If new research is required, please complete this section</p> <p><b>NA</b></p>

<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	Consultation was undertaken at the Issues and Options stage in accordance with the Regulations. The document was available on-line. People could submit an on-line response to the consultation or post their response. There was a consultation workshop and other targeted discussions with groups at this stage. We also wrote to people on our Local Development Framework consultation database.

	<p>We consulted on the soundness of the draft policies in September – October 2012. As before the document was available on-line with the response form also available on-line or in paper as convenient.</p> <p>We will be submitting the revised policies to the Secretary of State in December 2012. We will be consulting on the soundness of the policies at this stage.</p>
<p><b>Analysis of consultation outcomes for each borough</b></p>	<p>The Issues and Options consultation indicated support for revising the policies to protect local shopping and other facilities which keep life local.</p>

<p><b>Section 05</b></p>	<p><b>Analysis of impact and outcomes</b></p>
<p><b>Analysis</b></p>	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p>There is no direct relevant impact as a result of consultation or data analysis on any of the protected characteristics. The impact of the revisions to each protected characteristic has been presented earlier in section 2.</p> <p>Age: Neutral impact  Disability: Neutral  Gender reassignment: Neutral  Marriage and Civil Partnership: Neutral  Pregnancy and Maternity: Neutral  Race: Neutral  Religion/belief (Including non-belief): Neutral  Sex: Neutral  Sexual Orientation: Neutral</p>

<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p> <p>No adverse impacts have been identified.</p>

<b>Section 07</b>	<b>Action Plan</b>					
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	None	Continue with work to prepare the revisions to Policy CL3 for submission to the Secretary of State.	December 2012	Jonathan Wade, RBKC	Submission to the Secretary of State, Examination and Adoption	January 2012

<b>Section 08</b>	
<b>Chief Officers' sign-off</b>	<p>Name: Jonathan Bore  Position: Executive Director  Email: jonathan.bore@rbkc.gov.uk  Telephone No: 020 7361 3000</p>
<b>Key Decision Report (if relevant)</b>	Key equalities issues have been included: Yes

**Lead Equality Manager  
(where involved)**

Name:  
Position:  
Date advice / guidance given:  
Email:  
Telephone No:

**Please ensure that a final version of your EqIA is sent to the Equalities Officer, Angela Chaudhry, so that it can be published on our intranet**



## **Equalities Impact Assessment**

### **Partial review of the Core Strategy Revisions to Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces**

**October 2012**

## Equality Impact Analysis Tool

### Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

### General points

Single Borough EqIA Tool

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. If your EqIA does not require you to carry out additional consultation, please omit section 04.
7. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough lead:

**RBKC**  
Corporate Equalities Officer:  
[angela.chaudhry@rbkc.gov.uk](mailto:angela.chaudhry@rbkc.gov.uk)  
020 7361 2654



## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012 Q4
Name and details of policy, strategy, function, project, activity, or programme	<p><b>Partial review of the Core Strategy: Policy CL3, Heritage Assets – Conservation Areas and Historic Spaces</b></p> <p>The purpose of the Partial Review of the Core Strategy is to revise relevant policies so that they include resisting the loss of local facilities valued by the community. The relevant policies are Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces and Policy CK2: Local Shopping Facilities. Two separate Equalities Impact Assessments (EqIAs) are being undertaken for amendments to each of the policies. This EqIA relates to revisions to Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces. The revisions resist the change of use of any buildings that contribute to the character of the surrounding area and to its sense of place.</p>
Lead Officers	<p>Name: Jonathan Wade            Position: Planning Policy Team Leader            Email: jonathan.wade@rbkc.gov.uk            Telephone No: 020 7361 3000</p>
Lead Borough	RBKC
Date of completion of final Full EIA	October 2012
Section 02	Scoping of Full EIA
Plan for completion	<p>For submission December 2012-11-27            Resources: 1X Senior Planning Officer, 1 X Planning Policy Team Leader</p>

**Analyse the impact of the policy, strategy, function, project, activity, or programme**

Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.

