Core Strategy Review

Consultation Responses to Publication Conservation and Design Policies April 2014



THE ROYAL BOROUGH OF **KENSINGTON** AND CHELSEA

Document Key

Text in Red = Summary of the point made in the representation

Text in Black = Council's responses to point made Text in Blue = A point where the Council is recommending a change to the policy

Name	
Q2 If you made representations to the July/ Sept 2013 Conservation and Design	
Q3 State planning policy or paragraph number to which you are referr	
Q4 Do you consider the planning policy to be sound?	
Q5 If you have selected YES and you wish to support the soundness of the planning policy,	
Positively prepared Q6 If you have	
Justified the planning	
Effective sound do you	
Consistent with national policy	
Q7 Please give details of why you consider the planning policy to be unsound and / or	
Question:Q8 Do you consider the Planning Policy Document to be legally compliant?	
Q9 Please give the reasons for your choice below and be as precise as possible. Please	
Q10 Do you wish to appear at the Examination on any of these matters?	

Zame	Q2 If you made representations to the July/ Sept 2013 Conservation and Design	Q3 State planning policy or paragraph number to which you are referr	Q4 Do you consider the planning policy to be sound?	have selected YES a soundness of the	/ prepared	Justified the planning	ים כ	Consistent with national policy policy	Q7 Please give details of why you consider the planning policy to be unsound and / or ducestion:Q8 Do you consider the Planning Policy Document to be legally compliant?	Q9 Please give the reasons for your choice below and be as precise as possible. Please	Q10 Do you wish to appear at the Examination on any of these matters?	Q10 Do you wish to appear at the Examination on any of these matters?	Council's Response
General	Γ	1		1	,							1	
Jamie Rollo			No			Y	Y				No		Noted
Austin	No (I am submitting a new response)	Core Strategy February 2014	No								No		Noted
Flanagan			No			Y			I do not believe the proposed policy provides sufficient protection of design and conservation in the Borough, in fact the proposed policy seems significantly weaker than the current policy.	I am not qualified to commen t on the legal complia nce.	Yes	The matters mention ed above.	Policies do not provide sufficient protection - The review of the Conservation and Design Policies seeks to incorporate extant UPD policies into the Core Strategy whilst being positively prepared, justified, effective and consistent with national policy. In the absence of specific examples of where a policy is unsound or where an alternative strategy would have been more appropriate, the Council notes the objection but considers that the policy is sound and justified i.e. the post appropriate strategy, when considered against reasonable alternatives.
Environment Agency (Wioleta Osior)	Yes (but with the additional changes as set out in this response form)	Policy CR5 'Parks, Gardens , Open Spaces and Waterwa ys'	Yes	We support policy CR5, in particular, criteria (i), because it aims to protect the watercourses from detrimental effect on biodiversity from permanently moored vessels. However, we are suggesting a minor change to the policy to ensure the policy is compliant with the Water Framework Directive (Thames River Basin					Policy CR5 Parks, Gardens, Open Spaces and Waterways We strongly recommend as a minor change, an additional criterion is added under 'Waterways' as follows: Require developments to include appropriate setbacks from the waters edge for ecology, sustainable drainage and flood defences and contribute to achieving the objectives of the Thames River Basin Management Plan and Thames Estuary 2100 Plan. The waterways section of this policy currently focuses on the issues of access and permanently moored vessels and needs to recognise the importance of ecology, water quality and flood risk – this will balance out the policy. Justification/evidence		No		Suggested amendment to require developments to include appropriate setbacks from the water's edge for ecology, sustainable drainage and flood defences – Policy CE2(f) on flooding already requires development adjacent to the Thames to be set back. The policy on flooding and the accompanying corporate and partnership actions will be subject of a later review. Policy CR5(ii) refers to biodiversity in relation to the River Thames. Water quality in the

Management Plan) and Thames Estuary 2100 Plan (see below). The River Thames and the Grand Union Canal are design water bodies in the Thames River Basin Management Pla (Thames RBMP). This plan is a regional strategy setting of the current status (biological and chemical) of the watercourses and generic actions different sectors need to take to improve water quality. This is to meet the targets as the Water Framework Directive for all water bodies to ach good ecological status or potential by 2027. The Grand Union Canal (Water body ID GB70610078) is recognised as an articifical/heavily modified water body. Although its status was assessed as achieving 'good' in 2 this has dropped to 'moderate' in 2013 following further assessment due to the chemical water quality. The River Thames is currently classified as having moderate ecolog potential.	ian out to set by chieve 2009		
John No (I am July/Sep Yes Both policies are reasonable and defend the future. For resident development, but Response of the future flood defences and landscape defenc	on e tribute ement r e.g. is n to al lsea y ne 2 'to red to a ial that es nd be names tives lesign.	Yes	No
	,	Yes	

	Thames is an issue that is considered in context of the Thames Tideway Tunnel in the reasoned justification of Policy CE2 of the
	Core Strategy (see paragraph 36.3.20).
	Support for soundness of Policies Noted.
	Support for soundness of Policies Noted.
	Policy CL4d is unclear. Suggested working change. Policy should read ' where lost or

(Richard	reviewed the	inappropriate features cause harm to the
Parish)	document in light of	significance of the asset the Council will
- /	the National Planning	require their reinstatement or removal
	Policy Framework	commensurate to the level of proposed
	(NPPF), which	development' - Agree wording change
	includes, as one of its	development - Agree wording change
	core principles, that	Policy CL4 f amendment stating that 'Wor
	heritage assets be	to listed buildings must sustain and enhan
	conserved in a manner	the significance of designated heritage
	appropriate to their	assets and the Council strongly encourag
	significance, so that	works to a listed building to be carried out
	they can be enjoyed	appropriately skilled specialists.' – Agree
	for their contribution to	wording change
	the quality of life of this	
	and future	
	generations.	
	English Heritage has	
	commented on an	
	earlier stage of	
	consultation and	
	suggested minor	
	amendments as set	
	out in our letter dated	
	31 January 2013 to	
	Penelope Tollit and in	
	our letter of 3	
	September 2013. We	
	are pleased to note that the issues	
	identified have in	
	general been	
	addressed and as	
	such we do not wish to	
	reiterate these	
	comments.	
	We would however	
	make two observation	
	in respect of clarity:	
	In respect of the	
	wording of Policy CL4	
	d. which states that the	
	Council will require the	
	reinstatement or	
	removal of internal or	
	external architectural	
	features of listed	
	buildings or scheduled	
	ancient monuments,	
	commensurate with	
	the scale of	
	development. We	
	consider that this is	
	unclear and assume	
	this means that where	
	lost or inappropriate	
	features cause harm to	
	the significance of the	
	asset the Council will	

		require their			
		reinstatement or			
		removal consumerate			
		to the level of			
		proposed			
		development. In our			
		view this should be			
		clarified in the Policy.			
		olarmoa in tho r olloy.			
		In respect of Deliev			
		In respect of Policy			
		CL4 f. We would			
		recommend stating			
		that Works to listed			
		buildings must sustain			
		and enhance the			
		significance of			
		designated heritage			
		assets and the Council			
		strongly encourages			
		works to a listed			
		building to be carried			
		out by appropriately			
		skilled specialists.			
		ontined opeonation			
		It must be noted that			
		this advice is based on			
		the information			
		provided by the Royal			
		Borough and for the			
		avoidance of doubt			
		does not reflect our			
		obligation to advise the			
		Royal Borough on, and			
		potentially object to,			
		any specific			
		development proposal			
		which may			
		subsequently arise			
		from this, or later			
		versions of the Core			
		Strategy, and which			
		may have adverse			
		effects on the			
		environment despite			
		sustainability			
		appraisal.			
Natural	Yes	Conservation and		Yes	Support for soundness of Policies CR5 and
	100	Design Policy Povicy		103	CR6 Noted.
England (Piotr		Design Policy Review:			
Behnke)		Natural England does			
		not consider that this			
		Conservation and			
		Design Policy Review			
				1	
		poses any likely or			
		poses any likely or			
		poses any likely or significant risk to those			
		poses any likely or significant risk to those features of the natural			
		poses any likely or significant risk to those features of the natural environment1 for			
		poses any likely or significant risk to those features of the natural environment1 for which we would			
		poses any likely or significant risk to those features of the natural environment1 for which we would otherwise provide a			
		poses any likely or significant risk to those features of the natural environment1 for which we would otherwise provide a more detailed			
		poses any likely or significant risk to those features of the natural environment1 for which we would			

St Helens No (I am	СL9 (с)	No	and so does not wish to make specific comment on the details of this consultation. Policies CR 5 "Parks, Gardens, Open Spaces and Waterways" and CR 6 "Trees and Landscape" are welcomed as they make positive mention of assets such as, for instance, the River Thames (and thus the Thames Path National Trail) as well as ensuring the need for new tree planting in new development is ensured, along with the preservation of existing trees. This, as mentioned, will be beneficial for wildlife and also for health and wellbeing of the residents and visitors to the area. Sustainability Appraisal (SA) & Strategic Environmental Assessment (SEA): The approach and methodology are broadly in line with what Natural England would expect to see and do cover a good range of objectives that should provide for a good understanding, through the monitoring, of whether the policy is meeting its objectives or not so as such there aren't any further comments to make with relation to this document at this stage.	Y	Y	Υ	This Association has initiated (via the establishment and	No	CL9 and	Yes	
St HelensNo (I amResidentssubmitting a newAssociationresponse)(HenryPeterson)				Y	Y	Y	This Association has initiated (via the establishment and designation of the St Quintin and Woodlands Neighbourhood Forum) the preparation of a neighbourhood plan. The neighbourhood area covers a large part, but not all, of the Oxford Gardens St Quintin Conservation Area.	No	CL9 and CL8 are overly restrictiv e in	Yes	

	Policies CL8 and CL9 should include a rider
	to the effect that 'interpretation of these
	policies in individual conservation areas will
	take account of updated Conservation Area
	Appraisals and Neighbourhood Plans, where

	terms of
The Association considers the Council's draft policies on	conformi
Conservation and Design to be largely sound, but to be overly	ty with
inflexible and to lack reasoned evidence and justification in	the
certain respects as set out below. We also believe that this	NPPF,
level of inflexibility and detailed control is inconsistent with	and in
national policy.	the case
	of CL8
These views have been confirmed in responses from residents	on roof
submitted as part of a household survey of the 2,000 dwellings	alteratio
in the designated neighbourhood area, undertaken by the St	ns,
Quintin and Woodlands Neighbourhood Forum.	contrary
	to
The Council's draft Policy CL9 Existing Buildings – Extensions	principle
and Modifications states:	s of
The Council will require extensions and modifications to	equity
existing buildings to be subordinate to the original building, to	and
allow the form of the original building to be clearly understood,	natural
and to reinforce the character and integrity of the original	justice.
building, or group of buildings.	
To deliver this the Council will resist proposals for extensions	
if: c) the extension would spoil or disrupt the even rhythm of	
rear additions;	
d) the detailed design of the addition, including the location or	
proportions or dimensions of fenestration or the external	
materials and finishes, would not be in character with the	
existing building;	
For rear extensions to Edwardian/Victorian 2 and 3 storey	
houses, of traditional design but no special historic features,	
these conditions on approval and the way in which they have	
been applied at times are seen by local residents as unduly	
onerous and unnecessary.	
There is widespread support for maintaining planning controls	
on the front facades and roofscapes of the terraces in the CA.	
But the rear of properties do not display an 'even rhythm of	
rear additions' as there has long been a wide variety of back	
garden designs, garden walls of differing heights, use of	
finishes, doorways and fenestration.	
The rear of properties on the St Quintin Estate is not seen	
from and public or semi-public space, there being no squares	
or communal gardens as is the case across many other parts	
of the Borough.	
The Council's draft policy CL8 on Existing Buildings – Roof	
Alterations/Additional Storeys states	
The Council will require roof alterations and additional storeys	
to be architecturally sympathetic to the age and character of	
the building and group of buildings.	
To deliver this the Council will:	
a. permit additional storeys and roof level alterations where	
the character of a terrace or group of properties has been	
severely compromised by a variety of roof extensions and	
where infilling between them would help to reunite the group;	
b. resist additional storeys, and roof level alterations on:	
i. complete terraces or groups of buildings where the existing	
roof line is unimpaired by extensions, even when a proposal	
involves adding to the whole terrace or group as a co-	
ordinated design; viii. terraces that are already broken only by	

these are in place'. – Agree, additional wording is recommended to the inspector at paragraph 34.3.20.

[]							
				isolated roof additions			
				This policy has led to decisions to permit and refuse applications for loftrooms and rear dormers on the houses in the Oxford Gardens/St Quintin Estate which appear to the public as inconsistent and arbitrary, thereby diminishing confidence and trust in the planning system.			
				The Edwardian and Victorian terraced houses in the conservation area are mainly 2 storey with some 3 storey. Addition of a loftroom is the simplest and most economic means of extending a family home. The application of a policy which permits rear dormers in some streets but not in others, where the house type is identical, is a source of concern to many residents.			
				A development control decision based on the presence or absence of rear dormers added many years ago, when policies were less rigorous, appears to the public as arbitrary and contrary to normal principles of equity and natural justice.			
				Why should certain house-owners benefit from the ability to construct a loftroom purely because other owners in their terrace undertook such a conversion many years ago, whereas their neighbours opposite or in an adjoining street are denied this opportunity?			
				We consider that decisions on rear dormers should be based on individual assessments of the impact on views and amenity, and should take account of the differing contexts and circumstances in each conservation area.			
				We therefore suggest that the new policies CL8 and CL9 should include a rider to the effect that 'interpretation of these policies in individual conservation areas will take account of updated Conservation Area Appraisals and Neighbourhood Plans, where these are in place'.			
Zac Carey	Conserv ation and Design Publicati on Planning	No	Y	CL3 Briefly, I agree that heritage should be conserved, and I agree that that can mean the 'look' of a place, its street pattern, the predominant massing of its buildings – or its eclecticism; and I agree that what we view as the essential characteristic of a place may change over time; but I don't agree that it can be all these things simultaneously.	I am not a lawyer. I am an architect . I cannot	No	Conservation areas should not be designated without an appraisal - The Council is embarking upon a review of the existing Conservation Area Proposal Statements. Conservation Area Appraisal documents will be produced for all conservation areas. Each appraisal will provide a bulleted summary of
	Policies - CL3			1. It should be the case that no conservation area can be designated without a Concise Appraisal stating, in not more than two or three hierarchically-arranged bullets, what the essential character of that area is. Further statements could optionally be included on aesthetic/ornamental character, and on uses and massing	commen t on its legality, only its 'fitness for purpose'		the character and special historical or architectural interest in line with English Heritage guidance and provide an audit of buildings that make a positive contribution to the character and appearance of the conservation area. These appraisals will be a material consideration and will therefore have
				 characteristics – 'regency', 'eclectic mix', 'four storeys with mews properties at rear', that kind of thing. CL3 should then make specific reference to the importance of the Concise Appraisal when assessing: 	, as someon e who regularly works		weight when determining planning applications. Policy CL3 should make reference to Conservation Area Appraisals – Agree
				a) the relative contribution that a given property makestowards that appraisal, andb) the relative merit of its proposed replacement against that	within the constrai		additional wording is recommended to the inspector at paragraph 34.3.20.
				same criteria.	nts		Role of Architectural Appraisal Panel should

