

RBK&C LDF: CORE STRATEGY EXAMINATION IN PUBLIC

RESPONSE BY KENSINGTON SOCIETY TO DOCUMENT RBKC/18F

Below is the Kensington Society's response to Document RBKC/18F – the comments are all agreed except those where we have commented.

Page 2 The reference to “at least 2000 new dwellings on surrounding sites” is very vague – it needs to be clear what this includes, namely by replacing “on surrounding sites” with:

“on the Earl’s Court Exhibition Centre site and the sites on the west side of Warwick Road between West Cromwell Road and Kensington High Street”

Page 3 Statement of Common Ground with Chelsfield: we strongly disagree with this – but where is it? Under Matter 7?

Page 3-4: Para 1.2.8 this will need updating.

Page 5: CV1: The proposed clarification of the location of 2000 additional homes in the Earl’s Court “place” is even more vague than on page 2 above. Delete “within the Borough” and replace with:

“on the Earl’s Court Exhibition Centre site and the sites on the west side of Warwick Road between West Cromwell Road and Kensington High Street”

Page 6: Para 4.3.5: the forecast demand for business uses should say “offices” and should relate to 2008-2028 change 70,000sqm to 60,000sqm.

The pipeline information needs to be updated for new floorspace that is likely to be completed between 2008 and 2017 – not 45,000sqm! See para 31.3.32: refers to 37,000sqm in pipeline

If the pipeline were built out by 2017 this would leave ... 20-25,000sqm...”

[NB: This needs to be rectified throughout.]

The Society proposed that the office need be satisfied in two phases – before and after 2017. The revised wording, especially the last new sentence, gives the impression that the Council would accept a really large-scale office development – say 15,000sqm

tomorrow – on the basis that this would meet the amount required by 2028. This makes a nonsense of need assessment, let alone phasing or attempting to retain existing offices. Change of use from offices could be appealed on the basis that the approach taken would allow need to be met at any time from “windfall” schemes.

Proposal: Delete last sentence “There is, however, no provision...”

Page 8: Para 4.3.7: The statement “Crossrail is timetabled to open in 2017” is misleading – the trains may start running, but that does not mean that the station at Kensal is “time tabled to open” Delete and replace with “ Crossrail trains are timetabled come into service in 2017.”

Counters Creek: clarify start date and uncertainty. It “cannot start before 2015, and, possibly, will not start until later or at all if Ofwat does not approve funding, and is likely to be a 3-year construction programme. This means that it is unlikely to be completed before 2020 and even this is dependent on Ofwat approval of the funding.”

Clarify statement: “In the interim Thames Water is fitting “flip valves” to 600 vulnerable home in RBKC and LBHF.”

Page 10: Assumptions behind retail and office floorspace RBKC/35 – we will comment separately (See Annex 1 to our Final Representations paper)

Page 16: Para 10.4.3: The amended reference is very unclear

Delete “development” and insert:

“the development of sites along Warwick Road from West Cromwell Road to Kensington High Street.”

Page 17: Para 12.3.12: Change the start of the new text to read:

“ There is also a large residential community in the area around South Kensington underground station. Balancing the needs of residents and the needs of the large volume of visitors”

Matter 4:

Page 18: **Walkable neighbourhood distances:** The Society objects to the use of “distances set as part in line (sic) with those preferred by corporate partners” – these distances, such as 800m for access to

doctor's surgeries "preferred" by NHS Kensington and Chelsea have nothing to do with appropriate distances for a high density area like Kensington and Chelsea, but deliberately widely drawn to ensure a high score is achieved with no room for improvement. The appropriate distance would be between 400m and 600m. The distances need to be reviewed next time round following monitoring.

Page 19: **Walking speed:** Transport for London use 80m/minute which equates to 4.8km/hour. A London-specific reference should be preferred.
Proposed Change: "5km" to "4.8km" and "Manual for Streets" to "Transport for London"

Page 19/20 The Society wants a specific reference to consultation with the community – recognising that the community is a partner in the process of drawing up and agreeing the Opportunity Area Planning Framework.

Proposal: After "GLA" add ", in consultation with the community,"

Page 22: Para 30.3.13: **Walkable Neighbourhoods:** The distances used for initially scoping the policy need to be reviewed. Monitoring and review should use less crude distances – see evidence provided on sustainable communities based on work in Sunderland. Many of the threshold distances need to be reviewed in view of the high density of population in Kensington and Chelsea.

Page 22: **Post Offices:** Whilst the text has accommodated some of our concerns, whether the loss of post offices can be controlled when buildings are redeveloped depends not just on the Use Classes Order classification, but on the need to replace the post office being a part of the consideration of the overall development where the cumulative losses of post offices has left large gaps in the network. The cumulative impact of closures should be a material planning consideration when it is proposed to expunge yet another post office.