This section assesses the impact of the revisions to Policy CL3 on nine protected characteristics. The revisions to the policy are given a score to indicate whether they have a positive (+) or a negative impact on the nine protected characteristics. The relevance of the revisions to the protected characteristics is further indicated proportionately as low (L), medium (M) or high (H). Where the revisions have no relevance to a protected characteristic, the impact is classed as neutral (N).

<b>Protected characteristic</b>	<b>Borough Analysis</b>	<b>Impact:</b> Positive (+), Negative (-), Neutral (N), Low (L), Medium (M), High (H)
Age	<p>Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p> <p>The revisions resist the change of use of valued local facilities to protect the character of a Conservation Area and the sense of place. This would enable local facilities to continue to be available to people in all age ranges. This is likely to have a particularly beneficial impact on older people who would value local facilities within easy walking distance even more than people in other age ranges.</p>	+ (M)
Disability	<p>A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p> <p>The revisions are likely to benefit people with a disability by resisting loss of local</p>	+ (H)

		facilities where they contribute to the character and sense of place of a Conservation Area. The revisions will enable local facilities to continue to be located in accessible locations which have been used by the community for a long time historically. The revised policy will help provide convenient and walkable local facilities for those with mobility impairments (including all age groups). Protecting places such as public houses and restaurants will help social interaction, encourage involvement in local community activities and reinforce the local community.	
	Gender reassignment	<p>Gender reassignment is the process of transitioning from one gender to another.</p> <p>The revisions to Policy CL3 are not particularly aimed at people who are in the process of transitioning from one gender to another. The revisions are not considered relevant to this protected characteristic.</p>	N
	Marriage and Civil Partnership	<p>Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.</p> <p>The revisions are not considered relevant to this particular protect characteristic as they are not specifically aimed at protecting a service for married people or civil partners.</p>	N
	Pregnancy and maternity	<p>Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p> <p>There is likely to be a low benefit to women who are pregnant or on maternity</p>	+ (L)

		leave with infant/s to have easily accessible local facilities such as public houses, restaurants and cafes. This would make it easier for them to meet, socialise and use these facilities.	
	Race	<p>Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p> <p>The revisions support a range of local uses valued by all races to continue to operate. They will help reinforce the local community and should have a low benefit for this protected characteristic.</p>	+ (L)
	Religion/belief (including non-belief)	<p>Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p> <p>As with race above, the range of local uses valued by people from all religious persuasions will be protected where they contribute to the character and sense of place of the area. In addition the protection in some instances could be for religious buildings such as historic churches which are part of the character and sense of place. Therefore the revisions are likely to have a low benefit to this protected characteristic.</p>	+ (L)
	Sex	<p>Sex means a man or a woman</p> <p>The revisions are likely to benefit both men and women equally by protecting local facilities so they remain within easy access. These local facilities are used to meet and socialise and will benefit both sexes.</p>	+ (M)
	Sexual Orientation	Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	N

	<p>The revisions to Policy CL3 are not particularly aimed at people with any particular sexual orientation. The revisions are not considered relevant to this protected characteristic.</p>	
	<p><b>Human Rights or Children’s Rights</b>          If your decision has the potential to affect Human Rights or Children’s Rights, please contact your Borough Lead for advice</p> <p>Resisting the loss of valued local facilities where they contribute to the character and sense of place of an area, may have a marginal benefit in relation to Article 27 of Human Rights.</p> <p>Article 27 states “1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”</p> <p>The revisions are in accordance with the National Planning Policy Framework (para 69 and 70). The revisions will help facilitate social interaction and create healthy, inclusive communities. Para 70 of the NPPF requires positive planning for the provision and use of shared space, community facilities (such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further requires protection against unnecessary loss of valued facilities and services particularly where this would reduce the community’s ability to meet its day-to-day needs.</p> <p>The revisions will not have any impact on Children’s Rights.</p>	

<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	<p>Survey of Pubs presenting a time series data from 1980, 2002, 2007 and 2012. The survey shows a decline in the number of public houses in the Borough from 168 in 1980 to 110 in 2012.</p> <p>Research on appeals – Research was undertaken on appeals lodged against other Councils’ decision to grant</p>