			1	I		1			1	1	
								imposed			be explained – The AAP is not involved in
						2. It should be made clear that conservation area designation		by such			producing the content for Conservation Area
						should not be used to imply listed building status where none		docume			Appraisals. The AAP, like other external
						exists.		nts.			consultees the Council notifies for various
											developments, provide expertise as part of
						3. The Council occasionally engages a Design Review Panel.					the development management process. It is
						The remit of this panel in regards to any assessment in					unnecessary to outline the role of consultees
						reference to points 1a and 1b above needs to be made					in the reasoned justification for planning
		0	Mar			entirely transparent.	Maria	T L .	Maria	A 11	policy policies.
GResident (Martin Frame)	No (I am submitting a new	Conserv ation	Yes and		Y	Conservation and Design The changes and revisions proposed are basically to allow the	Yes	The policies	Yes	All	Provide drawings that show elevations of
(Martin Frame)	-	and	No			incorporation of the SAVED UDP policies but from what I can		are not		aspects of	neighbouring properties in conservation areas and next to listed buildings - A
	response)	Design:	NU			see the proposals do not provide the protection provided		unsound		Propos	requirement to provide drawings and certain
		CL1 to				within the UDP and if accepted we shall loose much valued		as they		ed	elevations is a process issue and not a policy
		CL12				and needed planning protections. I am incorporating the		are		Policy	issue. Guidance for this can be provided
		(excludin				comments which the Kensington Society which I totally agree		propose		CL7,	elsewhere.
		g CL7)				with:		d. There		the	elsewhere.
		9 OLI)				greater clarity on the need to provide drawings that show		are		Saved	Greater clarity about the need to optimise
						elevations of neighbouring properties in conservation areas		changes		UDP	the development of housing sites (CL1(c)); -
						and next to listed buildings 34.3.4. 34.3.25 and Policy CL3(d);		which		polices,	Optimising the development of housing sites
						• greater clarity about the need to optimise the development of		are		CL1 to	is dealt with in the London Plan, adding
						housing sites (CL1(c));		required		CL12	further reference to London Plan policies
						• a specific and stronger policy for mews: Policy CL1(h) does		to		(excludi	would lead to unnecessary duplication.
						not do this:		strength		ng CL7	
						clarify that Policy CL1(i) covers the loss of artist's studios		en,		5 -	A specific and stronger policy for mews:
						through change of use (CL1(i);		define			Policy CL1(h) does not do this; - Mews are
						 removal of the policy on eyesores (CL2(c)) 		and to			adequately covered alongside other building
						• retain existing Core Strategy Policy CL5(a) on sunlight and		make			typologies in Policy CL1(h). A separate policy
						daylight - the revised policy is unacceptable in that it no longer		the			is unnecessary and may actually, by treating
						contains any safeguards whatsoever for buildings or spaces		sound			one typology separately, diminish the
						where lighting conditions are already substandard;		the			significance of the valuable contribution of
						Policy CL10: the reasoned justification should stress that all		policies.			other typologies to the townscape
						changes to shop fronts should make a positive improvement to		It is			
						the streetscape – this seeks to articulate what "drive up the		importa			Clarify that Policy CL1(i) covers the loss of
						quality of the area" in Policy CL10 means in practical terms		nt that a			artist's studios through change of use (CL1(i)
						specific recognition of the viability implications of attempting		local,			- This is covered in Core Strategy Policy
						to take part of an existing shop in order to gain access to the		not a			CF7. There is no need for duplication.
						first floor (34.3.87);		develop			
						• recognition of the need to preserve and/or enhance front		er or a			
						boundaries (walls, railings, piers, balustrades) to preserve and		property			Removal of the policy on eyesores (CL2(c))
						enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it		speculat			33.4.18, Agree - the Council proposes to
						needs a policy and clear links to the forthcoming conservation		or,			delete this policy as part its
						area appraisals, which need to be mentioned in relation to this		represe			recommendations to the inspector. Any
						and other issues in order to flag them up for planning officers assessing developments where these are proposed to be		nt what is			flexibility should be weighed up as part of 'material considerations'.
						altered or where the opportunity needs to be taken to improve					material considerations.
						the streetscape.		needed in this			Retain existing Core Strategy Policy CL5(a)
						μιο σμοσιουαμο.		Borough			on sunlight and daylight – the revised policy
						Saved UDP Policies CD1-16 seek to preserve the character,		to allow			is unacceptable in that it no longer contains
						views and vistas of and within Areas of Metropolitan		both our			any safeguards whatsoever for buildings or
						Importance and Metropolitan Open Land – previously the		life to be			spaces where lighting conditions are already
						Thames, the South Kensington Museums, Hyde Park,		accepta			substandard; - disagree, Policy CL5(b)
						Kensington Gardens, Holland Park and Brompton and Kensal		ble as			requires all development to ensure good
						Cemeteries were not only identified but had their own policies		well as			standards of daylight and sunlight conditions
						for both views and vistas and the impact of development on		our			in new development and in existing
						these areas. These need to be covered in the revised		environ			properties affected by new development. This
						conservation and design section of the Core Strategy, not		ment			is sufficient for appraisal purposes.
						hidden away in an SPD. Although the Thames and Royal		not			
						Hospital are in Chelsea, the same principles should apply to		destroye			Policy CL10: the reasoned justification should
						all these views and vistas;		d.			stress that all changes to shop fronts should
L			1	1					1	1	

	1	· · · · ·		· · · · ·
			Saved UDP Policy CD46: Roof Terraces: This covers both	
			significant overlooking of and disturbance to neighbouring	Baseme
			properties and gardens, whereas this is not on covered in the	nts: CL7
			reasoned justification (34.3.39) or proposed Policy CL5 (c),	and
			although Policy CD46 is used regularly in decisions and	Conserv
			appeals to cover these concerns. Reinstate references to	ation
			gardens, and avoiding significant overlooking;	and
			Saved UDP Policy CD49: Side Extensions: This needs to be	Design:
			carried through to proposed Policy CL2.	CL1 to
			Saved UDP Policy CD52: Installation of Plant and	CL12
			Equipment: Proposed Policy CL6 (b) needs to be more explicit	(excludi
			so that this covers the impact on the character and	ng CL7)
				ng CL7)
			appearance of such plant – noise and vibration is dealt with by	
			Core Strategy Policy CE6.	
			• Saved UDP Policy CD53: Satellite Dishes and Antennae:	
			This policy is essential for taking enforcement action. Para	
			34.3.43 and proposed Policy CL6 (b) need to be amended to	
			cover this.	
			Saved UDP Policy CD55: Off-street parking in forecourt &	
			gardens: This policy contains the only explicit policy for	
			preserving and enhancing the traditional street boundaries	
			identified in conservation area appraisals (CAPS). Whilst the	
			revised conservation and design chapter now includes	
			reference to walls, railings, etc there is no specific policy that	
			deals with this. A new policy after CR4 (g) is proposed.	
			Saved UDP Policy CD55: Mews: Proposed policy CL1 (h),	
			although welcome, does not do the job. Mews need a new,	
			purpose-built policy.	
			Saved UDP Policy CD77: Awnings and blinds: This policy	
			deals with awning in all locations, whereas the only reference	
			in the proposed new chapter is in CL10 (b)(iii) which only	
			refers to shops. A general policy is needed.	
			Saved UDP Policy CD79: Hoardings: The revised policies	
			CR4 (e) and (f) do not mention either temporary or permanent	
			advertisement hoardings, which is an oversight - it also needs	
			to refer to advertisement towers. The new policy is unsound if	
			it does not deal with these challenges explicitly.	
			Saved UDP Policy CD81: Planting trees: The Local Plan is	
			not just about development management, but also the	
			Council's proposals for negotiating with developers to plant	
			more trees. The policy on trees, welcome though it for its	
			clarity and robustness, needs to be more proactive.	
1				

make a positive improvement to the streetscape – The wording in the strategic element of the policy is considered sufficient and therefore additional wording is unnecessary.
Specific recognition of the viability implications of attempting to take part of an existing shop in order to gain access to the first floor -The issue of viability can be a consideration by looking at 'functionality'. Viability is a material consideration for all planning policies, but there is no reason to make specific reference to it here.
Need for a front boundary treatment policy linked to conservation area appraisals – disagree, covered in Policy CL6. Front boundaries included in the reasoned justification Para see34.3.43
Views need to be covered by Conservation and Design policies - this is too much detail for the statutory plan – they are included in the Building Height SPD. It is not necessary to duplicate work.
Overlooking issues due to roof terraces should be included in policy or reasoned justification - Covered by CL5(c) 'Visual privacy for occupants of existing properties affected by new development'. This covers overlooking, no change necessary.
UDP Policy CD49 on side extensions should be carried through - This has been carried though in Policy CL9, which covers extensions. The specific criteria identified can be applied to side extensions.
Policy CL6 (b) needs to be more explicit on plant machinery - Reasoned Justification paragraph 34.3.43 outlines the kind of things small scale additions include. Although not an exhaustive list, it includes reference to plant machinery.
Policy CL6 (b) needs to be amended to cover Satellite Dishes – Reasoned justification for Policy CL6 includes reference to 'telecommunications' which would cover satellite dishes and antennae.
A new policy seeking to preserve and enhance traditional street boundaries – this is already covered by Policy CL6
Mews need a new, purpose-built policy - Mews are adequately covered alongside

							 other building typologies in Policy CL1(h). A separate policy is unnecessary and may actually, by treating one typology separately, diminish the valuable contribution of other typologies to the townscape. General awnings policy required - Reference to awnings in CL10 relates to shop fronts. Add awnings to the reasoned justification of Policy CL6. Policy CR4 needs to include reference to temporary permanent and advertising towers - Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'adverts' see CR4(e) and the reasoned justification proceeding it.(see para 33.3.18) Policy CR6 is proactive in 'requiring the provision of new trees'.
Norland Conservation Society (Libby Kinmonth)No (I am submitting a response)	CONSE RVATIO N & DESIGN PUBLIC ATION POLICIE S JAN 2014	Y	Y	 The aim of the C&D Policy Review was to incorporate the Saved UDP and Core Strategy policies into a single consolidated policy document, to improve and strengthen the Core Strategy approved in 2010. Though this results in some notable improvements, Norland Conservation Society considers this process has in fact weakened some of the policies and failed to incorporate some Saved UDP and Core Strategy policies, and failed to include some important policy initiatives - the result being less useful for determining Planning Applications, and thus not as sound as it should be. The Council and residents have relied on these policies for assessing proposals, making decisions and defending appeals. Most of these are not new – they have been used regularly as grounds for refusal and supported on appeal. These shortcomings should be corrected to achieve the intended aims. Our following comments do not include any positive comments on improvements to the UDP and Core Strategy, of which there are many. We concentrate on criticisms which demonstrate our contention sabove, and list the points we consider should be corrected (or added) to achieve "soundness". (They simply follow the order of the C&D Policy Review (publication policies): 		s Yes	
				Context and Character 34.3.10: It is unclear what is meant by "backland sites", and point 34.3.10 has no proposals for them. In a Conservation Area, such as Norland, the open spaces behind and between the houses, created by private gardens, are essential to the character and charm of the area; an important aim of planning policy should be to prevent any intrusion into these spaces by extensions or outbuildings which would jeopardise this character. 34.3.10 makes no proposals, and is therefore redundant and "unsound": it is clearly not based on a practical understanding of the character of such neighbourhoods.) /		Backland sites not defined and not dealt with - Backland sites are defined in para 34.3.10. The term is used in policy CL1(g). The issue of gardens is dealt with in a separate policy (see Policy CR5(b)).

	34.3.12: Refers to the vulnerability of Artists' Studios, but Policy CL1 includes no specific policies to protect them. This is "unsound" - of no practical use.
	CL1 Introductory paragraph: "including being inclusive for all": what does this mean - Are all buildings to be open to the public?! Another meaningless platitude, therefore of no practical use, and "unsound"
	CL1 omits the important clause CL1 (e) from the Core Strategy: "resist development which interrupts, disrupts or detracts from strategic and local vistas, views and gaps;", though this is picked up in later policies CL1 (g): It is unclear what is intended: therefore "unsound"
	Design Quality 34.3.13 Design quality: "high", "very High", Meaning? Who judges? Criteria? Very subjective – definitely not "based on a strategy which seeks to objectively assess development" nor "founded on a proportional evidence base"
	CL2 "require all development to be of the highest architecturalquality": what does this mean? (b) "An appropriate architectural style on a site-by-site basis" Who decides? All so subjective. Lots of opportunity for differences of opinion with architects and developers, leading inevitably to compromises - therefore "unsound".
	(a) vi: "Inclusive - accessible to all": same point as under CL1 Heritage Assets - Conservation Areas and Historic Spaces
	CL3 Introductory sentence loses by comparison to Core Strategy: " The Council will require development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes, and their settings."
	Policy (c) i, ii and iii: extremely hard to understand what is intended, and therefore "unsound"; it also omits "until a scheme for redevelopment has been approved" We prefer Core Strategy: b. 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;
	This also omits: " c. require, in the event of a collapse or unauthorised demolition of a structure in a conservation area, a replacement replica of the structure where the original made a positive contribution to the character and appearance of that
	conservation area" - which is important. This omission and the confused wording of the rest of CL3 (c) makes this policy "unsound", because difficult to apply.
	Also: All applications that affect the setting of listed buildings and/or the character or appearance of a conservation area should provide drawings that show the context, such as the elevations of neighbouring properties. Relying on the validation process is not sufficient. Make clear that drawings

No Policy to protect Artists' studios - protected in Policy CL1(i) and use protected in Policy CF7 of the Core Strategy.
Being inclusive for all is a meaningless platitude - 'Being inclusive for all' means catering for everyone. It ensures development does not discriminate against people with special needs or those that are physically impaired. It is not 'meaningless'.
Policy CL(e)on views lost – It has been retained see Policy CL11(a).
Design quality criteria not defined - The meaning and criteria for judging design is set out in the policy CL1(a) i.e functional, robust, attractive, locally distinctive, sustainable etc.
Architectural quality not defined, no criteria for deciding which style is appropriate - The appropriate architectural style is derived from an understanding of the context of the specific site, the design, form and proposed use of the buildings and a consideration of the wider townscape. NPPF para 60 states 'planning policies and decision should not attempt to impose architectural styles or particular tastes'. Any imposition of a particular style could stifle innovation and would be inconsistent with national policy thus making the policy unsound.
Policy CL3 introductory sentence compares poorly with Core Strategy Policy – Policy has been strengthened through reordering.
Policy CL3 Cii & Ciii hard to understand- Policy has been reworded to ensure consistency with the NPPF and therefore soundness (see NPPF Para 133 & 134)
All applications that affect the setting of listed buildings and/or the character or appearance
of a conservation area should provide drawings - Submission of drawings is a process issue and not a policy issue. This

rr	 	- <u>1</u>		
			must show the relationship to neighbouring buildings.	
			Heritage Assets - Listed Buildings etc	
			CL4:	
			This omits two clauses from the Core Strategy which seem important:	
			g. require development to protect the setting of listed	
			buildings, scheduled ancient monuments or sites of	
			archaeological interest; h. resist development which would threaten the conservation,	
			protection or setting of archaeological remains;	
			These should be reinstated to be "sound"	
			Living Conditions	
			CL5 (b) loses by comparison to Core Strategy CL5 (a):	
			" a. require good daylight and sunlight amenity for buildings	
			and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly	
			reduced or, where they are already substandard, that there	
			should be no material worsening of the conditions;"	
			CL5(b) represents a considerable reduction in protection from the current Core Strategy policy CL5 (a) and the Saved UDP	
			Policy CD33.	
			It is therefore not as "sound" as it could be.	
			This policy does not say anything either about the importance	
			of open spaces - same point as 34.3.10 above	
			Small-scale alterations and additions	
			CL6 omits: " b. require telecommunication, plant, micro-generation and	
			other mechanical equipment to be sited discretely so that	
			visual amenity is not impaired." Thus not as "sound" as it	
			should be.	
			Existing Buildings - Roof Alterations/additional storeys	
			CL8 omits any control over roof terraces, and thus fails to take	
			account of current living trends - to "objectively assess development and infrastructure requirements" and be	
			founded on a proportional evidence base: an increasing trend	
			is to install olive trees, palm trees, gas heaters, parasols on	
			roof terraces, as well as surrounding trellises quite out of keeping with the historic design of houses in Conservation	
			Areas. This needs to be controlled by a clause along the	
			following lines:	
			"(c) To resist roof terraces enclosures, planting and furniture	
			which would adversely affect rooflines" Otherwise this Policy does not go as far as it needs to to be	
			"sound":	
			Saved UDP Policy CD46 is not fully provided in the revised	
			policy. What is missing is specific reference to roof terraces that would cause significant overlooking of or disturbance to	
			neighbouring properties or gardens.	
			Since this is frequently an issue both for applications and	
			appeals for terraces and balconies at any level, but particularly at higher levels, of rear extensions and at roof level, the issue	
			needs to be covered by this policy. Without full coverage of the	
			policies within CD46 the revised proposal is unsound.	

can be advised as part in separate guidance.
Policy CL4g and h in Core Strategy should be re-instated - Protection of setting and significance of heritage assets dealt with in Policy CL4 (b)
Reduced protection for sunlight and daylight conditions - Policy CL5(b) requires all development to ensure good light conditions. This does not result in reduced protection.
Policy to ensure discrete location of telecommunication and plant machinery needs to be included - This is dealt with in Policy CL6(c).
Need Policy to resist roof terraces, furniture and planting - Planting and furniture does not constitute development and therefore does not come under planning control. Control of roof terraces is covered by Policies CL5 & CL6 regarding specific aspects.