Proposal: Line 20: After "walkable neighbourhoods" add:

"Where the cumulative effect of successive post office closures has left large gaps in the coverage of the post office network, this will be regarded as a material planning consideration where proposals for redevelopment do not make provision for a replacement post office either on-site or in the vicinity."

Page 22/23: The information on the loss of public houses in the last decade is inaccurate. The losses should include all losses, except to A3 uses. However, even for losses to housing the number is perhaps ten or more. The relevant walking distance for pubs is not a 10minute/800m walk – the Council’s own analysis used 400m/5 minutes walk, but in a densely-populated area like Kensington and Chelsea 200-300m would be more appropriate.

Proposal: Line 19: Replace “10-minute” with “5-minute”

Matter 5:

Page 24 Chapter 39, Strategic Sites – comments elsewhere

Matter 7: Fostering Vitality

The Society is concerned that:

- the new material should not take the plan back to old, bad practice – to encourage large-scale office developments – office **buildings** of 1,000sqm or greater – in areas with low PTALs (ie PTAL2 such as in Employment Zones, like Freston Road area);
- **large-scale office developments should be limited to higher-order town centres or areas that are highly accessible by public transport** - we propose using the same definition as the London Plan (2008) Monitoring Key Performance Indicator – to locate B1 development in areas with high PTAL values – defined as PTAL 5-6;
- the Council took a Key Decision in March 2010 to delete the Employment Zone SPD because :
“whilst the UDP (and SPG) and the Core Strategy seek to protect and consolidate business uses within the Employment Zones, the Core Strategy differs from the UDP in two principal ways. The Core Strategy is explicit in that it does **not**:

..

- support the introduction of, or any increase in, residential accommodation within the Employment Zones; or
- support the introduction of new large scale offices (with a floor area of greater than 1,000 sq m) within

the Employment Zones.”

The Council’s reasoning for this was “to ensure a consistent policy approach within SPG and the Council’s Core Strategy”. The Society wrote in support of this Key Decision.

<http://www.rbkc.gov.uk/howwegovern/keydecisions/Reports/Cabinet%20Member%20Planning%20Policy%20and%20Housing%20Policy/KD03287R.pdf>

- in practice, however, the UDP was misinterpreted from 2002 to 2010 allowing very large-scale office development, such as the 28,000sqm Monsoon HQ office building, in Employment Zones, even though the UDP said (para 6.xi) that: “ the strategy for office and industrial uses in the Borough is:
 - To ensure that further large-scale office development is located in areas well served by public transport, where there is capacity to accommodate further growth.
 - To concentrate small-scale business development in the Employment Zones.
 - To encourage small businesses in the Borough by maintaining and increasing the number of small business premises in the Borough, particularly in the Principal Shopping Centres and in the Employment Zones and giving priority to the provision of small light industrial premises in North Kensington.

The UDP defined areas with “good public transport accessibility (para 6.xiv) as “within 400m walking distance from high capacity Underground stations and interchanges with high frequency bus services at South Kensington, Earl’s Court, High Street Kensington, Notting Hill Gate, Gloucester Road, Knightsbridge and Sloane Square.” This corresponds very closely with the Society’s proposed “preferred office locations” as within higher-order town centres and within PTAL5 or above. (see also the London Plan support for this criterion)

Page 32 The Society **objects strongly** to the proposed changes to Policy CF5 (a) following a statement of common ground with Chelsfield, as a result of which the policy is not in conformity with national policy or London Plan, where large office developments should be within town a higher order town centre or within 500m of a major public transport interchange. The principle is that high trip-generating uses, such as offices, should be in areas of high public transport accessibility.

The London Plan (2008) Policy 3.1: says that the Mayor and Boroughs should support high trip-generating development only at locations with both **high** levels of public transport accessibility and capacity”

The relevant monitoring performance measure 17 (page 395) defines “areas with high PTAL values” as “PTAL zones 5-6”.

Medium-sized offices –Units 300-1,000sqm = a size range of 20-25 employees to 68-83 employees – it would accommodate quite large firms. It should be clear that this refers to buildings not firms. A building containing several “medium-sized units” would in fact be a large-scale office development, which would be inappropriate in Employment Zones with low public transport accessibility levels. Medium-sized developments (300-1,000sqm) would be too large for commercial news.

The policy should refer to the size of premises/developments **not** size of firms – note proposed changes to the Glossary.

Proposal: Represent and **change** the text of CF5 to read:

Policy CF 5 Location of Business Uses

The Council will:

- ensure that there **is** a range of business premises within the Borough to allow businesses to grow and thrive;
- **promote the consolidation of** large and medium offices within town centres;
- **support their location in and** areas of high transport accessibility; and
- protect and promote Employment Zones for a range of small and medium business activities which directly support the function and character of the zone.