	<p>planning permission for a loss of public house and other community facilities to other uses. This data is unlikely to have any impact on protected characteristics. The contents of the National Planning Policy Framework (NPPF) March 2012 have been taken into account.</p>
<b>New research</b>	<p>If new research is required, please complete this section</p> <p><b>NA</b></p>

<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	<p>Consultation was undertaken at the Issues and Options stage in accordance with the Regulations. The document was available on-line. People could submit an on-line response to the consultation or post their response. There was a consultation workshop and other targeted discussions with groups at this stage. We also wrote to people on our Local Development Framework consultation database.</p> <p>We consulted on the soundness of the draft policies in September – October 2012. As before the document was available on-line with the response form also available on-line or in paper as convenient.</p> <p>We will be submitting the revised policies to the Secretary of State December 2012. We will be consulting on the soundness of the policies at this stage.</p>
<b>Analysis of consultation outcomes for each borough</b>	The Issues and Options consultation indicated support for revising the policies to include resisting the loss of local facilities where they contribute to the character and sense of place of the surrounding Conservation Area.

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
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<b>Analysis</b>	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p>There is no direct relevant impact as a result of consultation or data analysis on any of the protected characteristics. The impact of the revisions to each protected characteristic has been presented earlier in section 2.</p> <p>Age: Neutral impact  Disability: Neutral  Gender reassignment: Neutral  Marriage and Civil Partnership: Neutral  Pregnancy and Maternity: Neutral  Race: Neutral  Religion/belief (Including non-belief): Neutral  Sex: Neutral  Sexual Orientation: Neutral</p>
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<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p> <p>No adverse impacts have been identified.</p>

<b>Section 07</b>	<b>Action Plan</b>
<b>Action Plan</b>	<p>Note: You will only need to use this section if you have identified actions as a result of your analysis</p>

	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	None	Continue with work to prepare the revisions to Policy CL3 for submission to the Secretary of State.	December 2012	Jonathan Wade, RBKC	Submission to the Secretary of State, Examination and Adoption	January 2012

<b>Section 08</b>	
<b>Chief Officers' sign-off</b>	Name: Jonathan Bore Position: Executive Director Email: jonathan.bore@rbkc.gov.uk Telephone No: 020 7361 3000
<b>Key Decision Report (if relevant)</b>	Key equalities issues have been included: Yes
<b>Lead Equality Manager (where involved)</b>	Name: Position: Date advice / guidance given: Email: Telephone No:

**Please ensure that a final version of your EqIA is sent to the Equalities Officer, Angela Chaudhry, so that it can be published on our intranet**

## **PRESENT**

### **Members of the Council**

THE MAYOR: COUNCILLOR CHRISTOPHER BUCKMASTER  
THE DEPUTY MAYOR: COUNCILLOR VICTORIA BORWICK

AHERN, Tim  
ATKINSON, Robert  
BARKHORDAR, Abbas  
BLAKEMAN, J M  
BUXTON, Fiona  
CAMPBELL, Barbara  
CAMPBELL, Elizabeth  
CAMPION, David, BA (Arch), Dip TP, FRIBA, MBCS, CITP  
CARUANA, Carol  
COCKELL, Sir Merrick  
COLERIDGE, Timothy  
COLLINSON, Deborah  
CONDON-SIMMONDS, Maighread  
DENT COAD, Emma  
DONALDSON, Ian  
FAULKS, Catherine  
FOREMAN, Todd  
FREEMAN, Robert  
GARDNER, Joanna  
HARGREAVES, Gerard  
HEALY, Pat  
HOIER, Bridget  
HOLT, Tony  
HUSBAND, James  
JONES, Tim  
LIGHTFOOT, Warwick  
LINDSAY, David  
MACKOVER, Sam  
MARSHALL, Quentin  
MASON, Pat  
MILLS, Julie  
MINGAY, Robert  
MOSLEY, Louis  
MOYLAN, Daniel  
NEAL, Matthew  
O'NEILL, Dez

PAGET-BROWN, Nicholas  
PALMER, Matthew  
PASCALL, Will  
READ, Jonathon  
ROSSI, Marie-Therese  
RUTHERFORD, Mrs Elizabeth  
TAYLOR, Mrs Frances  
WADE, Linda  
WARRICK, Paul  
WEALE, Mary  
WEATHERHEAD, Miss Doreen M  
WILL, Emma  
WILLIAMS, Charles

## **1. MINUTES OF THE MEETING HELD ON 17 OCTOBER 2012**

The minutes of the meeting of the Council held on 17 October were confirmed as a correct record and were signed by the Mayor.