Existing Buildings - Extensions and Modifications
CL9 omits two important clauses from the Core Strategy:
"e. require extensions, including conservatories, and
modifications to respect those aspects of character and
integrity of the original building and group of buildings that
contribute to local distinctiveness such as height, width, depth,
building line, footprint, position, symmetry, rhythm, materials,
detailed design, important gaps and sense of garden
openness;
f. require additional storeys and roof level alterations to be
sympathetic to the architectural style and character of the
building and to either assist in unifying a group of buildings or
where there is a detached building to be no higher than the
prevailing building height"
Para 34.3.81: Conservatories: This does say clearly that
conservatories will be resisted above garden level" - "location
in relation to the building and garden" is ambiguous and does
not relate to the policy. See wording of Policy CL9 (j)
Saved UDP Policy CD48 says that the Council will "Resist
proposals for conservatories if: e. covering the whole width of
the property". The current Core Strategy's policies for
extensions are covered by policies CL2(d), which also covers
conservatories. These policies have not been incorporated in
the new policy – without which the policy revision is unsound.
We agree that the current Core Strategy Policies CL2(d) and
(e) should be retained; and the new policy CL9(j) be amended
as follows: "j. a conservatory is proposed to be located at roof
level, significantly above garden level, will cover the whole
width of the property or on a corner site."
width of the property of off a corrier site.
Shopfronts
CL10
All very sound, but omits: "will resist garish colours, which are
not in keeping with the street scene". Since this is an
increasing trend as shops seek attention, this makes the policy
"unsound", as it does not cater for this tendency.
At the end of para 34.3.83 add: "All changes to shop fronts
should make a positive improvement to the streetscape."
Streetscape
CR4 does not seem adequately to cover an important clause
from the Core Strategy:
"f. resist temporary or permanent advertising hoardings, or
freestanding adverts on streets, forecourts or roadsides, or
advertisements attached to street furniture, where these
negatively impact on our high quality townscape or on public
or road safety;"
Neither is any control included over back lit advertising,
fascias and signs in Conservation Areas.
It is therefore "unsound".
Protection of Use Classes
With the escalation of Residential property values in the
Borough providing a strong incentive for Use changes from



					shops, offices etc to residential, the Conservation and Design policy should include some protection against this happening, and neighbourhoods becoming mere dormitories, or, worse, short-term lets. To the extent that this is missing, the Policy is "unsound".					Conservation and Design Policies should protect against the loss of other uses to residential use - Protection of uses which contribute to the character of the surrounding area is protected by Policy CL3(b). Further protection of other uses are outlined in other policies in the Core Strategy.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL1,CL2 ,CL3,CL 4,CL5,C L6,CL8, CL9,CL1 0,CL11, CL12,C R4,CR5	No	Y	We welcome the proposal to update the conservation and design policies and the separation of the original policy CL2 into separate sections which can be supported by specific reasoning. We also welcome the recognition of the need to update the format of the Conservation Area Appraisals and their recognition in the updated Policy. We consider however that in the attempt to reorganise the existing policies many useful and important aspects of current policy which support the preservation of our environment have been lost. We have set these out below and believe that if these are reinstated then the Policy would be found to be sound		3	Yes	On the aspects set out above .	Important aspect of current policy have been lost - disagree, with no further information provided it is difficult to respond to specific concerns regarding soundness.
					Conservation and Design Policy Review Supplementary comments from the Edwardes Square Scarsdale and Abingdon Association					
St. John			No		I think the changes proposed are a reduction of conservation and design protection, I disagree with the proposed changes, they are unsound. They are not sound. We are sick to death of all	:				Reduction in protection disagree, with no further information provided it is difficult to respond to specific concerns regarding soundness.
Brompton Association (Sophie Blain)			No		We have read the Conservation and Design Policy Review document with interest. We note it is entitled "Building on Success". We are concerned that this suggests that the Borough is somewhat pleased with itself about its achievements in both planning and design in recent years. We consider that this suggests a level of smugness that is not justified by the reality. The reality is that the heritage in RBKC and the quality of the built environment generally is not necessarily being significantly improved by new developments. There are certainly some improvements which are welcome. The new public space created around South Kensington tube station being one such example, but this only happened because local amenity groups campaigned vociferously for it. When the Exhibition Road Project was formulated, the idea of improving the South Kensington end was not part of the Project and when it was suggested it should be there was major Council resistance. We were told it represented "project creep", was unaffordable and would endanger the rest of the project. Happily common sense prevailed eventually, and the Council saw the merit in addressing the public realm around the tube station and today we see the benefits of pressure brought to bear by informed local groups. We mention this because the Council, in our view, tends to have a very high handed attitude to design issues and tends to ignore the views of local amenity groups who know their areas well and appreciate their historic	,				General concerns noted.

qualities.	
Whilst the Policy Review document is entitled "Conservation and Design Policy Review" it is mostly about encouraging new design and new building. It is not about conservation and the protection of the heritage. This we regard as a real concern given that so much of the Borough is designated Conservation Area and it is quite evidently the case that the majority of residents in the Borough wish to see their heritage respected, conserved and protected.	
By contrast, a few years ago, a planning application was made to redevelop a block on the north side of Brompton Road. The architects were MAKE, a highly fashionable practice, and the proposal was for a challenging new building in glass and steel that the Planning Committee thought just might be a masterpiece (see attached illustration of the proposed facade). The consultants acting for the applicants needless to say encouraged this view.	
The problem with this kind of approach is that it flies in the face of responsible conservation policy and practice. Although the existing buildings on the site are a redevelopment of the 1970s their design reflected in vertical emphasis the architectural rhythm of the Georgian terraces that once fronted this street. A few remaining Georgian terraced buildings survive along this stretch of the Brompton Road and the Conservation Area statement advised, quite correctly, that should this site be redeveloped, then a new building more in scale with the remaining buildings of the Georgian terrace would be more appropriate.	
Whilst the 1970s buildings are not particularly distinguished and the site could be sensitively redeveloped, the proposal by MAKE was of a kind that was completely out of context. There were numerous objections including from Westminster City Council (the site being right on the Borough boundary). I attach the speaking notes I used when addressing the Planning Committee which outline all the relevant conservation and design issues which in our view the Council should have taken into account in determining the application. Despite numerous and well argued objections based on conservation policies adopted by RBKC - and national policies - RBKC Planning Committee gave consent on the basis that this was an innovative and exciting contemporary design. It was a scheme completely out of scale; of a style wholly inappropriate to a traditional terrace and constructed of materials alien to the Conservation Area.	
Happily, it does not look as though it is going to be built and the existing 1970s building is currently being refurbished.	
The reason we relate this case is because this is exactly the kind of unfortunate scenario we can see being repeated should the policies advocated in the Conservation and Policy Design Review be adopted. It is an invitation to developers to come forward with controversial proposals that do not have local support and to get them approved on some spurious argument that they are creating a new and exciting	

		1		1	1	1	1	architectural lagoou for the Dorough
								architectural legacy for the Borough.
								The Borough grandly (and arrogantly in our view) promoted itself very publicly as the successor to Prince Albert in having an architectural "vision" for Exhibition Road. Whilst the pedestrian scheme for Exhibition Road has considerable advantages on the traffic congested road that existed before, we think only time will tell whether the scheme is truly exceptional in a design sense.
								We have a real concern that the policies promoted in the current document will in fact lead to genuine enhancement in the Borough. More worryingly, they will be used as a developers' charter to push through controversial and unsympathetic proposals which, as in the 1960s, will come to be deeply regretted. We fear there is a real sense of history repeating itself.
								There is no real understanding in this document of authenticity, of historic fabric being significant because it is historic, or what truly constitutes a sense of place. There is little understanding of what contributes to true character or to architectural interest or to what is important in ensuring area wide conservation.
								In summary, we consider this document to be thoroughly unsound and require fundamental revision.
Charik			No					My objections and reasons are the same as those submitted by the Kensington Society
Notting Hill Gate KCS	Yes (with no further changes)	CL2; CL11; CL12	No	Y		Y	Y	Design Quality, replacement paragraph 34.3.18, p9 The NPPF requires plans to be both positively prepared and effective. In our previous representation, w e supported policy CL2 and its preceding text, as w e felt that the proposed text w ould fulfil both of these requirements. Our representation suggested that the supporting text and the policy be retained as drafted. Although the policy has remained the same, the new draft of the supporting text has been altered in the follow ing w ays: • The term 'eyesore' has been removed • Specific 'eyesore' buildings are no longer identified
								We support the flexible approach to facilitate redevelopment of unattractive buildings. How ever, as drafted, the supporting text w ould not be positively prepared, as it is a Core Strategy Objective to redevelop New combe House, w hich w ould be considered as one of the buildings that 'detract from their surroundings'. Failing to mention specific buildings w ould conflict w ith this objective.
								The proposed text w ould also not be effective and therefore w ould fail another test of soundness. Due to the constraints of the site, the redevelopment of New combe House w ould require a flexible approach. Should New combe House not be identified as an 'eyesore'
								building, this flexibility of redevelopment may be compromised



	and therefore the policy w ould not be effective in achieving its objectives.
	The NPPF also states at paragraph 58 that local authorities should create policy that would ensure that appropriate innovation would not be prevented or discouraged. At paragraph 60, the NPPF goes on to state that policies and decisions should not stifle innovation, originality or initiative. These aims should be more clearly expressed at this point in the document for it to be considered consistent with national policy.
	In order for the policy to be sound, w e believe that the following change needs to be made:
	 Revert the w ording of the supporting text at 34.3.18 to the previous draft to include the mention of 'eyesore' buildings, and to identify examples of these, such as New combe House. Retain Policy CL2 as drafted. Views, CL11, p20
	Policy CL11 is a new addition to the Core Strategy. It builds upon part e of the existing Policy CL1 (Context and Character), which states that the development should be resisted if it interrupts, disrupts or detracts from strategic and local vistas, view s and gaps. The amended policy text at CL11 moves the test for new developments to a position where it must be demonstrated that the proposal would 'protect and enhance' view s, vistas, gaps and the skyline. We consider the test to protect and enhance too stringent. The language used within the NPPF (see paragraph 133) refers to the degree of harm to the significance of heritage assets (such as in key townscape view s). In addition, the London View Management Framework (March 2012), in assessing impact on designated view s, states that the proposals should not "harm the composition of the view". To be consistent with national and strategic planning policy, we continue to recommend the following changes to have regard to the desire to not significantly harm key view s and vistas:
	 Both of the references to 'protect and enhance' in the first line of the policy and at part b should be deleted and replaced with the follow ing insertions that reflects strategic policy: o First line – 'require all development to not harm view s, vistas gaps' o Part b – 'to demonstrate that they do not cause harm.'
	Building Heights, CL12, p23
	Before addressing the policy in detail w e set out the strategic

CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of the quality of the townscape of the borough, this is approach regarded as appropriate.

CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to

 beckground to design project. The MPEP intuities a social in addressing good design. It lates at a transport of the social intuities and transport of the social intuities and transport of the social intuities. ••Will function will and address the constant that devolution with the social intuities of the social intuities and transport of the social intuities and constraints and constraints and constraints and constraints and transport of the social intuities and constraints and transport of the social intuities and constraints and constraints and constraints and the social intuities and constraints and constraints and constraints and constraints and the social intuities and constraints and constraints and constraints and the social intuities and constraints and the social intuities and the social intuities and constraints and the social intuities and the social intuiti					
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• Remove references to District Landmarks as being • exceptionally rare' and replace with examples of District Landmark buildings in the Borough and a reference noting that appropriate building heights will be considered on a case by case basis; and					
'exceptionally rare' and replace with examples of District Landmark buildings in the Borough and a reference noting that appropriate building heights will be considered on a case by case basis; and					
Landmark buildings in the Borough and a reference noting that appropriate building heights will be considered on a case by case basis; and					
appropriate building heights will be considered on a case by case basis; and					
case basis; and					
Any reference to an arbitrary maximum building height					
				 Any reference to an arbitrary maximum building height 	

	optimise development – The policy does not
	set a single building height, it requires
	consideration of the context in order to
	establish the prevailing height, and as such is
	fully in line with the NPPF and London Plan,
	which require context to be an important
	dimension in design quality. The statement
	that district landmarks are exceptionally rare
	is a statement of fact.

r	
	should be removed.
	These suggested changes have not been implemented in the new policy, and so w e consider the drafted policy to not be positively prepared, consistent w ith national policy or effective and therefore fail the tests of soundness. The draft Building Height Policy CL12 fails to adopt the approach set out in the NPPF and London Plan for criteria based assessments to ensure the optimum level of development on sites. The policy as drafted includes an arbitrary approach to the assessment of prevailing building heights and applying multiples to this factor, placing undue w eight on a particular form of building height. The policy therefore directly conflicts w ith Paragraph 58 of the NPPF as it does not allow developments to optimise the potential of the
	site, and w ould not be consistent w ith National Policy and not be sound.
	As w ell as this, the inclusion of prescriptive buildings heights w ould not be consistent w ith national policy, in particular NPPF Paragraph 60 w hich requires that policies should not "stifle
	 innovation through unsubstantiated requirements to conform to certain development forms or styles." In light of these points, we suggest that the follow ing alterations be made to ensure that the policy is found to be sound: Prevailing building heights should not be included as a single policy; Undue w eight should not be placed upon a particular form of building height; References to District Landmark buildings being 'exceptionally rare' should be removed, and it should be noted that appropriate building heights will be considered on a case by case basis; and Reference to maximum building heights should be removed
	Notw ithstanding our suggested alterations to the drafted policy, w e appreciate that there has been a change in the recognition of very tall buildings. Whilst w e understand that very tall buildings are not characteristic of the Borough, w e note that the policy as drafted suggests that they w ould be appropriate in some contexts.
	Tests of soundness
	The Partial Review of the Core Strategy seeks representations to comment of soundness and legal compliance of the document. In the context of the above comments, w e consider the changes to be unsound on the basis that, the document does not appear positively prepared, effective or consistent w ith National Policy. It therefore does not meet the test for 'soundness' as set out in the NPPF.

		1 1	
Jane Heffron			CONSERVATION AND DESIGN POLICY REVIEW:
			FEBRUARY 2014 COMMENTS BY THE KENSINGTON
			SOCIETY The Kensington Society is concerned that this is the
			first time we have seen the current draft. It has been, as the
			document says, "extensively redrafted", which means that all
			changes from the previous draft can be commented upon. We
			are concerned about: • some of the changes made in
			response to comments on the last draft, including those in
			response to comments by the Society; • any remaining gaps
			and omissions, including the response to comments identifying
			gaps, where various Saved UDP policies were not covered –
			without which the proposed revised policies would be
			unsound. We have undertaken a complete review (see section
			on Saved Policies) and propose additional material be added
			to the reasoned justification and/or the policies to cover
			omissions. We are asking the Inspector to support these
			changes or declare the policies unsound; and • the need for
			more references to the role and content of the proposed
			conservation area appraisal documents to provide a link for all
			users. The Society considers that it is vital to consider the
			needs of the three key stakeholders – applicants,
			neighbours/local residents and planning officers. This means
			that both the reasoned justification and policies need to be
			clear and unambiguous in stating both requirements and
			expectations. For example, the Society considers the content
			of conservation area appraisal documents needs to be
			highlighted for all three of the stakeholder groups and the
			expectation in terms of heritage information and drawings that
			include the elevations of neighbouring buildings should be
			flagged up strongly in the reasoned justification and, wherever
			possible and appropriate, to cover it in the policies. Gaps and
			Omissions The main gaps and omissions relate to Saved UDP
			Policies which the Society considers must be incorporated in
			the new Conservation and Design elements of Chapters 33
			and 34
			. These include: • CD policies dealing with the Thames, Royal
			Hospital, South Kensington Museums and developments
			affecting Metropolitan Open Land; • CD 46: Roof terraces •
			CD48: Conservatories • CD49: Side extensions • CD52: Plant
			and equipment • CD53: Satellite dishes and antennae • CD54:
			Car parking on forecourts and gardens – impact on
			streetscape • CD55: Mews • CD79: Hoardings • CD81:
			Planting trees The Council and residents have relied on these
			saved policies for making decisions and defending appeals.
			saved policies for making decisions and determing appeals.
			Those policies must be included or even improved upon if
			These policies must be included or even improved upon – if
			not we would consider that the policies have been weakened,
			which we consider makes them unsound. These are not new
			policies – they have been vetted and saved and used regularly
			as grounds for refusal and supported on appeal.
			Conservation Area Appraisals: The Council has decided to
			embark on a three-year programme of reviewing the series of
			Conservation Area Proposals Statements (CAPS) – this must
			be stated in the revised Conservation section. Part of this
			review of Conservation and Design was to ensure that any
			policies in the current CAPS were incorporated in the revised
			Core Strategy both to ensure consistency but also to be sure
	•		

Saved UDP Policies should be retained, the current policies weaken protection. – Disagree - see below for details. There are no policy 'gaps' or weakening in protection. This is a misunderstanding of how the Core Strategy policies work.

			that there were appropriate lead policies in the plan. The current CAPS have surveys of roof additions and front boundary treatments with a guide as to the most appropriate changes that would fit with the duty to preserve or enhance the character or appearance of the conservation area. The new text refers the reader to the conservation area appraisals for guidance in interpreting the policy. The Society supports this but considers that there is a need for more references, such as: • the end of para 34.3.18; • end of para 34.3.43 on Small-scale Alterations and additions • end of para 34.3.76, plus a new policy CL8(c) on Roof alterations/additional storeys • just as done at the end of 34.3.92 and Policy CL11(c)(i)	
			Detailed Comments: Context and Character: There is a need for all applications that affect the setting of listed buildings and/or the character or appearance of a conservation area need to provide drawings that show the context, such as the elevations of neighbouring properties. This needs to be said clearly somewhere – possible locations include 34.3.4, 34.3.25 and Policy CL3 (d). The 2013 validation requirements do state that where buildings adjoin or are close there should be sufficient elevation information to assess the relationship.	
			Density: Para 34.3.7 fails to recognise that the London Plan Density Matrix sets appropriate density ranges, with the appropriate density for a particular site being based on an analysis of its broad location, accessibility and local context, as well as design. The purpose of the matrix is to indicate the appropriate density range to seek, with densities above and below the density range needing strong justification as exceptions as the London Plan. Without some explanation of the London Plan Policy 3.4 which seeks to "optimise" the density of development of housing sites, Policy CL1 (c) does not mean anything to anybody unfamiliar with the London Plan Policy 3.4, its reasoned justification and the density matrix. The lack of any explanation makes this unsound. We propose the following: "The London Plan Policy 3.4 seeks to optimise the development of housing sites by indicating the appropriate density ranges in the density matrix for particular locations and contexts, setting both upper and lower limits from which developments should only exceptionally depart." This will provide the justification/explanation for the rather cryptic policy CL1(c).	
			Mews Mews are a special feature of this Borough and the City of Westminster and their special character should be preserved and enhanced. Paragraph 34.3.11 and Policy CL1(h) fails to highlight importance of mews to the Borough's townscape and to convey the importance of mews to the character of the Borough. Policy CL1(h) needs not only to ensure that their character is preserved and enhanced, but also to replicate UDP Saved Policy CD55 which resists inappropriate alterations and extensions. The Society considers that a stronger policy, as in CD55:"resist	



	inappropriate alterations and extensions to ensure that their special character is preserved and enhanced"
	Artists' Studios Para 34.3.12 and Policy CL1(i) needs to include not only the need to prevent the loss of artists' studios from demolition or physical conversion, but also from change of use. Saved UDP Policy CD56 refers to resisting the loss of artists' studios. We think the policy needs to unpack this as including both demolition and change of use. There is an SPG on Artist's Studios whose intention is to maintain the supply of such studios. Policy CL1(i) rewrite as: "To i. resist the demolition of, inappropriate alterations and extensions to and change of use of artists' studios."
	Design Quality Para 34.3.14, lines 4/5: It is not clear what "ease of movement" means. It is unclear whether it is about relative accessibility or access. Para 34.3.15 actually refers to "accessibility". Policy CL2 does not clarify this other than referring to "inclusive – accessible to all" which is about access.
	Para 34.3.18: This is where the relationship to adjoining buildings and the role of conservation area appraisal documents should be dealt with. Proposal: Line 2, after first sentence add: "Applications should include drawings that accurately show the design relationship of new development with its neighbours.
	" Line 4: After "Supplementary Planning Documents" add ", conservation area appraisal documents"
	Eyesores: Para 34.3.18 and Policy CL2(c): The Society considers this policy unsound as the definition of an eyesore is not objectively defined and promises "a more flexible approach" in order to encourage redevelopment. This approach would put the Council in a weak bargaining position by suggesting that policies would be relaxed. Proposal: Delete Para 34.3.18 and Policy CL2(c).
	CL3: Heritage Assets – Conservation Areas and Historic Places Para 34.3.24: Line 1: Change "the majority" to "about three-quarters" – majority means more than 50% only. Nearly three-quarters of the Borough is covered by conservation areas.
	Para 34.3.24: First two sentences are policy, but this is not conveyed in Policy CL3. These are sentences must be translated into a policy. If not the policy is not sound. Para 34.3.25:
	Add at the end: "and drawings must show the relationship to neighbouring buildings." Or alternatively at the end of para 34.3.27.