To deliver this the Council will, with regard to:

Offices

- a. protect:
 - very small and small offices throughout the Borough, especially on the upper floors in town centres and primarily commercial news; [**note deletion of reference to larger premises**];

- medium-sized offices within the Employment Zones, Higher-Order Town Centres, and highly-accessible areas; and
- large offices within, or close to Higher-Order Town Centres and other highly-accessible areas, except where: ...”

NB: The location for large-scale office developments should relate only to Higher-Order Town Centres **not** all “town centres”

New para 2: line 1, change “offices” to “office premises

Para 31.3.33: Add “highly-“ before “accessible” in line 8.

” (cf previous para’s reference to “business premises”

Second para: line 12: Add “highly-” before “accessible”

Page 33

New Para after 31.3.33:

The Society strongly objects to this “refinement” of “close to a town centre” as a two-minute walk, approximately 160m of the boundary of defined frontages.”

This is an artificial definition based on a sandwich shop being within a 2-minute walk of an office. The choice of 160m is a remarkably specific, precise, arbitrary and convenient definition produced to meet the requirements of Chelsfield in a particular case, especially when compared with the very broad-brush/cavalier approach to walkability for the location of all other local uses! Why not 200m, 300m or even 400m? It seems to have more to do with the location of Chelsfield’s premises at 205 Holland Park Avenue than any real synergy between the offices and the town centre.

Proposal: Change the distance to three-minutes/250m walk.

Amend New paragraph after 31.3.33:

In the delineation of its town centres, the Borough has taken a ‘shopping frontage’ approach. This reflects the linear nature of our centres. A number of offices are functionally linked to the centres, but lie close to the identified frontages rather than within them. The protection of all offices in such locations is essential. For the sake of Policy CF5, an office lying ‘close to’ a town centre is one which lies, for example, within a three-minute walk, approximately 250 m

of the boundary of the defined frontages. The presence of major barriers to movement, barriers such as major roads, will also be taken into account. The ‘three-minute walk’ is not the same as the Council’s definition of an “edge of centre” location in para 31.3.3.

Page 34/35 Para 31.3.18:

The beginning of this section quotes the report as saying: “The Kensington Society accepted this change”. This is incorrect – the Society does not accept this.

Para 31.3.37:

The Society **strongly objects** to this paragraph as it encourages large-scale business developments – with no upper limit. It supports large office developments greater than 1,000sqm “where these are made up entirely of very small, small or medium-sized units.”

This would make a nonsense of the location policy which is based on the size of the development and its associated trip-generation characteristics. A high trip-generating development is a high trip-generating development – the fact that it might be made up of a range of size of units does not change that. A large-scale office development in a low public transport accessibility location is contrary to national policy, the London Plan and the Core Strategy. What is the point of requiring large-scale office developments in town centres or highly-accessible locations, and then allow them in Employment Zones which are by definition in low accessibility locations.

The proposed policy change is another case of a bespoke policy to allow a 6,500sqm development in a low PTAL location in Freston Road, consisting of five “medium-sized units” and nine small units.

The wording of the policy fails to recognise that the policy is about getting large-scale developments (6,500sqm is very large!) in the right location, and less about worrying about traffic congestion.

Proposal:

Preferred Option: Reject/delete the entire new wording of CF5(k) – stick with the original wording, as it would in accord with PPG13 and PPS4 and in general conformity with the London Plan (2008) Policy 3C1 (3rd bullet).

Fallback/not preferred: Delete reference to “medium-sized units”
- ie

“only support a large-scale office development if it were made up entirely of very small or small units

- Page 37 Earl’s Court/West Kensington Opportunity Area Planning Framework – after “GLA” in line 9 add “in consultation with the community”.
- Page 40 The Society considers two minutes/160m a contrived and bespoke policy definition and proposes 3minutes/250m as an alternative.
- Page 41 Para 31.3.27: Premises for the voluntary sector:

This should be converted into a policy for affordable office space.

CF5 (k) The Society agrees in principle to restricting the size of units so the majority of units are suitable for small businesses (ie less than 100sqm). The policy should **not** include medium-sized units (ie 300-1,000sqm). Employment Zones should be as previously defined (see Matter 7 above). The Council’s proposal is trying to continue the unsustainable and unsound practice of putting high trip generating uses in low public transport accessibility locations.

Proposal:

k) Resist large office developments except when consisting entirely of very small and small units.

NB: This proposal cuts all reference to medium-sized units (ie 300 – 1,000sqm) If up to 25% could be ‘medium-sized units’ could still encourage a large-scale development. Redefining the parameters in this way is undermining the location policy for such high trip-generating uses.

NB: This is not our preferred option, but a fallback if our preferred option is not accepted – we reject the Council’s latest offer. See above.