## **2. SPECIAL ANNOUNCEMENTS BY THE MAYOR**

### **Charles Muller**

With much sadness, the Mayor reported the death of former Councillor Charles Muller.

Mr Muller served as a Councillor in Kensington from 1949 and then in Kensington and Chelsea from 1965 to 1969 after which he served as an Alderman until 1978. He was Mayor in 1968-69 and chaired the Committee which had responsibility for the design of Kensington Town Hall.

Mr Muller had been in poor health for about 18 months, having suffered a stroke. He died on 9 October, aged 87. His funeral service took place in Bath and he was buried in Brompton Cemetery in early November. The Mayor informed the Council that a Memorial Service would take place in London at a later date.

Councillors Miss Weatherhead, Mrs Taylor and Campion spoke about Mr Muller.

On behalf of the Council, the Mayor extended sympathies to Charles Muller's wife and family.

Members stood in silent remembrance.

## **Tot Brill**

The Mayor informed the Council that this evening was Tot Brill's last meeting. Since 2006 she had served as the Royal Borough's Executive Director for Transportation, Environment and Leisure. She succeeded Mike Stroud and continued in that job until its deletion at the end of 2011, when the Council's environmental services were joined with those of Hammersmith and Fulham under a bi-borough arrangement.

At that point she took on a new temporary role as Assistant Chief Executive, with lead responsibility for Olympic work and a range of other projects, including Leighton House Museum, Opera Holland Park and New Ways of Working.

Before joining the Royal Borough, Tot Brill had a varied career. She had worked in Newham, in York and she joined the Royal Borough from Leicester City Council where she had worked in Regeneration, Culture and Neighbourhood Renewal. However, before that, she had various jobs across England and Scotland which employed her skills as an Illustrator, Researcher, Designer, Comic and Actor.

The Mayor said that he had no doubt that the next phase of her career would be every bit as varied, exciting and perhaps even as eyebrow-raising as parts of the past had been. He was sure all Members would join in wishing her well and extending thanks for all that she had done during her time in the Royal Borough.

Councillors Lightfoot, Barbara Campbell, Mason and Paget-Brown spoke.

### **3. TOWN CLERK AND EXECUTIVE DIRECTOR OF FINANCE'S REPORTS AND COMMUNICATIONS**

#### **(i) Apologies**

Apologies for absence were submitted on behalf of Councillors Professor Sir Anthony Coates and Feilding-Mellen.

Apologies for lateness were submitted on behalf of Councillors Holt and Mills.

#### **(ii) Declarations of Interest**

Councillors Mason, Lindsay and Fiona Buxton declared interests in Motion (i) as Members of the Westway Development Trust Board.

Councillor Miss Weatherhead declared a interest in Motion (iii) as an independent trustee of the Pepperpot Day Centre. She added that

Councillor Mills - whose apologies for lateness had been given - was also an independent trustee. The Mayor advised that the two Councillors should leave the Chamber during consideration of the Motion.

#### **4. PETITIONS**

No petitions were submitted.

#### **5. ORDER OF BUSINESS**

The Mayor announced that, in accordance with Standing Orders, the order of debate would be as set out in the agenda.

#### **6. REPORTS FROM THE CABINET**

The reception of the reports was moved by Councillor Sir Merrick Cockell and seconded by Councillor Paget-Brown.

##### **(i) Statement of Gambling Policy**

RESOLVED -

That the recommendation in paragraph 7.1 be adopted.