contribution of other typologies to the townscape. The importance of mews to Kensington and Chelsea is recognised in the reasoned justification. Policy CD55 should be reinstated-
Inappropriate alterations to buildings including mews resisted in Policy CL9. Clarify that Policy CL1(i) needs to covers the
loss of artist's studios through change of use - This is covered in Core Strategy Policy CF7. Policies are not duplicated.
Ease of movement not defined – This has a number of meanings including accessibility as well as access. Term used to cover both scenarios.
Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.
Para 34.3.18 Line 4 add conservation area appraisal documents – Agree, additional wording is recommended to the inspector at paragraph 34.3.20.
More flexible approach in Policy CL2(c) needs to be defined. Policy CL2(c) should be deleted – Agree, the Council recommends that the policy and its accompanying reasoned justification is deleted. This is because any flexibility can be properly weighed up against policies as 'material considerations'.
Para 34.3.24: Line 1: Change "the majority" to "about three-quarters – disagree, statement is correct, change would have no bearing on soundness of the policies

	CL5. Living Conditions The Society considers several aspects of this section unsound, especially the treatment of sunlight and daylight in CL5(b), which represents a considerable reduction in protection from the current Core strategy policy CL5 (a) and the Saved UDP Policy CD33. Sunlight and Daylight With regard to sunlight and daylight, the existing Core Strategy explicitly recognises that there are large areas of the
	Borough where, due to the high density of built development and the time when it was built – in the nineteenth century – current light conditions are below the standard we would expect today. Therefore, new development but especially additions and alterations to existing buildings could make these sub-standard conditions materially worse. (Core Strategy paras 34.3.46 and 34.3.47) Saved UDP Policy CD33 says that the Council will "resist development which reduces
	sunlight and daylight enjoyed by adjoining buildings and amenity spaces" and Saved UDP CD34 says that the Council will "require development to be designed to ensure good light conditions for its buildings and spaces" The 2010 Core Strategy, whilst saving UDP Policies CD33 and CD34, improved on this in Policy CL5(a) currently says that the Council will: "a. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of
	existing adjoining buildings and amenity spaces are not significantly reduced, or where they are already substandard, that there should be no material worsening of the conditions." The Society considers that there is a need to protect the standard of daylight and sunlight conditions in existing properties where the conditions of existing adjoining buildings and amenity spaces are already substandard, there should be
	no material worsening of the conditions (see current CL5(a)) Para 34.3.37: This paragraph and Policy CL5 (b) have lost the issue of where existing sunlight and daylight conditions are already substandard there should be no material worsening. On the other hand the current content of para 34.3.37 is largely meaningless and does not really tackle the issues. It is unclear who makes this judgement and on what basis. The Society considers that both the proposed new reasoned
	justification (paragraphs 34.3.36 to 34.3.38) and the proposed revised policy CL5(b) are unsound as they are ineffective as a result of their bland and inoperable nature. Proposal: The current Core Strategy should be retained. The proposed replacement weakens the policy. CL6: Small-scale Alterations and Additions Para 34.3.43: Add
	at the end: "Careful regard will be had to conservation area appraisal documents". This is a vital cross-reference to make developers, residents and planners aware of what the conservation area appraisals say. These documents need to identify where existing boundary treatments need to be retained, reinstated or enhanced. This needs to be in the policy CL8: Existing Buildings – Roof Alterations/Additional
	Storeys At end of Para 34.3.76 the following sentence should be added: "Conservation area appraisal documents will provide local assessments to inform the application of this policy." Policy CL8: Add new bullet: "c. in determining applications have regard to conservation area proposals



		· · · · ·		
			appraisals."	
			 appraisals." CL9: Existing Buildings – Extensions and Modifications Para 34.3.81: Conservatories: This does say clearly that conservatories will be resisted above garden level" - "location in relation to the building and garden" is ambiguous and does not relate to the policy. See wording of Policy CL9 (j) Para 34.3.82: Line 7: Add to the list "balustrades, piers" after "railings" (cf para 34.3.43) to include the range of front boundary treatments to be retained or reinstated. CL10: Shopfronts Para 34.3.83: As justification for the policy of driving up the quality of the area, the reasoned justification needs to support this. At the end of para 34.3.83 add: "All changes to shop fronts should make a positive improvement to the streetscape." This is essential to make the headline of this policy have meaning for applicants and planning officers. Para 34.3.87: Line 6: Add "and/or viability" – this deals with proposals like 1-3 Thackeray Street, where the building owner was trying to take over the first floor of the shop as a flat and take part of the ground floor to provide access, so undermining the viability of the remaining business. AN ENGAGING PUBLIC REALM Streetscape Para 33.3.16: Line 1: After "conservation areas" add "which cover about 75% of the Borough". Para 33.3.17: Line 8: After "furniture" add ", retention of historic street furniture" – to provide the reasoned justification to support Policy CR4(c) – it is not set out anywhere else. Para 33.3.19: Line 2: after "parking" add ", including the loss of railings, walls, piers and trees" as these are essential to preserve and enhance the streetscape. Parks, Gardens, Open Spaces and Waterways: Para 33.3.25: Fourth sentence: This gives the wrong impression – it is a strategic issues that the Borough has one of the lowest amount of open space/1000 population in London. CR5 (a) is substantially similar to the existing Core Strategy policy, there is a need for the policy to deal with encroachment into open spaces, especially communal g	
Onslow Neighbourhoo d Association (Eva Skinner)	No		The Onslow Neighbourhood Association, representing around 260 members in the South Kensington area, has reviewed this document which contains many policies, and has found that there are many unsound paragraphs within the individual policies. But in many cases those paragraphs could be made 'sound' by the correction of the unsoundness. On this basis we will go through the document, identifying the	



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paragraphs using the same numbering/lettering as the original
document before you.
CL1 Context and Character This policy is Unsound, but could
be made sound as follows:
b. add the following words at the end of the existing statement
by including elevation drawings of the properties on either
side of the proposed development.'
c. after 'optimised' insert 'as outlined in The London Plan
Policy 3.4 from which developments should only exceptionally
depart, and the development should be sensitive to context'
i. replace this statement with 'resist the demolition of,
inappropriate alterations and extensions to, and change of use
of Artists' studios.'
CL2 Design Quality This policy is Unsound, but could be made
sound as follows:
b. i. add at the end of this statement 'by including drawings
that show the design relationship of the proposed
development with it's neighbours.'
CL3 Heritage Assets - Conservation Areas and Historic
Spaces This policy is Unsound in that The National Planning
Policy Framework confuses the issue by stating "Not cause
harm to the significance of Heritage Assets unless it is
necessary to deliver public benefits which would outweigh this
harm" and then in clause 133 changing the statement to
"where a proposed development will lead to substantial harm
or total loss of significance of a designated Heritage Asset,
local planning authorities should refuse consent, unless it can
be demonstrated that the substantial harm or loss is
necessary to achieve substantial public benefits that outweigh
that harm or loss
'substantial public benefits' whereas the former statement only
referred to 'public benefits'.
c. i. refers to 'substantial public benefits' why not 'public
benefits' Why has RBKC chosen the latter description of public
benefits?
c. ii. refers this time to 'public benefits' not 'substantial public
benefits' Why has RBKC chosen the former description of
public benefits?
c. iii. the word 'existing' should be introduced in front of
'building' and change from 'part of the building' to 'part of the
existing building'
CL4 Heritage Assets - Listed Buildings, Scheduled Ancient
Monuments and Archaeology This policy is Unsound, but
could be made sound as follows:
d. needs the words 'or removal' taken out of the statement.
And insert a new statement 'h. resist all underground
extensions'
CL5 Living Conditions This policy is Unsound, but could be
made sound by replacing the proposed CL5 b. with the current
Core Strategy Policy CL5 a. where the phrase 'no worsening
of the conditions' provides better protection than the proposed
'good standards of daylight and sunlight are achieved'
especially as there is no definition of 'good standards'
d. The phrase 'no harmful increase in the sense of
enclosure' should not have the word 'harmful' included
which only confuses the sense.
CL8 Existing Buildings – Roof Alterations/Additional Storeys
This policy is Unsound, but could be made sound as follows:
Add in a new paragraph 'c. In determining applications, have
regard to conservation area appraisal documents'.

Include reference and an explanation of London Policy 3.4 – disagree dealt with in the London Plan, adding further justification to these policies would lead to unnecessary duplication.
Replace this statement with 'resist the demolition of, inappropriate alterations and extensions to, and change of use of Artists' studios.' – Disagree, Covered in Policy CF 7 of the Core Strategy.
Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.
Refers this time to 'public benefits' not 'substantial public benefits' Why has RBKC chosen the former description of public benefits? – The wording is consistent with national policy as expressed in the NPPF see para 133 & 134.
c. iii. the word 'existing' should be introduced in front of 'building' and change from 'part of the building' to 'part of the existing building' – disagree, additional wording superfluous as policy is clearly concerned with the demolition of existing buildings.
CL4(d) – amend wording – Agree, wording will be clarified and revised wording recommended to the inspector.
Add this statement to CL4 resist all underground extensions' – disagree, basement development covered in Policy CL7(e). Banning all underground extensions regardless of their impact upon the significance of a heritage asset is not consistent with the national policy approach.
The phrase 'no harmful increase in the sense of enclosure' should not have the word 'harmful' included which only confuses the sense. – disagree, removal of 'harmful' in the context of a highly urban borough would
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			 CL9 Existing Buildings – Extensions and Modifications This policy is Unsound in that paragraph j. implies that a conservatory is not an extension and therefore paragraphs a.to i. (inclusive) don't apply to conservatories. To correct this the 3rd line of the introduction to CL9 should read 'To deliver this the Council will resist proposals for extensions and conservatories if.' and paragraph j. is changed to read ' it is proposed to be located at roof level, significantly above garden level or on a corner site.' CL10 Shopfronts This policy is Unsound, but could be made sound as follows by the addition of another paragraph 'g. resist any application that introduces new service pipes or conduit that bring services (gas, water, electricity, communications) through the pavement and or up the shop front.' CR 4 Streetscape This policy is Unsound, but could be made sound as follows by amending paragraph g. after 'forecourt parking' add 'including the loss of railings, walls, piers and trees.' CR 5 Parks, Gardens, Open Spaces and Waterways This policy is Unsound, but could be made sound as follows: a. change to reasist the loss of or encroachment into existing:' c. change to resist any development or underground development of garden squares' 				 effectively prevent almost all new development. Include reference to Conservation area appraisals within Policy CL8 –disagree, there is no need to add this to the policy. Additional wording is recommended at paragraph 34.3.20. Policy CL9 implies conservatories are not extensions – disagree, Para 34.3.78 of the reasoned justification clearly includes conservatories sit within the definition of extensions. Policy to resist any application that introduces new pipes that bring services through the pavement/shopfronts – Disagree, banning alterations regardless of their impact is inconsistent with national policy approach. CR4g add and loss of railings, walls, piers and trees – disagree, this is Covered in Small additions Policy CL6. CR5a include 'or encroachment into' – disagree, additional wording superfluous Covered by Policy CR5 which deals with loss of private and public open space. CR5c include clause on basement development – disagree, refusing development without harm would not be consistent with national policy and would therefore be unsound.
Donald Cameron		No					With no further information provided it is difficult to respond to specific concerns regarding soundness.
Canal & River Trust London (Claire McLean)	Yes (with no further changes)					Canal & River Trust London (Claire McLean)	No comments found in previous round of consultation.
Jmg Andrews	Yes (with no further changes)	Yes		Yes	No	Jmg Andrew s	No comments found in previous round of consultation. Support for soundness of the policy noted.
C. J. S. Clegg		Yes		Yes	No	C. J. S. Clegg	Support for soundness of the policy noted.
GVA (Georgina Church)			 In summary, we consider that the following amendments should be incorporated if the policies are to be considered sound: Re-insert the term 'eyesore' into Policy CL2 and identify Newcombe House as an eyesore in the supporting text; Include a note of support in Policy CL2 for innovation, originality and initiative, in accordance with paragraph 60 of 			GVA (Georgi na Church)	CL2 – plan inconsistent as this policy does not support objective elsewhere of redevelopment of Newcombe House: concern that policy may not be applied to Newcombe House – The Council recommends that the policy and its accompanying reasoned justification be deleted. This is because any flexibility can be

					 the NPPF; Replace references to the 'protection and enhancement' of views in Policy CL11, with the requirement to demonstrate that no harm has been caused to views, vistas and gaps; 	t			properly weighed up against policies as 'material considerations'
					 Remove references in Policy CL12 to a prevailing building height and any arbitrary maximum building height; and Remove references in Policy 12 to District landmarks as 'exceptionally rare' and replace with a reference noting that appropriate building heights will be considered on a case by case basis. 				CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of the quality of the townscape of the borough, this is approach regarded as appropriate.
									CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – The policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and London Plan, which require context to be an important dimension in design quality. The statement that district landmarks are exceptionally rare is a statement of fact.
Joseph	No (I am submitting a new	Yes				Yes	No	Joseph	Support for soundness of the policy noted.
CL1	response)								
Wurtzburg	No (I am submitting a new response)The planning policy states the policy but then meander s, ifs and buts. The policy should be stated and be unequivo cal. It must be sound so that it cannot be circumve nted by	No	Y		Already stated in statement No.3.	No	No		Policy should be unequivocal -The Council notes the concerns raised but the policies as drafted are robust while providing sufficient flexibility to be consistent with national policy, justified, effective, positively planned and legally compliant.

		anyone, lawyers, develope rs, not anyone.									
Alan Marchant		Conserv ation and design Policy review. CL2 Design Quality. ii. Robust - well built, remain in good condition and adaptabl e to changes of use, lifestyle, demogra phy and climate;	Yes	When designing a new basement in a conservation area they must be good quality and adaptable to change, given that it will be a permanent structure with a high rate of carbon emissions. It shall remain in good condition by, so they last the test of time with a growing family's interests in mind.						Yes	Yes
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL1	No		Y	Y	Y	Y	I do not consider the planning policy to be sound because it is not effective, justified or positively prepared – in places it is also contrary to national policy. I set out my reasons for believing this and how some parts of the policy could be made sound. However, some sections of the policy are so far from sound (they require re-writing from scratch and cannot simply be amended) and so many former policies that were valuable have effectively been deleted in their entirety that I consider the policy should fall as unsound in its entirety. I do wish to appear at any Examination on all of the matters listed below. Please also carry forward my representations to the July/ September 2013 Conservation and Design Publication Planning Policies consultation with the additional proposed changes and evidence as set out below. 	No	Yes

Yes	CL2 Design Quality.	Support for soundness of Policy CL2aii noted.
Yes		Para 34.3.9 should be made clear only referring to large sites- disagree, all development should consider these issues.

evidence base nor has the most appropriate strategy been
selected when considered against the reasonable
alternatives). It is also not sound as it is not effective (as it
would hamper effective joint working on cross – boundary
strategic priorities).
It is clear from English Heritage guidance and from that issued
by Westminster Council that both national policy and a Council
with an adjoining boundary to Kensington and Chelsea
consider that a very different strategy (to that proposed by
Kensington and Chelsea in this document in relation to Mews)
should be followed.
should be followed.
National guidance makes also that Mawa are a near unique
National guidance makes clear that Mews are a near-unique
(to London) UK feature considered worthy of specific
protection and that Mews are considered to have particular
characteristics that make them and those characteristics
worthy of specific protection. As the English Heritage
document "English Heritage Domestic 2: Town Houses
Designation Listing Selection Guide" makes clear "Urban
mews are predominantly a London building type Elevations
were usually plain and uniform, typically two storeys high, with
large carriage doors to the ground floor." "Intact runs of
Victorian mews too are rare, and should be given serious
consideration for listing. In assessing individual mews houses,
date, intactness of the façade – including survival of the
carriage entrance - and group value will be key
considerations."
The majority of London Mews are located in the adjoining
Boroughs of Kensington and Chelsea and Westminster.
Westminster Council has issued a 14 page long detailed
guidance note (in active use today in assessing planning
applications) on what alterations to Mews might be considered
acceptable and what would not be acceptable stating that "The
City Council regards mews as a valuable asset, the traditional
character and appearance of which should be enhanced by
preventing insensitive alterations and needless demolition".
K&C's proposed policy offers no such protection for Mews, nor
does it make any reference to the need to preserve the very
characteristics that Westminster, or indeed English Heritage
cite as so worthy of protection that listing for an individual
Mews house might be considered.
This unjustified and ineffective proposed policy would result,
for example, in a far higher level of protection being given to
the essential characteristics of Mews houses in the North side
of Princes Gate Mews (in Westminster) than the South (in
Kensington and Chelsea). Mews in K&C are also almost all in
Conservation areas – a fact not mentioned in the policy. But,
under the policy section Heritage Assets the text states "as the
majority of the Borough is covered by conservation areas,
there are limited opportunities for new development because
the presumption is to retain the original built fabric whether it
faces the street or not, where it contributes positively to the
character of the conservation area". Again this makes clear
that Mews are worthy of particular and specific protection, but
the policy signally fails to achieve this.
It is notable that the proposed policy in relation to artists'
studios offers far more protection to studios (a feature of cities

K&C's proposed policy offers no such protection for Mews, nor does it make any reference to the need to preserve these characteristics include mews in CL1i, – disagree, mews are adequately covered alongside other building typologies in CL1(h). A separate policy is unnecessary and may actually, by treating one typology separately, diminish the valuable contribution of other typologies to the townscape.

Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL1	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.	Y	Y	 everywhere) than that proposed for Mews. In conclusion, we consider that the proposed policy is not sound as it is neither justified nor effective for the above reasons and that it should be altered to state 34.3.11 The many mews streets in the Borough form an integral part of the nineteenth century pattern of development of this area of London. Indeed, the mews as a feature of the townscape is one of the factors that distinguish London from other cities. Mews streets make an important contribution to the Borough's character and appearance. There is considerable pressure for the carrying out of alterations to Mews and sometimes for total demolition of individual properties and this pressure is threatening the essence and character of these mews streets and consequently, undermining the character and appearance of these key features of the Borough. They are an effective form of development for making good use of the space within larger perimeter blocks. Whilst their origin as stable blocks for large houses means that they are generally of modest design, they do have a distinct character based on their consistency, simplicity and unity. CL1 Context and character i. resist the demolition of, and inappropriate alterations and extensions to, artists' studios and Mews properties. VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33. An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: the proposed policies; and the rull set of Saved UDP CD Policies. From this the Society proposes: a specific and stronger policy for mews: Policy CL1(h) does not do this – we have the most beautiful mew in London in our area – Kynance Mews; clarify that Policy CL1(i) – thse need greater protection; Saved UDP Policies Since the remaining Sav	Yes	Yes
Edwardes	Yes (but with the	CL1	No		Y		Policy CL1 Context and Character	Yes	Yes

es		
		A specific and stronger policy for mews: Policy CL1(h) does not do this; - Mews are adequately covered alongside other building typologies in CL1(h). A separate policy is unnecessary and may by treating one typology separately diminish the valuable contribution of other typologies to the townscape
es	Edward	Include a requirement to provide information
	es	regarding adjoining and nearby buildings - A
	Square	requirement to provide drawings or

Abingdon Association (Anthony Walker)	out in this response form)							be expanded to require submission of 'accurate information regarding adjoining and nearby buildings as necessary to enable an assessment of the context and character and ways in which the proposals relate to this context'. We consider that this requires either an additional paragraph or the amplification of paragraph 34.3.4.	t		Scarsd ale & Abingd on Associa tion (Anthon	information is a process issue to be outlined in the validation requirements and not a matter for planning policy.
								We consider that CL1c could be made sound if modified. There are no parameters to the level of density which may be appropriate, nor any basis on which an appropriate balance could be achieved between optimum density and sensitivity to context. In conservation areas or where it is related to other designated heritage assets, the latter will require an assessment of significance. We suggest that, to provide parameters for density assessment, reference should be made to London Plan Policy 3.4.)		y Walker)	Include reference and explanation of London Policy 3.4 – disagree dealt with in the London Plan, adding further justification to these policies would lead to unnecessary duplication.
								We consider that CL1i could be made sound if modified. We consider that the wording of CD55 was more appropriate and suggest that the wording of CL1i be changed to 'Ensure that the character of mews properties is preserved and enhanced and will resist inappropriate alterations and extensions or changes of use'.				Mews need a new purpose-built policy - Mews are adequately covered alongside other building typologies in CL1(h).
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.		Y	Y		VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. From this the Society proposes: • a specific and stronger policy for mews: Policy CL1(h) does not do this – we have the most beautiful mew in London in our area – Kynance Mews; • clarify that Policy CL1(i) covers the loss of artist's studios through change of use (CL1(i) – thse need greater protection; Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD55: Mews: Proposed policy CL1 (h), although welcome, does not do the job. Mews need a new, purpose-built policy.	r e d III	Yes Yes	The Kensing ton Society (Amand a Frame)	Mews need a new purpose-built policy - Mews are adequately covered alongside other building typologies in CL1(h). Clarify that Policy CL1(i) needs to covers the loss of artist's studios through change of use - This is covered in Core Strategy Policy CF7.
Onslow Neighbourhoo d Association (Eva Skinner)		No		Y	Y	Y	Y	CL1 Context and Character This policy is Unsound, but could be made sound as follows: b. add the following words at the end of the existing statement 'by including elevation drawings of the properties on either side of the proposed development.' c. after 'optimised' insert 'as outlined in The London Plan Policy 3.4 from which developments should only exceptionally depart, and the development should be sensitive to context' i. replace this statement with 'resist the demolition of, inappropriate alterations and extensions to, and change of use of Artists' studios.'	t /	lo Yes	Onslow Neighb ourhoo d Associa tion (Eva Skinner)	 Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue and not a policy issue. Include reference and explanation of London Policy 3.4 – Disagree dealt with in the London Plan, adding further justification to these policies would lead to unnecessary duplication. Clarify that Policy CL1(i) needs to covers the loss of artist's studios through change of use

Policy CL2: Des	sign Quality		1				1				
Rachel Palmer	No (I am submitting a new response)	Conserv ation and Design Policy Review	Yes	seems sound justified effective and consistent with Nat Policies An urgent need for action to take opportunities to improve the quality and character of buildings and the area and the way it functions.						Yes	No
Alan Marchant		Conserv ation and design Policy review. CL2 Design Quality. ii. Robust - well built, remain in good condition and adaptabl e to changes of use, lifestyle, demogra phy and climate;	Yes	When designing a new basement in a conservation area they must be good quality and adaptable to change, given that it will be a permanent structure with a high rate of carbon emissions. It shall remain in good condition by, so they last the test of time with a growing family's interests in mind.						Yes	Yes
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL2	No		Y	Y	Y	Y	Design Quality CL2 Key sections of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives). For example, section iv is a contradiction in terms – a building cannot be locally distinctive while responding to its context. Similarly, section b) makes no sense. How can an appropriate architectural style be required if this requirement is then immediately undermined in the policy by saying the appropriate style must respond to the building's proposed design and form? Similarly, earlier in the document under "Context and Design" a building's proposed use is described as something that needs to respond to the local context – the reverse of saying that appropriate architectural design should respond to use needs. Finally, section c is not sound as no definition of 'eyesore' is given making the judgement of when flexibility will or will be permitted an entirely subjective judgement. Similarly, flexibility is not defined, nor are the	No	Yes

	- This is covered in Core Strategy Policy CF7.
	Support for soundness of the Conservation and Design policies noted.
CL2	Support for soundness of the Conservation
Design Quality.	and Design policies noted.

							policies that would or would not be flexed listed. In conclusion, we consider that the proposed policy is not sound as it is not effective for the above reasons and that it should be altered to state		
							 CL2 Design Quality The Council will require all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions iv. Locally distinctive Of high quality - responding well to its context; b. require an appropriate architectural style on a site by-site basis, in response to: i. the context of the site; ii. the building's proposed design, form and use; iii. whether the townscape is of uniform or varied character; c. facilitate the redevelopment of 'eyesores' – buildings with an architectural style or scale/bulk entirely inappropriate to their local context and/or that cause harm to the surrounding area – by potentially offering some flexibility in relation to conservation and design policies. Such flexibility will only be offered only rarely and only where redevelopment with buildings more suited to their context is demonstrably unviable. 		
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL2	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.	Y	Y	 VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: the reasoned justification; the proposed policies; and the full set of Saved UDP CD Policies. From this the Society proposes: removal of the policy on eyesores (CL2(c)) – we hate the Holiday Inn on Cromwell Road, but for any redevelopment we would a tougher approach not a more relaxed one; 	Yes	Yes
Jamie Wallace	No (I am submitting a new response)	Policy CL2 part a. ii. – Design Quality	Yes	Part a. ii. of policy CL2 is welcomed and supported in that allowance is made for the need to design development in a manner which is adaptable to changes of use as well as lifestyle. Through this, it is acknowledged that good design can meet the changing needs of				Yes	No

	Amendments to Policy CL2 delete criteria for design quality in subsection a – disagree, stripping out criteria would restrict the basis upon which design quality is judged in RBKC. Amendments to policy CL2c – Agree Council will recommend to the inspector the removal of this policy.
<i>´es</i>	Remove policy CL2c – Council will recommend to the inspector the removal of this policy.
lo	Support for soundness of Policy CL2 Noted

				buildings and indeed the way in which they are used. It is considered that this adaptability to changing circumstances is especially relevant in context of listed buildings, where alterations to fit the purposes of the modern lifestyle are often required in order to maintain and ensure our historic buildings future use. Such circumstances may also include the need to improve					
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL2	No	accessibility to fit the needs of ageing occupiers.	Ŷ		Policy CL2 Design Quality Paragraph 34.3.18. We ask for clarification as to whether the Conservation Area Appraisals will be SPD's or DPDs. If they are neither of these then they would need to be added at the end of this paragraph. We consider that the related policy CL2c could be made sound if modified. There is no clear process by which 'eyesore' can be identified or by whom it should be indentified. While appearance may be a prime consideration, there might also be examples where the impact on the living conditions of nearby buildings might be a valid consideration. We suggest that it would be appropriate to require a process similar to that in the NPPF, paragraphs 133, 134 and 135, stating that where there is harm to designated and non designated heritage assets this has to be balanced against public benefits. If a revised wording cannot be found then we would recommend	Yes	Yes
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CL2	Yes and No	The Society strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, the Society does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that	Y	Y	that this subclause is deleted. The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. From this the Society proposes: • removal of the policy on eyesores (CL2(c)) – we hate the Holiday Inn on Cromwell Road, but for any redevelopment we would a tougher approach not a more relaxed one;	Yes	Yes

6	On the aspects set out above .	Add Conservation area appraisal to para 34.3.18 – Agree, additional wording is recommended to the inspector at paragraph 34.3.20. Define eyesore or delete – Agree, the Council is recommending to the inspector that this policy be deleted.								
5		Removal of the policy on eyesores (CL2(c)) – Agree, the Council is recommending to the inspector that this policy be deleted.								
			chapters 33 and 34	as						
--	--	-----	--	----	---	---	---	----	-----	--
GVA (Georgina Church)	Yes (with no further changes)		chapters 33 and 34 a whole are sound.				 In summary, we consider that the following amendments should be incorporated if the policies are to be considered sound: Re-insert the term 'eyesore' into Policy CL2 and identify Newcombe House as an eyesore in the supporting text; Include a note of support in Policy CL2 for innovation, originality and initiative, in accordance with paragraph 60 of the NPPF; Replace references to the 'protection and enhancement' of views in Policy CL11, with the requirement to demonstrate that no harm has been caused to views, vistas and gaps; Remove references in Policy CL12 to a prevailing building height and any arbitrary maximum building height; and Remove references in Policy 12 to District landmarks as 'exceptionally rare' and replace with a reference noting that appropriate building heights will be considered on a case by case basis. 			CL2 – plan inconsistent as this policy does not support objective elsewhere of redevelopment of Newcombe House: concern that policy may not be applied to Newcombe House – The Council recommends that the policy and its accompanying reasoned justification be deleted. This is because any flexibility can be properly weighed up against policies as 'material considerations' CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of the quality of the townscape of the borough, this is approach regarded as appropriate. CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – the policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and the London Plan which require context to be an important dimension in design quality. The statement that district landmarks are exceptionally rare is a statement of fact.
Policy CL3 Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL3	No	YY	Y	Y	This entire policy is not sound as fundamental elements of it are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives and it is not founded on a proportional evidence base). In particular, section 34.3.23 and CL3 c) provides no justification for its repeated references to harm (even including demolition) to heritage assets (even including those of the highest designated heritage assets) being potentially justifiable where there is public benefit. There is no definition of what "public benefit" and no indication of how it might be quantified – leaving a decision on whether or not harm is justified to be an entirely subjective judgement. No evidence has been presented justifying this approach and national policy is clear that the focus should be on the preservation of historical assets and not their alteration – still less demolition. So fundamentally unsound is this policy that it is beyond my power to suggest alterations that would	No	Yes	Unsound due to the lack of an evidence base. No definition of public benefit. Disagree- Policy has been reworded to ensure consistency with the NPPF and therefore soundness. The balance of harm versus public benefits is entirely consistent with national guidance see paragraphs 133 and 134 of the NPPF.

	1	1			-			•		
							render it sound. At the very least the sections marked			
							below need to be struck down and deleted as indicated:			
							34.3.23 The partial or full demolition of a heritage asset,			
							or its alteration, whether it be a listed building or unlisted			
							structure of historic or architectural merit, can cause			
							irreversible damage to the character and appearance of			
							our high quality townscape. The harm caused will			
							therefore be carefully weighed up against any public			
							benefit that might result. However, as heritage assets			
							are irreplaceable, any harm or loss requires clear and			
							convincing justification. Substantial harm to or the loss of			
							a listed building, park or garden would be exceptional			
							whilst that to the highest designated heritage assets			
							would be wholly exceptional.			
							CL3 Heritage Assets - Conservation Areas and Historic			ľ
							Spaces			
							c. resist substantial demolition in conservation areas			
							unless it can be demonstrated that:			
							i. in the case of substantial harm or loss to the			
							significance of a heritage asset it is necessary to achieve			
							substantial public benefits that outweigh that harm or			
							loss;			
							ii. in the case of less than substantial harm to the			
							significance of a heritage asset, that the public benefits,			
							including securing the optimum viable use, outweigh that			
							harm;			
							iii. the building or part of the building or structure makes			
							no positive contribution to the character or appearance			
							of the area:			
Victoria Road		CL3	Yes	See previous	Y	Y	VRARA has reviewed this totally revised and	Yes		Yes
Area		020	and	comments		•	reorganised chapter 34 Enhancing the Legacy and the	100		100
Residents'			No	Commonito			changes to Chapter 33: An Engaging Public Realm and,			
Association							in particular, made a comparison between the Saved			
(Michael Bach)							UDP Policies and the new document.			
							In commenting on and making suggested changes we			
							have considered:			
							 the reasoned justification; 			
							 the proposed policies; and 			
							• the full set of Saved UDP CD Policies.			
							Please see attached document			
							From this the Society proposes:			
							 greater clarity on the need to provide drawings that 			
							show elevations of neighbouring properties in			
							conservation areas and next to listed buildings 34.3.4.			
							34.3.25 and Policy CL3(d) – we have had a particularly			
							bad experience with 5 Victoria Grove;			
Edwardes	Yes (but with	CL3	No		Y		Policy CL3 Heritage Assets- Conservation Areas and	Yes		Yes
Square			1				Historic Spaces			
	the additional								I	
Scarsdale &										
Scarsdale & Abingdon	the additional changes as set out in this						Paragraph 34.3.20, line 6, change 'needs to' to 'should'.			
Scarsdale &	changes as set									

	Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - disagree- A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.
On the aspect s set out above.	Paragraph 34.3.20, line 6, change 'needs to' to 'should', disagree – would represent a weakening of the wording, not an issue of soundness,

(Anthony Walker)								that CL3 could be made sound if modified. Policy CL3ciii We consider that this could be in conflict with CL2c as drafted. We do not oppose this paragraph but consider it reinforces the need to change or delete CL2c.					Policy CL3ciii We consider that this could be in conflict with CL2c as drafted – disagree CL2c deals with eyesores, which make no positive contribution to the character and appearance of an area, which would be consistent with the approach in CL3ciii. Council notes concerns in regard to Policy CL2c and is recommending deletion.
The Kensington Society (Amanda Frame)	C	a	Yes and No	See previous comments	Y	Y		The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • greater clarity on the need to provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings 34.3.4. 34.3.25 and Policy CL3(d) – we have had a particularly bad experience with 5 Victoria Grove;		Y	/es		Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - disagree- A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.
Onslow Neighbourhoo d Association (Eva Skinner)		1	No	Y	Y	Y	Y	CL3 Heritage Assets - Conservation Areas and Historic Spaces This policy is Unsound in that The National Planning Policy Framework confuses the issue by stating "Not cause harm to the significance of Heritage Assets unless it is necessary to deliver public benefits which would outweigh this harm" and then in clause 133 changing the statement to "where a proposed development will lead to substantial harm or total loss of significance of a designated Heritage Asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss		Y		Onslow Neighb ourhoo d Associa tion (Eva Skinner)	Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy. Refers this time to 'public benefits' not 'substantial public benefits' Why has RBKC chosen the former description of public benefits? – This is done to remain consistent with national policy (NPPF) and ensure soundness. c. iii. the word 'existing' should be introduced in front of 'building' and change from 'part of the building' to 'part of the existing building' – disagree, additional wording superfluous as policy is clearly concerned with the demolition of existing buildings.
Policy CL4						1			I				
Austin	submitting a new a response) a D	onserv N tion nd esign olicy	No						Yes	N	10		Noted.

