

**Position Statement of the Royal Borough of Kensington and Chelsea in light of the submission by Gerald Eve on behalf of Martins Properties (Chelsea) (Document Number REP/337749/4)**

The Council thank Martins Properties (Chelsea) for their comments. The Council consider that the points raised were satisfactorily addressed and responded to during the Hearing on 21<sup>st</sup> July 2010 and by the Council's Response to Questions 2 and 3 (attached) of Matter 4. However, the Council wishes to reiterate the following points.

**With regard to use swaps in Policy CK1 (addressed further in the Council's response to the Inspector's Question 2 of Matter 4)**

The Council agrees with the Martins Properties (Chelsea) that use swaps can, in exceptional circumstances, provide a useful tool to relocate a social and community use. Whilst the Council does not openly encourage use swaps, due to their complex nature and the fact that suitable replacement premises are often difficult to find, they are not precluded by the Policy. Should an application come forward which entailed a use swap of a social and community use, the Council would not have an objection in principle. However, the Council see no benefit from adding this to the Policy, as it is not an approach that they would encourage.

**With regard to the perceived restrictiveness of Policy CK1 (addressed further in the Council's response to the Inspector's Question 3 of Matter 4)**

The Council considers that there is sufficient flexibility within the Policy to allow for non-Social and Community uses to come forward, providing alternative provision can be found as part of the enabling development.

The Council acknowledge that an additional responsibility has been placed on the applicant to demonstrate that no other social and community use is suitable for this land. However, this is not considered to be unreasonable. The Borough has clearly stated that demand for higher value land uses has compromised many lower value uses and as such considers the sequential test within CK1c to be the most appropriate means of ensure that the social and community "land bank" is retained.

In the light of the above and the Council's attached matters, the Council does not propose further changes to Policy CK1.