##### **(ii) Annual Treasury Strategy Mid-Year Review 2012-13**

RESOLVED -

To approve the Annual Treasury Strategy Mid-Year Review.

##### **(iii) Partial Review of the Core Strategy - Public Houses and related matters - submission stage**

RESOLVED -

That the recommendations in paragraph 14.1 be adopted.

#### **7. MATTERS REFERRED TO THE COUNCIL BY COUNCIL-SIDE COMMITTEES**

No matters were referred.

#### **8. MATTERS REFERRED TO THE COUNCIL BY SCRUTINY COMMITTEES**

**Report of the Health, Environmental Health and Adult Social Care Scrutiny Committee - Review of Carers in the Royal Borough**

The reception of the report was moved by Councillor Weale and seconded by Councillor Williams.

RESOLVED -

that the report be received and noted.

## **9. MATTERS RAISED UNDER STANDING ORDER 19**

### **49 Bassett Road, W10**

Councillor Mingay spoke about 49 Bassett Road, a large Victorian house in Council ownership. The property had been a children's home, was then converted into flats before falling into disrepair. The Labour Group had previously urged its re-use for social or affordable housing. The Cabinet, however, had decided to sell it to Alpha Plus for conversion to a prep. school. Local residents had opposed this as there was already a school in Bassett Road and an additional school would bring traffic chaos and disruption from five different play-times. The Planning Applications Committee had now refused planning permission. He urged the Cabinet to reconsider its decision to sell the site as it may be needed for essential Council use.

The Council noted the matter raised.

## **10. MOTIONS FOR DEBATE**

### **(i) Westway SPD**

It was moved by Councillor Mason and seconded by Councillor Dent Coad that:

"This Council notes the proposals outlined in the Westway SPD to redevelop the land in its ownership under the Westway Motorway that includes:

- relocating the Westway Information Centre services at 140 Ladbrooke Grove and using the building for commercial shop front use;
- using the former EPICS building at 2-4 Malton Road as a local Council services hub;
- redeveloping the Isaac Newton Centre for housing, education or commercial use;
- building a new Lancaster Youth Centre on the Isaac Newton Centre site;
- closing and relocating the North Kensington Library to the Isaac Newton Centre site; and

- relocating and replacing the services at 36 Oxford Gardens with much needed social housing.

It notes also that the Westway Development Trust, which manages 23 acres of the land along the Westway, also has plans to redevelop its sites at the Westway Sports Centre, Stable Way, Maxilla Walk, Malton Road, Thorpe Close, Portobello Road and Acklam Road.

The Council recognises that this programme offers a once in a lifetime transformative opportunity to incorporate locally-generated, renewable and low cost energy and power solutions by introducing pioneering green building and housing design into all these developments. This would both reduce the Borough's carbon footprint in future years and reduce the carbon allowances the Council has to buy annually, which this year, for example, cost Council taxpayers £190,800. In addition, this would improve the current poor air quality that is so damaging to the health of residents, particularly children.

To implement this strategy, this Council resolves to liaise with other local authorities, developers, environmental organisations and green solution companies that are designing and building new low cost, locally generated and renewable energy solutions, such as local combined heat and power units, bio-gas powered water heaters, and/or installing solar panels to heat water to housing and community facilities to understand how best to incorporate such innovations into all the proposed Westway developments."

The following amendment was moved by Councillor Coleridge and seconded by Councillor Hargreaves:

To replace the last two paragraphs that begin "The Council recognises" with the wording below:

"The Council recognises that this programme offers an opportunity to incorporate locally generated, renewable and low cost energy and power solutions. For all new buildings the Council or our Partners/developers aim to achieve BREEAM "Excellent" or in the case of refurbishment projects, a BREEAM "Very Good". Such measures will ensure a reduction in the Council's carbon footprint and thereby reduce the cost of buying annual carbon allowances.