Princes Gate Mews Residents' Association	Yes (but with the additional changes as set out in this	CL4	Yes	Y	Y	١	YY	Monuments and Archaeology Sections of this text are unsound (unjustified) – in both cases perhaps to a typo or perhaps simply poor drafting as the policy	'es	
(Jane Whewell)	response form)							is entirely unclear in what it is trying to achieve. Given the lack of clarity as to what the text is due to say, it is not possible to amend the text to make it sound, so we would ask that it be deleted.		
								d. require the reinstatement or removal of internal or external architectural features of listed buildings or scheduled ancient monuments, commensurate with the scale of the development;		
								f. strongly encourage ensure any works to a listed building are carried out in a correct, scholarly manner and where necessary by appropriate specialists;		
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL4	No		Y			Ancient Monuments and Archaeology We consider that the use of the term 'listed buildings' might be construed as excluding other listed structures such as post boxes etc. We suggest that it would be better to use the term adopted by English Heritage: 'designated heritage assets'. If that is not done then we would like to see the addition of 'or other listed structures' after each reference to a listed building. We consider that Policy CL4 could be made sound if modified. We consider that it would be beneficial if the clause were cross-referenced to Policy CR4c		On the aspect set out above
Tom Hawkley DP9								CL4b Proposed policy CL4b resists the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance, both internal and external.		
								Consistent with National Policy?		
								NPPF paragraph 129 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage assets) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.		
								 Para 131 requires local planning authorities to account of: The desirability of sustaining and enhancing the significance of a heritage asset and putting them to 		
								 viable uses consistent with their conservation; The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and 		
								The desirability of new development making a positive contribution to local character and distinctiveness.		
								Paragraphs 132 and 133 require development that will lead to substantial harm to a heritage asset to be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh		

8		CL4d should be deleted – Council will recommend a clarification of the wording on this policy but not to delete it.
		Policy CL4f should be deleted - Council will recommend a clarification of the wording on this policy but not to delete it.
6	On the aspects set out above	Policy CL4 we would like to see the addition of 'or other listed structures' after each reference to a listed building – disagree, historic post boxes covered in Policy CR4 so no need to duplicate protection.
		CL4b does not allow for the identification and

				 that harm or less. Para 134 requires development proposals that will lead to less than substantial harm to the significance of a designated heritage asset to have the harm weighed against the public benefits of the proposal, including securing its optimum viable use. CL4b does not allow for the identification and assessment required by 129 and does not allow the local planning authority to take account of the provisions of paragraphs 131, 132 and 133, and therefore conflicts with national policy. We recommend the policy is reworded as follows borrowing the language used in preceding proposed policy C3: CL4b. resist the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance, both internal and external unless it is can be demonstrated that: i. in the case of substantial harm or loss to the significance of a heritage asset it is necessary to achieve substantial public benefits that outweigh that harm or loss; ii. in the case of less than substantial harm to the significance of a heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; 		assessment required by 129 and does not allow the local planning authority to take account of the provisions of paragraphs 131, 132 and 133, and therefore conflicts with national policy. Disagree, the approach to demolition and loss of harm of heritage assets is covered in Policy CL3.
Policy CL5 Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	No	Y Y Y Y	 Living Conditions This entire policy is not sound as fundamental elements of it are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives and it is not founded on a proportional evidence base). It is also not positively prepared as the planning policy is not "based on a strategy which seeks to objectively assess development and infrastructure requirements". In particular, sections 34.3.35, 34.3.37, 34.3.39-40 and the policy at CL5 are not sound – and in some cases the statements are factually incorrect. The counsel of despair is not a justification, and an abandonment of all living condition standards is neither consistent with national policy, nor indeed European and national human rights legislation with its unqualified requirements to respect of privacy and family life. The current policy would facilitate breaches of such rights and as such is not legally compliant. While existing conditions in the Borough may well be substandard in some places – this is no justification for allowing such a situation to continue, let alone encouraging it as the current proposed policy would do. It is vital that where conditions, such as sunlight and daylight, privacy and overlooking, and sense of enclosure are already "stretched" 	No Yes	

neighbours look to the local planning authority to ensure a no	
worsening approach and to improve substandard situations	
wherever development provides an opportunity for change for	
the better. This would be in line with CL1 where it states that	
developments will be required "to contribute positively".	
An approach to ensure 'no worsening' has existed through	
successive plans, including in CL5 of the current plan – it is	
unacceptable to remove this very limited safeguard for	
people's living conditions and is not consistent with national	
policy nor EU human rights legislation. Paras 34.3.34 –	
34.3.41 should be revised to incorporate a 'no worsening'	
expectation and to include new text which states that where	
existing conditions are substandard, the Council will expect	
any developments to "to contribute positively by reducing	
existing amenity harms and not preserve or worsen them.".	
There is also no reference to the need to avoid overlooking	
and the previous policy on the need to preserve green space	
has entirely vanished and should be reinstated.	
A further profound problem with the policy and text in that it	
lacks clarity where it needs precision. Each clear statement of	
policy is frequently undermined by the juxtaposition next to it	
of a contrary statement eg.	
"34.3.39 Terraces on roofs of main buildings or extensions can	
be visually intrusive and result in serious intrusion into the	
privacy and quiet enjoyment of neighbouring residential	
properties. They can, however, provide a valuable small area	
of open space for residents."	
The intention of this para is entirely unclear, but residents	
should not face serious intrusion into their privacy in order to	
provide a developer with open space. The policy should make	
this clear. Similarly, the policy's lack of precision and poor	
drafting provides almost unlimited capacity for subjective	
judgements to be made in planning decisions rather than	
decisions in line with a clear policy. For example this text:	
"34.3.35 It is the overall design, taking all factors into account including the area's character, that will be the determinent of	
including the area's character, that will be the determinant of	
whether a proposal provides reasonable living conditions."	
Is entirely opaque, un-testable and will result in inconsistent	
and subjective judgements being made about the merits or	
otherwise of "design" rather than clear national standards	
being followed. The para also makes the assumption that new	
developments must be approved. If a proposal does not meet	
standards for national minimum living standards, the way to	
"preserve and enhance the character and appearance of	
conservation areas" is to reject it and not to allow	
developments that breach normal living conditions.	
Similarly, no evidence is provided in para 34.3.37 to support	
why normal standards for light are being abandoned in favour	
of subjective "judgement"	
"34.3.37 Mathematical calculation to assess daylighting and	
sunlighting may be an inappropriate measure in these	
situations; on site judgment will often be necessary."	
nor is there evidence to support the statement that where light	
issues are most likely to occur is "where the amount of	
adjoining habitable accommodation is limited" – a statement	
which assumes reductions of light are acceptable in other	
	I



			circumstances. The text is also factually incorrect as there are	
			many circumstances, not just lightwells, where problems will	
			arise.	
			It is neither justified nor effective to work on a policy that	
			assumes national standards will be breached that and clear	
			testable outcomes should be abandoned. No evidence has	
			been presented justifying this approach and justifying	
			deviating from national policy on living standards. So	
			fundamentally unsound is this policy that it is beyond my	
			power to suggest alterations that would render it sound. It	
			should be rejected as unsound as to delete what would be	
			required to render it sound as set out below would result in no	
			policy. Nonetheless, to render the policy closer to sound the	
			following changes should be made	
			34.3.35 The historic character and dense nature of the	
			Borough means that the living conditions that might be	
			expected elsewhere in modern developments are most	
			unlikely to be achieved here. Particular attention needs to be	
			paid to these matters to attempt to address rising public	
			expectations in relation to living conditions, including access to	
			open space. However, implementing living conditions by fixed	
			standards, normally derived from modern suburban	
			development, could undermine the Council's duty to preserve	
			and enhance the character and appearance of conservation	
			areas. It is the overall design, taking all factors into account	
			including the area's character, that will be the determinant of	
			whether a proposal provides reasonable living conditions.	
			34.3.37 Issues of daylight and sunlight are most likely to occur	
			where the amount of adjoining habitable accommodation is	
			limited, or situated within the lower floors of buildings with	
			openings on to lightwells. Mathematical calculation to assess	
			daylighting and sunlighting may be an inappropriate measure	
			in these situations; on site judgment will often be necessary.	
			34.3.38 When considering privacy, a distance of about 18	
			metres between opposite habitable rooms reduces inter-	
			visibility to a degree acceptable to most people, but there are	
			many instances in the historic fabric of the Borough of	
			distances less than this. Privacy of gardens and courtyards is	
			also important.	
			34.3.39 Terraces on roofs of main buildings or extensions can	
			be visually intrusive and result in serious intrusion into the	
			privacy and quiet enjoyment of neighbouring residential	
			properties. They can, however, provide a valuable small area	
			of open space for residents.	
			34.3.40 An overbearing or over-dominant sense of enclosure	
			can significantly reduce the quality of living conditions both	
			inside and outside. The impact on the sense of enclosure, is	
			dependent on on-site judgment.	
			CL5 Living Conditions	
			The Council will require all development ensure good living	
			conditions for occupants of new, existing and neighbouring	
			buildings and require a 'no worsening' approach to living	
			conditions in properties proposed for development and in	
			those affected by development.	
			To deliver this the Council will:	
			a. require applicants to take into account the prevailing	
			characteristics of the area;	
			b. ensure that good national standards of daylight and sunlight	
			s. cheare that good hational standards of daying it and suffight	

						are achieved in new development and in existing properties affected by new development; c. require that there is reasonable visual privacy for occupants of new development and for occupants of existing properties affected by new development; e. require that the reasonable enjoyment of the use of buildings and spaces is not harmed due to increases in traffic, servicing, parking, noise, disturbance, odours or vibration or local microclimatic effects.	
Victoria Road Area Residents' Association (Michael Bach)		CL5	Yes See previous and comments No	1	Y	VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. Yes Yes In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • retain existing Core Strategy Policy CL5(a) on sunlight and daylight – the revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard; Yes	
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL5	No			Policy CL5 Living ConditionsYesYesWe consider the Policy CL5 is not sound. In principle the Policy does not provide clear guidance on the balance to be struck between different interests. We consider that the existing Policy CL5 provides a more workable basis. For example in the existing CL5a it is stated that if sunlight and daylight provision is already substandard there should be no material worsening of the situation. The proposed Policy makes no reference to this and relies on a very vague statement in paragraph 34.3.37 where it is suggested that on- site judgement will be required. This does not give clear guidance to the person exercising on-site judgement as to whether or not a further reduction in standards is acceptable.Similar issues arise in paragraph 34.3.39 where it is suggested that while rooftop terraces can be visually intrusive they can provide small areas of open space. First, the policy in CL5c refers to visual privacy and not to terraces being visually intrusive. These are two different aspects of a similar problem and the difference between the Policy. Secondly, it is not clear whether the paragraph reference to 'small' is intended to suggest that small 'balconies' might be acceptable where large 'terraces' are not. There have been several cases where terraces have been rejected at appeal, partly due to loss of privacy but also due to the clutter of garden furniture, including heaters and lights, which the inspector rightly anticipated would appear. We consider that the wording of UDP Policy CD46 is more appropriate in which the Council will 'resist the introduction of roof terraces in the following circumstances: a) significant overlooking of, or disturbance to, neighbouring properties or gardens would result: or	ects out

	Yes		The revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard; disagree, Policy CL5 requires that good standards of daylight and sunlight are achieved for occupiers of both existing and new development. A requirement for reasonable visual privacy for occupants for new and existing occupants is sufficient to safeguard privacy.
	Yes	On the aspects set out above	Policy makes no reference to where daylight provision is already substandard there should be no material worsening of the situation - Policy CL5 requires that good standards of daylight and sunlight are achieved and there is a reasonable visual privacy for occupants for new and existing occupants. This is not a weakening of the current policy.
			CL5c refers to visual privacy and not to terraces being visually intrusive visual impact of roof terraces covered in Policy CL6

			1				T	<u> </u>
						b) any accompanying alterations or roof alterations are not to a satisfactory design, would be visually intrusive or would		
						harm the street scene.'		
Policy CL6			· · · · · ·					
Policy CL6 Victoria Road Area Residents' Association (Michael Bach)	CL6	Yes and No		Y	Y	 harm the street scene.' VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: the reasoned justification; the proposed policies; and the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: recognition of the need to preserve and/or enhance front boundaries (walls, railings, piers, balustrades) to preserve and enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it needs a policy and clear links to the forthcoming conservation area appraisals, which need to be mentioned in relation to this and other issues in order to flag them up for planning officers assessing developments where these are proposed to be altered or where the opportunity needs to be taken to improve the streetscene. We were particularly disappointed that planning officers were unaware of the Council's policies toward preserving and enhancing the walls, railings, piers and balustrades that form the boundary with the street – examples of failure 47 and 49 Victoria Road, success 29 Victoria Road and outstanding candidate for enforcement 6 Victoria Road. Saved UDP Policies 	Yes	Yes
						The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:		
						• Saved UDP Policy CD52: Installation of Plant and Equipment: Proposed Policy CL6 (b) needs to be more explicit so that this covers the impact on the character and appearance of such plant – noise and vibration is dealt with by Core Strategy Policy CE6.		
						• Saved UDP Policy CD53: Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.3.43 and proposed Policy CL6 (b) need to be amended to cover this. This is a major problem at the rear of six-storey houses in Kensington Court and Prince of Wales Terrace		
The Kensington Society (Amanda Frame)	CL6	Yes and No		Y	Y	The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes	Yes	Yes



								we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • recognition of the need to preserve and/or enhance front boundaries (walls, railings, piers, balustrades) to preserve and enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it needs a policy and clear links to the forthcoming conservation area appraisals, which need to be mentioned in relation to this and other issues in order to flag them up for planning officers assessing developments where these are proposed to be altered or where the opportunity needs to be taken to improve the streetscene. We were particularly disappointed that planning officers were unaware of the Council's policies toward preserving and enhancing the walls, railings, piers and balustrades that form the boundary with the street – examples of failure 47 and 49 Victoria Road, success 29 Victoria Road and outstanding candidate for enforcement 6 Victoria Road. Saved UDP Policies since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD52: Installation of Plant and Equipment: Proposed Policy CL6 (b) needs to be more explicit so that this covers the impact on the character and appearance of such plant – noise and vibration is dealt with by Core Strategy Policy CE6. • Saved UDP Policy CD53: Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.343 and proposed Policy					 Need a policy for boundaries treatments- Disagree, The reasoned justification includes railings, walls, piers and gates and therefore these issues are covered under small scale alterations and additions Policy CL6(see para 34.3.44) Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20. Policy CL6 (b) needs to be more explicit on plant machinery - Reasoned Justification paragraph 34.3.43 outlines the kind of things small scale additions include, although not an exhaustive list, it includes reference to plant machinery. Policy CL6 (b) need to be amended to cover Satellite Dishes – Reasoned justification for Policy CL6 includes reference to
Edwardes Square Scarsdale & Abingdon Association	Yes (but with the additional changes as set out in this response form)	CL6	No		Y			 Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.3.43 and proposed Policy CL6 (b) need to be amended to cover this. This is a major problem at the rear of six-storey houses in Kensington Court and Prince of Wales Terrace Policy CL6 Small-scale Alterations and Additions We suggest that reference to the conservation area appraisals be required in defining the character which must not be harmed. 	Ye	s	Yes	On the aspects set out above .	Satellite Dishes – Reasoned justification for Policy CL6 includes reference to 'telecommunications' which would cover satellite dishes and antennae. Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20.
(Anthony Walker) Princes Gate Mews Residents' Association	Yes (but with the additional changes as set out in this	CL6	No	Y	Y	Y	,	Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered	ł		Yes		
(Jane Whewell)	response form)							against the reasonable alternatives) nor effective. In particular in 34.3.43 the inclusion of balconies and terraces as being 'small scale alterations' or "minor external changes to the appearance of a building or its curtilage" is unsound. Balconies and terraces are often very far from small scale and can have huge impacts on neighbours. Other parts of the policy document agree with my assessment and contradict the assumption in CL6 stating "Terraces on roofs of main buildings or extensions can be visually intrusive and result in serious intrusion into the privacy and quiet enjoyment of neighbouring residential properties". Equally, the policy on small scale alterations only considers the impact on the appearance of the townscape and does not even consider the impacts on neighbours, which can be significant and so should be catered for in the policy.	d e is e				Policy CL6 includes terraces in small scale alterations, this suggests that balconies and terraces have a low impact on neighbours – this is not true. Disagree. Policy CL5 and CL6 deal with all aspects of terraces and balconies including visual impact and impact on neighbouring privacy, the plan should be read as a whole. No changes required.

Policy CL8							To render the policy closer to sound the following changes should be made: 34.3.43 Small-scale alterations and additions comprise minor external changes to the appearance of a building or its curtilage which could include (depending on their scale) balustrades, alarms, cameras, grilles, shutters and other security equipment; servicing, plant and telecommunications equipment; removing physical barriers to access; railings, walls, piers, gates and forecourt parking; signs which that are not advertisements, flagpoles and balconies and terraces. 34.3.44 Although small alterations and additions may have a negligible impact, if unsympathetically designed and sited, they may individually harm the appearance of a building or its setting and can result in harmful impacts on neighbours such as increasing a sense of enclosure, overlooking, noise, impacts on light etc. It is the individual and cumulative effect of these small-scale alterations and additions which can negatively impact on the Borough's overall high quality townscape and quality of life for its citizens. Their control is, therefore, a matter of strategic importance. CL6 Small-scale Alterations and Additions The Council will require that alterations and additions do not harm the existing character and appearance of the building and its context or result in damaging impacts on neighbours. To deliver this the Council will resist small-scale development that: a. harms the character or appearance of the existing building, its setting or townscape; d) results in harmful impacts on occupants of neighbouring properties		
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL8	Yes and No	See previous comments	Y	Y	 Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: Saved UDP Policy CD46: Roof Terraces: This covers both significant overllooking of and disturbance to neighbouring properties and gardens, whereas this is not on covered in the reasoned justification (34.3.39) or proposed Policy CL5 (c), although Policy CD46 is used regularly in decisions and appeals to cover these concerns. Reinstate references to gardens, and avoiding significant overlooking. In the VRARA area, full-width basement extensions with a 4m wide terrace at ground floor which would have caused a problem from overlooking, has been mitigated by using more traditional materials, reducing the length of the terrace, and using planters for screening neighbours: example 4 St Alban's Grove; 	Yes	Yes
The Kensington Society	No (I am submitting a new response)	CL8	Yes and No	See previous comments	Y	Y	Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the	Yes	Yes

es	Policy UDP 46 has been omitted. Reinstate references to gardens, and avoiding significant overlooking. – disagree these issues are adequately covered in policies CL5c and CL5d CD48 should be reinstated – full width extensions - CL9(c) addresses the issue of full width extensions through the matter of rhythm.

