**ADOPTION STATEMENT**

**BUILDING HEIGHT IN THE ROYAL BOROUGH, A SUPPLEMENTARY PLANNING DOCUMENT**

In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, notice is given that the Royal Borough of Kensington and Chelsea adopted its Supplementary Planning Document (SPD) on Building Height in the Royal Borough on **15 September 2010**.

The draft SPD was approved for consultation in September 2008. Consultation was conducted in accordance with Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 and the Council’s adopted Statement of Community Involvement, December 2007, for a period of six weeks from 28th October to 9th December 2008.

During this period, the draft SPD, together with the Sustainability Appraisal, Statement of SPD Matters and standard response form, were made available for inspection at the Kensington Town Hall, all local libraries and on the Council’s website. Notice of the consultation arrangements was published on the Council’s website, the Council’s LDF newsletters of July, September and December 2008, and sent to Councillors and consultees on the LDF database.

The Council received 24 representations (over 200 comments) from various organisations and local residents, including the Commission for the Built Environment (CABE), English Heritage, GLA, the Environment Agency, residents associations, property owners and developers. While the representations from the English Heritage, the Kensington and Chelsea Societies, Oakley Street Residents Association and Metro Shopping Fund were received after the consultation deadline, these have nevertheless been taken into account.

The main premise of the SPD was supported, but matters of policy status, detailed application and arguments for and against tall buildings were questioned. It is notable that CABE and English Heritage were broadly supportive of the SPD, recognising the document as a robust urban design study. The GLA initially questioned the evidence base, but were satisfied when issued with copies of the background studies. A summary of the general themes emerging from the consultation is set out below.

**Policy Status**

Many respondents questioned the relationship of the SPD with planning policy and in particular policy statements (paragraphs identified by the prefix ‘TB’) contained in the SPD, which appeared to represent new policy. This particularly concerned the Kensington and Chelsea Societies, who wanted any new policy to undergo the correct statutory examination process before introduction.

Officer response: The introduction to the SPD has been redrafted to make it clear that the SPD does not create policy but is supplementary, elaborating on statutory policies used to determine planning applications on tall buildings. ‘TB’ statements have been deleted and messages toned down. The delay in adopting the SPD until after the submission of the Core Strategy has clarified the relationship and countered the charge of ‘policy by the backdoor’.

**Ambiguous landmarks**

Many respondents questioned the notion of ambiguous landmark buildings, which were conceived in the SPD as buildings that were too low to form distinctive and attractive structures on the skyline, but too tall not to visually disrupt the local context.

Officer response: On further reflection by officers the matter was not one of ineffectual building height, but one of poor building massing. The category of ambiguous landmarks has been deleted and the reference to design quality, including building profile and proportions, has been strengthened.

**City legibility arguments**

Whilst some individual landowners and developers were supportive of tall buildings as gateway buildings and progression landmarkers, many others were not convinced by the argument for such improvements in the legibility of the Royal Borough.

Officer response: The SPD has been amended to exclude gateway and progression landmark buildings as justification for tall building proposals in the Royal Borough.

**Blanket restriction**

Some respondents were concerned that the SPD was too negative regarding development within or close to conservation areas or important views, and that it constituted a blanket restriction on tall building proposals. It was suggested that the argument is one of design quality and that a well designed tall building would enhance the appearance of a conservation area or view.

Officer response: This is not a blanket ban, but more the outcome of the consistency of building heights and townscape quality that characterise much of the Royal Borough and its conservation areas in particular. The document has been amended to refer to conservation areas being highly sensitive to tall buildings, but stops short of a ‘blanket ban’ in these areas.

**Arbitrary designations**

Similarly, some respondents were concerned with the arbitrary nature of the landmark building scale, buffer zones for conservation areas and view backdrops, and that the maps do not show exact boundaries.

Officer response: This is a strategic document, based on a design study, which seeks to offer guidance only. The designations are not meant to be precise, but relate to typical building and street scales found in the Borough. It would be a disproportionate use of Council resources to carry out the detailed analysis required to offer more definitive heights and boundaries, which is best done as-and-when a tall building proposal comes forward.

**Density argument**

Most respondents referred to the link between tall buildings and density, with some wishing to promote tall buildings on the basis that they either respond to existing high density levels or can help raise existing low levels.

Officer response: The SPD maintains that tall buildings are only one possible model for high density development. The Borough’s traditional built form has also achieved high density levels and, given the strong support for preserving the distinctive character and appearance of the Borough, is the preferred development form.

**Regeneration argument**

Some respondents referred to the contribution tall buildings can make to regeneration, pointing to the GLA’s promotion of tall buildings as catalysts.

Officer response: It is not accepted that tall buildings are required for regeneration in the Royal Borough, as it is the Borough’s experience that it can be achieved through medium-rise, high density development in the traditional urban form.

Any person aggrieved by the adoption of this SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted. The adopted SPD and the Adoption Statement, can be viewed on the Council’s website at www.rbkc.gov.uk. These documents are also available for inspection during normal office hours at the following locations:

* **Town Hall**: Hornton Street, London, W8 7NX

(Mon to Fri: 9am – 5pm);

* **Kensington Central Library**: Phillimore Walk, London, W8 7RX

(Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

* **Chelsea Library**: Chelsea Old Town Hall Kings Road, London, SW3 5EZ

(Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

* **North Kensington Library**: 108 Ladbroke Grove, London, W11 1PZ

(Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

* **Brompton Library**: 210 Old Brompton Road, London, SW5 0BS

(Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

* **Notting Hill Gate Library**: Pembridge Square, London, W2 4EW

(Mon: 1pm - 8pm; Tues: 1pm - 7pm; Wed: CLOSED; Thurs: 9.30am - 1pm; Fri: 9.30am - 1pm and 2pm - 5pm; Sat: 9.30am - 1pm and 2pm - 5pm); and

* **Kensal Library**: 20 Golborne Road, London, W10 5PF

(Monday: 1pm - 6pm; Tuesday: 1pm - 6pm; Wednesday: Closed; Thursday: 1pm - 6pm; Friday: 9.30am - 5pm; Saturday: 9.30am - 1pm, 2pm - 5pm).

**Jonathan Bore**

Executive Director of Planning and Borough Development

Royal Borough of Kensington and Chelsea. 27 September 2010