To implement this strategy the refurbishment of 2-4 Malton Road and the new build of the North Kensington Library and Lancaster Youth Centre will through the planning process be compliant with the Council's core strategy (chapter 36- climate change, flooding, waste, biodiversity, air quality and noise and vibration) and opportunities to exceed these criteria will be considered at the design stage for each project. The Council will consider a number of sustainable options for integrating into the building such as

passive ventilation strategies; grey water harvesting; solar photovoltaics; ground source or air heat pumps; increased floor, wall and roof/ceiling insulation, sustainable urban drainage systems (SUDS) and passive infrared lighting to name a few examples."

Debate ensued.

The amendment was subsequently put to the vote and was declared by the Mayor to be carried.

The motion as amended was subsequently put to the vote and was declared by the Mayor to be carried unanimously.

## **(ii) Safer Cycling**

It was moved by Councillor Hoier and seconded by Councillor Condon-Simmonds that:

"This Council notes the report of the London Assembly Transport Committee Gearing Up published on 21 November 2012 seeking to promote safer cycling in London and supported by Conservative, Labour, Liberal Democrat and Green Party Assembly Members.

The report welcomes the strong growth in cycling in London, which is set to continue, but warns that serious injury to cyclists in road accidents has risen by 50% since 2006 and there have been 13 deaths this year alone. It wants much more to be done to encourage safer cycling in the capital, especially after unnecessary deaths, both locally and across London. A key recommendation is to double the current modest funding for cycling in the Transport for London budget and also to double the current target for the proportion of journeys made by bike by 2026 from 5% to 10%.

This Council therefore resolves to endorse the All Party recommendations of the Assembly Committee which, in addition to those on funding and targets, include:

- Timetabling an action plan for the east-west cycle "super corridor";
- Appointing a Commissioner to champion cycling;
- Providing more road space on London's roads for cyclists, including using the experience of the Games lanes during London 2012;
- Developing a plan to ensure that all children in London receive cycle training.

It further resolves to notify the Mayor of London's Roads Task Force, which is looking into shared use of London's road space and due to report in March 2013, of its adoption of this motion."

Debate ensued.

The motion was put to the vote and declared by the Mayor to be carried unanimously.

**(iii) Pepperpot Club**

Councillors Miss Weatherhead and Mills having previously declared interests in the Motion left the Chamber during its consideration.

It was moved by Councillor Blakeman and seconded by Councillor Healy that:

"This Council notes from the recent Westway Newsletter that there are no immediate plans to re-locate the Pepperpot Club once its current premises have been vacated. It therefore resolves to ask the Cabinet Member for Adult Social Care to outline the programme and timetable for consulting with the Pepperpot Club, its management and its users on what alternative offer the Council will be proposing to replace the services currently provided by the Pepperpot Club."

The following amendment was moved by Councillor Fiona Buxton and seconded by Councillor Mosley:

To amend the Motion so that it reads as follows:

"This Council recognises that Pepperpot Day Centre is an independent charity. Pepperpot's premises do not form part of the Westway SPD and as such there are no immediate plans to re-locate the Day Centre."

Debate ensued.

The amendment was subsequently put to the vote and was declared by the Mayor to be carried.

The motion as amended was subsequently put to the vote and was declared by the Mayor to be carried.

**(iv) Education**

It was moved by Councillor Elizabeth Campbell and seconded by Councillor Will that:

"This Council celebrates the transformation of education in Kensington and Chelsea over the past twelve years and recognises the enormous capital investment of more than £150 million.

The Council commits itself to strive to continue to improve the quality of education in the Royal Borough and applauds the fact that despite the recession, further monies are being made available to build Kensington Aldridge Academy and rebuild two primary schools."

Debate ensued.

The motion was subsequently put to the vote and was declared by the Mayor to be carried unanimously.

## **11. APPOINTMENTS TO COMMITTEES AND OUTSIDE ORGANISATIONS**

### **Committees**

The Council noted the following **resignations**:

Housing and Property Scrutiny Committee - Councillor Hargreaves  
Major Planning Development Committee - Councillor Dent Coad

The Council agreed the following **appointments**:

Housing and Property Scrutiny Committee - Councillor Read  
Major Planning Development Committee - Councillor Mingay

## **12. OTHER URGENT MATTERS**

None.

The meeting ended at 9.20pm.

Mayor