(Amanda Frame)							remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD46: Roof Terraces: This covers both significant overllooking of and disturbance to neighbouring properties and gardens, whereas this is not on covered in the reasoned justification (34.3.39) or proposed Policy CL5 (c), although Policy CD46 is used regularly in decisions and appeals to cover these concerns. Reinstate references to gardens, and avoiding significant overlooking. In the VRARA area, full-width basement extensions with a 4m wide terrace at ground floor which would have caused a problem from overlooking, has been mitigated by using more traditional materials, reducing the length of the terrace, and				Policy UDP 46 has not been omitted Reinstate references to gardens, and avoiding significant overlooking. – disagree these issues are adequately covered in policy CL5c and CL5d CD48 should be reinstated – full width extensions - CL9(c) addresses the issue of full width extensions through the matter of rhythm.
Edwardes Square Scarsdale & Abingdon Association (Anthony	Yes (but with the additional changes as set out in this response form)	CL8	No		Y		using planters for screening neighbours: example 4 St Alban's Grove; Policy CL8 Existing Buildings – Roof Alterations/Additional Storeys We suggest that there should be reference to the conservation area appraisals in defining the character which must not be harmed.	Yes	Yes	On the aspects set out above	Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20.
Walker) Onslow Neighbourhoo d Association (Eva Skinner)			No	Y	Y Y	ÝÝ	CL8 Existing Buildings – Roof Alterations/Additional Storeys This policy is Unsound, but could be made sound as follows: Add in a new paragraph 'c. In determining applications, have regard to conservation area appraisal documents'.	No	Yes	Onslow Neighb ourhoo d Associa tion (Eva Skinner	Add in a new paragraph 'c. In determining applications, have regard to conservation area appraisal documents' disagree, this is not a policy. Additional wording is recommended to the inspector at paragraph 34.3.20.
Tom Hawkley DP9							CL8b The Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore as the Council acknowledge at para. 34.3.24 there are limited opportunities for new development. Extensions, alterations and modifications are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF. Proposed policy CL8b resists additional storeys and roof level alterations in a number of circumstances. <i>Positively prepared?</i> CL8b as currently proposed is not positively prepared and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan (for example to ensure housing targets are met in line with Core Strategy Policy CH1 and Strategic Objective CO5) by unnecessarily restricting the development potential of existing buildings to ensure their future viability, continued use and intensification. For example, the Borough is required to increase its housing supply to meet housing targets and, when considering the existing constraints within the Borough, including the limited opportunities for new development, extensions to existing buildings can be an effective way to deliver this supply. The policy is not positively prepared to allow the Council				 Policy CL8b is not positively prepared or justified and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan by unnecessarily restricting the development potential of existing buildings. Amended wording suggested. Disagree, The Council is meeting its objectively assessed housing need (see housing trajectory in the Annual Monitoring Report 2013). Extensions, alterations and modifications very rarely result in additional units, which might contribute to housing targets. Local plan policies must be tailor made to the unique circumstances of the Royal Borough. Kensington and Chelsea has an

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	Development Plan.
	Justified/Consistent with National Policy?
	The effect of the proposed policy can be to unduly restrict the
	ability of an existing building to ensure its future viability and
	restrict sustainable development which may otherwise be
	acceptable. CL8b is therefore not the most appropriate
	strategy as it fails to meet the provisions of the NPPF by:
	Failing to ensure that developments optimise the
	potential of sites to accommodate development (para.
	58).
	Failing to plan positively for the achievement of high
	quality and inclusive design for all development,
	including individual buildings, public and private
	spaces and wider area development schemes (para.
	57).
	Stifling innovation, originality or initiative through
	unsubstantiated requirements to confirm to certain
	development forms or styles (contrary to para. 60)
	The prescriptive nature of this policy can serve to stifle the
	ability of a development to optimise the potential of a site to
	accommodate development and can therefore form a barrier
	to sustainable development.
	Cumulative Impact of Proposed Policies CL7, CL8 and CL9
	Taken collectively, CL7, CL8 and CL9 seek to resist the
	building up, building under or building out of properties through
	the use of policies that:
	Are not within the provisions of the NPPF to ensure
	that developments optimise the potential of sites to
	accommodate development.
	Restrict the ability of the Borough to accommodate
	growth, especially considering the development
	restrictions already in place in the form of high density,
	conservation areas and listed buildings.
	conservation areas and instea ballaings.
	Fail to acknowledge the role that innovation and
	originality of design can play in serving to allay the
	Council's concerns regarding external alterations,
	extensions, modifications and other forms of
	development on existing buildings and is non-
	compliant with the NPPF's policies on design in this
	regard also.
	We recommend the policy is reworded as follows:
	CL8 Existing Buildings – Roof Alterations/Additional
	Storeys
	The Council will require roof alterations and additional storeys
	to be architecturally sympathetic to the age and character of
	the building and group of buildings.
	To deliver this the Council will:
	a. permit additional storeys and roof level alterations where
	the character of a terrace or group of properties has been
	severely compromised by a variety of roof extensions and
	where infilling between them would help to reunite the group;
	b. resist require roof alterations and additional storeys to on:
	i. complete terraces or groups of buildings where the existing

which contributes immensely to the local distinctiveness of Royal Borough.
The Council's Strategy Objective CO5 of the Core Strategy is 'Renewing the Legacy'. This is not simply to do with ensuring 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.
Given the local circumstance of the Royal Borough, with an exceptionally high quality townscape in a context of high development pressure the approach is considered to be justified and consistent with the national policy.

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CLQ(h) resists extensions rising above the general height of	Square Scarsdale & Abingdon Association (Anthony Walker) Tom Hawkley	additional changes as set out in this	CL9	No		Y	We oppose the loss of the existing paragraph CL2d with regard to conservatories. We consider that the original 'saved Policy CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property. CL9(a)(b) These are not positively prepared, justified or compliant with national policy. The Consultation document notes that the Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore, as the Council acknowledge at para. 34.3.24, there are limited opportunities for new development. Extensions, alterations and modifications are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF. CL9(a) seeks to resist rear extensions beyond the existing general rear building line of <u>neighbouring extensions</u> , however fails to recognise existing extensions on the building in	Yes	Yes	aspects set out	CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property. – these issues are adequately covered in Policy CL9. CL9(a) and (b) as currently proposed are not positively prepared and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan for example to ensure the vitality of its shopping centres (Core Strategy Policy CF3. Disagree; Policy CF1a supports the creation of new shop floorspace within town centres. Policy CF2 requires the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy and to assist in the implementation
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neighbouring and nearby extensions.	Square Scarsdale & Abingdon Association (Anthony Walker) Tom Hawkley	additional changes as set out in this	CL9	No		Y	We oppose the loss of the existing paragraph CL2d with regard to conservatories. We consider that the original 'saved Policy CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property. CL9(a)(b) These are not positively prepared, justified or compliant with national policy. The Consultation document notes that the Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore, as the Council acknowledge at para. 34.3.24, there are limited opportunities for new development. Extensions, alterations and modifications are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF. CL9(a) seeks to resist rear extensions beyond the existing general rear building line of <u>neighbouring extensions</u> , however fails to recognise existing extensions on the building in question, which may for example already exist at lower floors. CL9(b) resists extensions rising above the general height of	Yes	Yes	aspects set out	CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property. – these issues are adequately covered in Policy CL9. CL9(a) and (b) as currently proposed are not positively prepared and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan for example to ensure the vitality of its shopping centres (Core Strategy Policy CF3. Disagree; Policy CF1a supports the creation of new shop floorspace within town centres. Policy CF2 requires the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy and to assist in the implementation

Positively Prepared?
CL9(a) and (b) as currently proposed are not positively
prepared and may jeopardise the Council's ability to meet the
objectively assessed requirements of the Development Plan
(for example to ensure the vitality of its shopping centres
(Core Strategy Policy CF3)) by unnecessarily restricting the
development potential of existing buildings to ensure their
future viability and continued use. For example, the retail
sector is incredibly dynamic and both the planning and
development sectors are constantly responding to changing
requirements for unit sizes, layouts and other facilities to
ensure the buildings' continued retail use. Where new
development is not possible as highlighted above, extensions
are the key means to achieving this. This example is
particularly applicable to the Boroughs' International Shopping
Centre, where retail flexibility is required in order to for the
Council to be able to ensure the continued success of
Knightsbridge as their international shopping destination in line
with Policy CP14. Justified?
The supporting text to the policy starts out at para 34.3.77 by
stating: "The combination of the Borough's high land values,
high residential densities, modest building heights and the
expanse of the conservation areas, has resulted in pressures
for a wide variety of residential extensions and modifications."
There are further references in the supporting text to
residential extensions, however, at no point does the
supporting text specifically refer to commercial buildings or
any existing building not in residential use, yet the policies
seem to equally apply to all building types. The supporting
text should properly consider the policy in the context of all
types of development covered by the policy or this may
otherwise suggest that the policies may be justified for
residential development, but that other types of development
may not have been properly considered and the policy may
not be the most appropriate strategy where extensions or
modifications are being proposed to existing buildings not
solely in residential use.
Consistent with National Policy?
Policies CL9(a) and (b) do not enable delivery of sustainable development in accordance with the guidance contained within
the National Planning Policy Framework by reason that they:
Fail to ensure that developments optimise the potential of sites to accommodate development (para.
58).
 Fail to plan positively for the achievement of high
quality and inclusive design for all development,
including individual buildings, public and private
spaces and wider area development schemes (para.
57).
 Stifle innovation, originality or initiative through
unsubstantiated requirements to confirm to certain
development forms or styles (contrary to para. 60)
The restrictive nature of these policies can serve to stifle the
ability of a development to optimise the potential of a site to accommodate development and can therefore form a barrier
to sustainable development. The policies should be removed
as they are adequately covered by the remainder of CL9, or



		 they should allow for exceptional circumstances. <i>Cumulative Impact of CL7, CL8 and CL9</i> Taken collectively, CL7, CL8 and CL9 seek to resist the building up, building under or building. Fail to acknowledge the role that innovation and originality of design can play in serving to allay the Council's concerns regarding external alterations, extensions, modifications and other forms of development on existing buildings and is non-compliant with the NPPF's policies on design in this regard also. We recommend the policy is reworded as follows: CL9 Existing Buildings – Extensions and Modifications The Council will require extensions and modifications to existing buildings to be subordinate to the original building, to allow the form of the original building to be clearly understood, and to reinforce the character and integrity of the original building, or group of buildings. To deliver this the Council will resist proposals for extensions if: a. the extension would extend rearward beyond the existing general rear building line d- any neighbouring extensions; b. the extension would spoil or disrupt the even rhythm of rear additions; b. the detailed design of the addition, including the location or proportions or dimensions of fenestration or the external materials and finishes, would not be in character with the existing building; c. the extension	very rarely result in additional units, which might contribute to housing targets. Local plan policies must be tailor made to the unique circumstances of the Royal Borough. Kensington and Chelsea has an exceptionally high quality historic townscape, which contributes immensely to the local distinctiveness of Royal Borough. The Council's Strategy Objective CO5 of the Core Strategy is 'renewing the Legacy'. This is not simply to do with ensuring 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. Given the local circumstance of the Royal Borough, with an exceptionally high quality townscape in a context of high development pressure the approach is considered to be justified and consistent with the national policy.
		existing building; c. the extension would breach the established front building line; d. an important or historic gap or view would be blocked or	
Onslow Neighbourhoo d Association (Eva Skinner)	No	Y Y Y Y CL9 Existing Buildings – Extensions and Modifications This policy is Unsound in that paragraph j. implies that a conservatory is not an extension and therefore paragraphs a.to i. (inclusive) don't apply to conservatories. To correct this the 3rd line of the introduction to CL9 should read 'To deliver this the Council will No	Yes Policy CL9 implies conservatories are not extensions – disagree, Para 34.3.78 of the reasoned justification clearly includes conservatories sit within the definition of extensions.

Boliov Cl 40							resist proposals for extensions and conservatories if:' and paragraph j. is changed to read ' it is proposed to be located at roof level, significantly above garden level or on a corner site.'		
Policy CL10 Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL10	Yes and No		Y	Y	 VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: the reasoned justification; the proposed policies; and the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: Policy CL10: the reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape – this seeks to articulate what "drive up the quality of the area" in Policy CL10 means in practical terms: we ran a project to improve shopfronts in Gloucester Road North Local Centre. specific recognition of the viability implications of attempting to take part of an existing shop in order to gain access to the first floor. VRARA supported the refusal of successive applications for 1-3 Thackeray Street (34.3.87); Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: Saved UDP Policy CD77: Awnings and blinds: This policy deals with awning in all locations, whereas the only reference in the proposed new chapter is in CL10 (b)(iii) which only 	Yes	Yes
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CL10	Yes and No		Y	Y	refers to shops. A general policy is needed. The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • Policy CL10: the reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape – this seeks to articulate what "drive up the quality of the area" in Policy CL10 means in practical terms: we ran a project to improve shopfronts in Gloucester Road North Local Centre. • specific recognition of the viability implications of attempting to take part of an	Yes	Yes



								existing shop in order to gain access to the first floor. The Society supported the refusal of successive applications for 1- 3 Thackeray Street (34.3.87); Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD77: Awnings and blinds: This policy deals with awning in all locations, whereas the only reference in the proposed new chapter is in CL10 (b)(iii) which only refers to shops. A general policy is needed.			General awnings policy required - Reference to awnings in CL10 relates to shop fronts. Add a reference to awnings in the reasoned justification to Policy CL6.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL10	No		Y			Policy CL10 Shop fronts Yes Paragraph 34.3.83. We suggest that this paragraph be reinforced with the addition of the following sentence. ' All changes to shop fronts should enhance the appearance and character of the streetscape in a positive manner.'	(es	On the aspects set out above .	Reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape Disagree CL10bii) adequately covers the requirement for shop fronts to have a positive visual impact on the streetscene.
Onslow Neighbourhoo d Association (Eva Skinner)			No	Y	Y	Y	Y	CL10 Shopfronts This policy is Unsound, but could be made sound as follows by the addition of another paragraph 'g. resist any application that introduces new service pipes or conduit that bring services (gas, water, electricity, communications) through the pavement and or up the shop front.'	(es	Onslow Neighb ourhoo d Associa tion (Eva Skinner)	Policy to resist any application that introduces new pipes that bring services through the pavement/shopfronts – Disagree, banning alterations regardless of their impact is inconsistent with the national policy approach.
Tom Hawkley DP9	No (I am submitting a new response)	CL10						Introduction Our client owns The Knightsbridge Estate which is located within the Knightsbridge International Shopping Centre. The Estate largely consists mainly of town centre uses (predominately comparison retail) at ground floor, with a mix of uses above including residential, office and hotel. The Estate is located within Hans Town Conservation Area and there are a number of listed buildings on site. CL10(v) CL10(v) is not positively prepared, justified or consistent with national policy. Supporting text paragraph 34.3.87 states the reason for the policy is the Council's concerns over the under- use of the upper floors of retail premises. <i>Positively prepared/justified/consistent with national policy</i> CL10(v) will protect existing access even if when these are inadequate and result in the under-use of upper floors, contrary to the stated objectives of the policy. In our experience the under-use of upper floors, particularly for office, is often a direct result of the poor quality of the existing independent access available. Existing upper floor entrances can be quite discreet and offer no prominence or sense of arrival to the upper floor uses which can negatively impact the attractiveness of upper floor spaces to commercial occupiers and thus affect their potential for sustainable commercial use. Owning to the historic nature of many of these existing accesses, they often may not provide lifts or wheelchair access. In our experience on The Knightsbridge Estate, it would be difficult to reconfigure them to achieve the points noted above without significant harm to the ground floor retail units. The policy wording fails to consider allowing existing accesses			Policy CL10bv should be reworded to state Where there is an existing independent access to upper floor accommodation it should be maintained or reprovided." - Disagree. This is superfluous wording that adds nothing to the policy.

Policy CL 11						to be lost where, for example, improved access is being relocated/re-provided elsewhere and/or consolidation of numerous poor quality separate access points will provide an improved inclusive access solution to the upper floors. In these cases, where the existing access point has become redundant, this can afford the opportunity for improvement to the ground floor retail unit, as supported by other Core Strategy policies and the NPPF. CL10(v) is not consistent with achieving sustainable development and therefore the policy is neither positively prepared nor consistent with the NPPF's presumption in favour of sustainable development. It is also not justified as, in consideration of the matters above, the most appropriate strategy has not been selected when considered against the reasonable alternatives. We recommend the policy is re-worded as follows: "Where there is an existing independent access to upper floor accommodation it should be maintained or reprovided."			
Policy CL11 Victoria Road Area Residents'	CL11	Yes and No	See previous comments	Y	Y	Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and	Yes	Yes	Views need to be covered by Conservation and Design policies - this is too much detail
Association (Michael Bach)						Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.			for the statutory plan – they are included in the Building Heights SPD. It is therefore not necessary to duplicate work.
						The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:			
						• Saved UDP Policies CD1-16 seek to preserve the character, views and vistas of and within Areas of Metropolitan Importance and Metropolitan Open Land – previously the Thames, the South Kensington Museums, Hyde Park, Kensington Gardens, Holland Park and Brompton and Kensal Cemeteries were not only identified but had their own policies for both views and vistas and the impact of development on these areas. These need to be covered in the revised conservation and design section of the Core Strategy, not hidden away in an SPD. Although the Thames and Royal Hospital are in Chelsea, the same principles should apply to all these views and vistas. In this area, views to and from			
The Kensington Society (Amanda Frame)	CL11	Yes and No	See previous comments	Y	Y	Kensington Palace need to be protected; Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policies CD1-16 seek to preserve the character, views and vistas of and within Areas of Metropolitan Importance and Metropolitan Open Land – previously the Thames, the South Kensington Museums, Hyde Park, Kensington Gardens, Holland Park and Brompton and Kensal Cemeteries were not only identified but had their own policies for both views and vistas and the impact of development on these areas. These need to be covered in the revised	Yes	Yes	Views need to be covered by Conservation and Design policies - this is too much detail for the statutory plan – they are included in the Building Heights SPD. It is therefore not necessary to duplicate work.

Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL11	No		Y			hidden away in an SPD. Although the Thames and Royal Hospital are in Chelsea, the same principles should apply to all these views and vistas. In this area, views to and from Kensington Palace need to be protected; Policy CL11 cii We consider that this should include views of the sides of properties as well as the rear. We therefore suggest that the clause should be modified to read 'including the rear and side(s) of properties;'	Ye	s	Yes		Policy CL11 cii – make reference to side extensions, disagree, wording of the policy CL11cii is such that side extensions would be included additional wording considered unnecessary.
GVA (Georgina Church)	Yes (with no further changes)		No	Y		Ŷ	Y	 Policy CL11 is a new addition to the Core Strategy. It builds upon part e of the existing Policy CL1 (Context and Character), which states that the development should be resisted if it interrupts, disrupts or detracts from strategic and local vistas, views and gaps. The amended policy text at CL11 moves the test for new developments to a position where it must be demonstrated that the proposal would 'protect and enhance' views, vistas, gaps and the skyline. We consider the test to protect and enhance too stringent. The language used within the NPPF (see paragraph 133) refers to the degree of harm to the significance of heritage assets (such as in key townscape views). In addition, the London View Management Framework (March 2012), in assessing impact on designated views, states that the proposals should not "harm the composition of the view". To be consistent with national and strategic planning policy, we continue to recommend the following changes to have regard to the desire to not significantly harm key views and vistas: Both of the references to 'protect and enhance' in the first line of the policy and at part b should be deleted and replaced with the following insertions that reflects strategic policy: o First line – 'require all development to not harm views, vistas gaps' 	e b h		Yes		CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of quality of the townscape of the borough, this approach is regarded as appropriate.
Policy CL12								o Fait b – to demonstrate that they do not cause harm.					
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL12	No		Y			Policy CL12 Building Heights We suggest that the words 'and streetscape' be added at the end of Policy CL12 b.	Ye	s	Yes	On the aspects set out above .	Add 'Streetscape' to Policy CL12b, disagree, 'townscape' is a broader term that covers streetscape.
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL12	No	Y	Y	Y	Y	BUILDING HEIGHTS Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. The same problems as highlighted in other chapters (each clear statement of policy is frequently undermined by the juxtaposition next to it of a contrary statement) re- appear here as does the situation where the policy's lack of precision and poor drafting provides almost unlimited capacity for subjective judgements to be made in planning decisions rather than decisions in line with a clear policy. This problem appears in particular in 34.3.99 and 34.3.106. For example:	e		No		Tall buildings cannot be mitigated, Policy is too subjective.

							 34.3.99 states "Tall buildings have a greater impact on their environment than other building types, posing problems of microclimate, overshadowing and overlooking. This is especially harmful to residential environments and amenity spaces," Which is true and a sound policy. However the para goes on to say " and needs to be avoided through careful siting and design (see Policy CL5)." A tall building is a tall building and its tallness cannot be mitigated by design – tall is tall. This para again argues that design (in many ways a subjective concept) is always the key – and again design cannot mitigate all impacts. 34.3.106 A design-led approach to taller buildings is essential. Full planning applications are important for tall buildings to ensure this design-led approach is fulfilled. Finally, the actual policy CL12 makes no reference to the need to avoid harmful impacts on neighbours – and to be justified and effective it should – it is not sufficient to make a reference to CL5 in the broader text. To render the policy closer to sound the following changes should be made: 34.3.99 Tall buildings have a greater impact on their environment than other building types, posing problems of microclimate, overshadowing and overlooking. This is especially harmful to residential environments and amenity spaces, and needs to be avoided through careful siting and design (see Policy CL5). 34.3.106 A design-led approach to taller buildings is essential. 	
GVA	Yes (with no	CL12	No	Y	Y	Y	In such cases the Council will promote close working with stakeholders and, where appropriate, with strategic and neighbouring authorities in the production of an urban design framework that will guide the siting and appropriate height of buildings, particularly in relation to existing views to ensure a wholly positive benefit to the townscape and to avoid harmful impacts on neighbours. Full planning applications are important for tall buildings to ensure this design-led approach is fulfilled. CL12 Building Heights The Council will require new buildings to respect the setting of the Borough's valued townscapes and landscapes, and to avoid harmful impacts on residents and neighbours (see Policy CL5) through appropriate building heights. To deliver this the Council will: b. resist buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances, where the development has a wholly positive impact on the character and quality of the townscape and avoids harmful impacts on residents or neighbours; Before addressing the policy in detail we set out the strategic	Yes
(Georgina Church)	further changes)						 belote addressing the policy in detail we set out the strategic background to design policy. The NPPF includes a section addressing good design. It lists at paragraph 58 a number of objectives to be used when making planning decisions to ensure that developments: Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; 	100

Disagree – The problems caused by tall buildings can be overcome. Not all tall buildings have a negative impact and the policy as written reflects this. Protection of our townscape is provided in great detail elsewhere in the chapter.
The planning system is designed to be plan led but each planning application will be treated on its own merits.

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therefore directly conflicts with Paragraph 58 of the NPPF as it	
	therefore directly conflicts with Paragraph 58 of the NPPF as it

CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – the policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and the London Plan which require context to be an important dimension in design quality. The statement

									 does not allow developments to optimise the potential of the site, and would not be consistent with National Policy and not be sound. As well as this, the inclusion of prescriptive buildings heights would not be consistent with national policy, in particular NPPF Paragraph 60 which requires that policies should not "stifle innovation through unsubstantiated requirements to conform to certain development forms or styles." In light of these points, we suggest that the following alterations be made to ensure that the policy is found to be sound: Prevailing building heights should not be included as a single policy; Undue weight should not be placed upon a particular form of building height; References to District Landmark buildings being 'exceptionally rare' should be removed, and it should be noted that appropriate building heights will be considered on a case by case basis; and Reference to maximum building heights should be removed Notwithstanding our suggested alterations to the drafted policy, we appreciate that there has been a change in the recognition of very tall buildings. Whilst we understand that very tall buildings are not characteristic of the Borough, we note that the policy as drafted suggests that they would be appropriate in some contexts 		
						_			appropriate in some contexts.		
Policy CR4 Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CR4	No	See previous	Y	Y	Y	Y	STREETSCAPEParts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. The Borough contains many listed buildings and Conservation Areas which can suffer significant harm from inappropariate street furniture. This should be reflected in the policy. CR 4 Streetscape The Council will require improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard, that street clutter is removed and that street furniture, advertisements and signs are kept to a reasonable minimum advertisements and signs are carefully controlled to avoid clutter and to avoid harmful impacts on visual amenity and in particular on the appearance of heritage buildings and Conservation Areas to support the Council's aim of driving up the quality of the Borough's streetscape.To deliver this the Council will: e. resist adverts that by reason of size, siting, design, materials or method of illumination, including on street furniture, harm amenity and visual amenity the appearance of heritage buildings or Conservation Areas or public or road safety;	No	Yes
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CR4	Yes and No	See previous comments		Y	Y		Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.	Yes	Yes

	that district landmarks are exceptionally rare is a statement of fact.
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	Policy should include reference to the Conservation Area with regard to the harm of street furniture Policies CL3 and CL4 provides policy on conservation areas and listed buildings respectively - an additional reference within Policy CR4 is unnecessary.

Chris Thomas Ltd (Chris Thomas)	Yes (but with the additional changes as set out in this	Polcy CR4	No		Y	Y	Y	proposed. This has been a major problem in Victoria Road – planning officers are unaware of proposals in De Vere Conservation Area Policy Statement. • Saved UDP Policy CD79: Hoardings: The revised policies CR4 (e) and (f) do not mention either temporary or permanent advertisement hoardings, which is an oversight – it also needs to refer to advertisement towers. The new policy is unsound if it does not deal with these challenges explicitly.	No	No		Policy CD79 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'adverts' see CR4(e) and the reasoned justification as part of the policy. Policy CR4 conflicts with the advertisement regulations. Not accepted. The policy does not deal with
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CR4	Yes and No	See previous comments	Y	Y		Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD55: Off-street parking in forecourt & gardens: This policy contains the only explicit policy for preserving and enhancing the traditional street boundaries identified in conservation area appraisals (CAPS). Whilst the revised conservation and design chapter now includes reference to walls, railings, etc there is no specific policy that deals with this. A new policy after CR4 (g) is	Yes	Yes		Need a policy to preserve traditional street boundaries" – disagree this is dealt with in policy CL6 small scale alterations and additions.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CR4	No		Y			Policy CR4 Streetscape Paragraph 33.3.19 Add after 'parking' the words 'including the loss of railings, walls, piers, gateposts, trees and areas of greenery'. We believe that saved Policy CD54 provided valuable guidance and the above alterations are necessary to continue that protection.	Yes	Yes	On the aspects set out above .	Additional wording This wording is unnecessary. Adequate provision is found with the policy and Reasoned Justification. Policy CD54 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Policy CR4 and the Reasoned Justification provides protection and will not be amended further.
								 The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: Saved UDP Policy CD55: Off-street parking in forecourt & gardens: This policy contains the only explicit policy for preserving and enhancing the traditional street boundaries identified in conservation area appraisals (CAPS). Whilst the revised conservation and design chapter now includes reference to walls, railings, etc there is no specific policy that deals with this. A new policy after CR4 (g) is proposed. This has been a major problem in Victoria Road – planning officers are unaware of proposals in De Vere Conservation Area Policy Statement. Saved UDP Policy CD79: Hoardings: The revised policies CR4 (e) and (f) do not mention either temporary or permanent advertisement hoardings, which is an oversight – it also needs to refer to advertisement towers. The new policy is unsound if it does not deal with these challenges explicitly. 				Need a policy to preserve traditional street boundaries" – Disagree. This is dealt with in policy CL6 small scale alterations and additions. Policy CD79 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'adverts', see Policy CR4(e)

								 However, we note that no change has been made to Policy CR 4 (f) despite our objections. The clause "where the function for the display of advertisements overdominates the primary purpose of the structure" still requires an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19): " it is accepted that anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons." Although PPG19 has been replaced by the NPPF, this advice is based on the requirements of the law and remains pertinent. It is not within the Council's powers to assume that it is able to assess the "need" for any particular advertisement. It follows that the Council are not empowered to assess whether the "need" for an advertisement "overdominates the primary purpose of the structure". The Council's powers extend only to assessing the acceptability of an advertisement on the basis of amenity and public safety. We therefore remain convinced that subparagraph (f) should be deleted entirely. If a structure with a different primary purpose displays advertisements which are unacceptable for reasons of amenity or public safety, the Council have adequate powers under the Control of Advertisements Regulations to seek the advertisements' removal. And this will effectively determine the "primary purpose" of the structure. If it is of no use without advertising, it will naturally be removed to avoid maintenance/utility costs etc. And who in the Council is qualified to determine whether a structure such as a telephone kiosk is required? It is hoped that these comments are found to be useful and informative, if you have any further questions, please contact mod 		
British Sign & Graphics Association (Chris Thomas)	Yes (but with the additional changes as set out in this response form)	Policy CR4	No		Y	Y	Y	 me. These representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in response to the above draft DPD. We commented on the 1st Publication Draft of this DPD on 11 July 2013. We note that the preamble to Policy CR 4 has been amended as we suggested; we naturally support this change. However, we note that no change has been made to Policy CR 4 (f) despite our objections. The clause "where the function for the display of advertisements overdominates the primary purpose of the structure" still requires an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19): " it is accepted that anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons." 	No	NC



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Onslow Neighbourhoo			No	Y	Y	Y	Y	CR 4 Streetscape This policy is Unsound, but could be made sound as follows by amending paragraph g. after 'forecourt	No	Ye	es
d Association (Eva Skinner)								parking' add 'including the loss of railings, walls, piers and trees.'			
Policy CR5											
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CR5	No	Y	Y	Y	Y	CR 5 PARKS, GARDENS, OPEN SPACES AND WATERWAYS Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. In particular, the concept of sustainable development and the need to preserve and create new green space in the Borough is not incorporated in the policy. National policy highlights the importance not just of space, but of green space and there are well know physical and psychological benefits – from drainage to cooling - that are derived from green space and which cannot be obtained from open spaces made merely eg. of concrete. Existing green spaces in the Borough are precious and should be protected. To render the policy sound and in line with national policy and guidance the following amendments should be made. The Council will protect, enhance and make the most of existing parks, gardens, open spaces, in particular green spaces, to be provided. To deliver this the Council will, in relation to: Parks, Gardens and Open Spaces a. resist the loss of existing: ii. public open space and in particular green open space; iii. private communal open space and private open space; iii. private communal open space where the space contributes to	No	Ye	es

	Include the loss of railings, walls, piers and trees – disagree. This is dealt with in policy CL6 small scale alterations and additions.
	Need to preserve and create new green space in the Borough is not incorporated in the policy, Disagree. This is covered by Policy CR5(d) and (e)

Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CR5	No				the character and appearance of the area; d. require all major development outside a 400m radius of the closest entrance to the nearest public open space to make provision for new open space and in particular green open space which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. f. require all new green open space to optimise biodiversity and wildlife habitat; Policy CR5 Parks, Gardens, Open Spaces and Waterways We consider that it would be beneficial if the paragraphs introducing this Policy also referred back to paragraph 33.3.14 which notes that, in comparison with other London boroughs, there is a comparatively small amount of publicly accessible open space in Kensington &Chelsea. People referring only to this policy Parks, Gardens and Open Spaces will not necessarily be aware of this.	1 Ye		Yes	On the aspects set out above .	Make reference in the Reason Justification about small amount of publically accessible open space, disagree, additional wording does not add anything to the policy.
Onslow Neighbourhoo d Association (Eva Skinner)			No		Ý	Y	CR 5 Parks, Gardens, Open Spaces and Waterways This policy is Unsound, but could be made sound as follows: a. change to read 'resist the loss of or encroachment into existing:' c. change to 'resist any development or underground development of garden squares'	N		Yes		Policy CR5 (a) change to read: "a. resist the loss of or encroachment into existing:" ii. After "open space" add ", such as garden squares". – disagree, covered under resisting the loss of public and private open space. The additional wording is superfluous.
Port of London Authority (Lucy Owen)	Yes (but with the additional changes as set out in this response form)	Paragra ph 33.3.28, Policy CR5	No			Y	Paragraph 33.3.28 is confused. It is questioned whether the Council meant it to read: The River Thames is an important transport route, and with its foreshore and banks is a unique open space with a special environmental character. and reduce the river's potential as a navigable waterway. Permanently moored vessels or the extension of riverside sites into the river can have a detrimental effect and reduce the river's potential as a navigable waterway. The Waterways part of policy CR5 sets out how opportunities should be taken to improve public access to, and along the River Thames and promote its use for education, tourism, leisure and recreation, health, well being and transport. This reflects the current approach in the adopted Core Strategy. The policy and the supporting text need further justification and should be consistent with each other. The policy itself is limited to permanently moored vessels or the extension of riverside sites into the river.		PS	No		Paragraph 33.3.28 is confused – agree, revised wording recommended to the inspector.
							Reference is made to adequate services being provided to permanently moored vessels on the Grand Union Canal and to the need for other canal users to not be adversely affected but there is no requirement in the policy for any permanently moored vessels on the River Thames to meet the same criteria. The PLA would suggest that it is just as important for services to be provided to vessels on the River Thames and for other water and land based users to not be adversely affected. There is no in principle objection to a policy on permanently moored vessels but it is considered that further amendments are required to the wording to make it conform with the	t				Reference should be made to permanently moored vessels on the River Thames and provision of services –Disagree. The Thames may not be suitable for permanently moored vessels. No change.

							requirements of the London Plan: "their siting needs careful consideration so that the navigation, hydrology and biodiversity of the waterways are not compromised. New moorings should be managed in a way that respects the character of the waterways and the needs of its users. The BRN should not be used as an extension of the developable land in London nor should parts of it be a continuous line of moored craft." If the Council wishes for the policy to cover "the extension of riverside sites into the river" then it should say so and it should explain how the use of the waterspace should be prioritised for water related purposes, in particular for passenger and freight transport in line with policy 7.24 of the London Plan.		If the Council wishes for the policy to cover "the extension of riverside sites into the river" then it should say so – Disagree. This is covered under policy CR5(ii). Additional wording is not required. Duplication of the London Plan is not required.
Policy CR6			-						
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CR6	Yes and No	See previous comments	Y	Y	 Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: Saved UDP Policy CD81: Planting trees: The Local Plan is not just about development management, but also the Council's proposals for negotiating with developers to plant more trees. The policy on trees, welcome though it for its clarity and robustness, needs to be more proactive. We have lost a lot of trees over the last 30 years only a minority of which have been replaced by trees that were lost. 		Retain UDP Policy CD81 This policy was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Core Strategy Policy CR6, together with the Trees and Development SPD provide the necessary guidance and policy protection for trees within the Borough.
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CR6	Yes and No	See previous comments	Y	Y		Yes	Retain UDP Policy CD81 This policy was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Core Strategy Policy CR6, together with the Trees and Development SPD provide the necessary guidance and policy protection for trees within the Borough.