Para 31.3.37: This is in conflict with pages 34/35 above.
- Page 42 Plan “Fostering Vitality” (page 174)

Review accuracy of areas of “Concentration of Hotels” – these are also too widely drawn.

Matter 8:

Page 45 CT1(j) The Council’s response is totally inadequate and lacks imagination.

The Council will be:

- lobbying for step-free access schemes,
- proposing contributions toward the cost from developers (eg Latimer Road
- requiring them as an integral part of development (eg South Kensington Station)
- contributing to the cost from the Car parking Reserve Account; and
- working in partnership with corporate partners (Transport for London), [See page 48

Page 51: CO1: Keeping Life Local:

In this case “easily accessible” is **not** about “inclusive for all” but about being “within easy walking distance”.

Matter 9a:

Page 55/56: **Shopfronts:**

The Society still considers that, instead of relying on the general statement encouraging quality, there needs to be a specific statement in the shopfronts section, paragraph 34.3.30, as proposed, using the new text, or that shopfronts are specifically mentioned here so that it specifically relates to shopfronts.

Proposal:

Paragraph 34.3.30 needs a statement – add at the end:

“Shopfronts, including fascia and signage are critical to the attractiveness and appearance of the Borough’s town centres. Past approaches, where no worsening was good enough, are no longer acceptable. The prevailing philosophy will be to drive up the quality of shopfront design to improve the streetscape of the Borough’s town centres.”

Page 56 **Views and Vistas:**

The Society considers that the treatment of views and vistas within the Core Strategy is cursory and fragmented, even though the SPD on Building Heights does identify the key views and vistas for development management purposes. The Society considers that these should be on a map/plan in the Renewing the Legacy chapter, listed in an appropriate location and shown on Place plans.

Page 60: Last sentence in CL2(g): Why should there be “specific regard to ground conditions”? Change to: “There should be “specific regard to the existing conditions, including ground conditions and the structure of the building and adjoining buildings”.

Page 60/61: **Site coverage:**

The Council has totally misunderstood this issue – our concern is about the extent to which gardens are built over or covered by impermeable paving materials - and to eliminate surface water runoff.

The Core Strategy seeks sustainable urban drainage, but places no limits on the degree to which gardens can be built over or under. The only constraints on building over gardens relates to “sense of enclosure”, “privacy” – there is nothing about protecting gardens or eliminating surface water runoff.

The present SPD on Subterranean Development allows development of up to 85% of the garden – there is no evidence base for this choice, although it is meant to be to allow surface water drainage, but there is no requirement to ensure that the remaining 15% can actually perform this function. In practice it is poorly understood and inappropriately applied. There is otherwise no limit to the coverage of the site by extensions, other than the constraints of other policy tests. This can lead to full overage of back gardens/yards by basement and/or ground floor development at the expense of the garden and sustainable drainage.

The Society proposes that there should be a limit of 60% site coverage by buildings.

Page 61: **C1: Section 106 agreements**

Para 29.2.4: The Society requested a clear reference to the requirement for a Construction Management Plan and a Construction Traffic Management Plan in the case of major construction projects. This deserves a separate section after (5).

Management of major construction projects and all proposals for subterranean development – including agreeing a construction management plan for the management of the site and the demolition and construction operations in relation to noise, air quality and vibration on the amenity of residents, as well as a construction traffic management plan to agree how the traffic movements will be managed.

Matter 9b: Flood Risk

We now have the map produced by the Environment Agency showing areas at risk from surface water flooding. This map should be referred to in the policy, shown in the Core Strategy and required to be a material planning consideration. (See attached map)

We are extremely concerned that this map was not made available to the Society as soon as it was available a year ago and was still not being made available to the EiP, when it could have been made available to all parties. The argument presented by the Council was that the areas susceptible to surface water flooding are too widespread. We agree that these areas are widespread, but this does demonstrate the severity and risk of the problem. By relating the controls only to Flood Zones 2 and 3, the planning controls are restricted to those areas and not to those demonstrated to be at risk from surface water flooding. We, therefore, urge that the map be made available to the Inspector and that our request for the areas subject to risk from surface water flooding be shown on the relevant maps, including the Proposals Map.

This issue is material to planning for sustainable development and for life safety, such as for basement developments and flood risk – both to ensure that measures are taken to prevent them being flooded as well as mitigating the risk of flooding of other properties.

In the light of the Environment Agency Map of Areas Susceptible to Surface Water Flooding – the areas at risk from such flooding are now known and should be shown in the Plan.

The Council proposed a new para 36.3.18:

“As evidence for surface and sewer water flooding is evolving rapidly, the Council will undertake an early review to policy CE2, if necessary, once areas with critical drainage problems, as defined in PPS25, have been identified accurately, as agreed with the Environment Agency”.

This is unacceptable – we now have the map and can identify the areas at risk from surface water flooding; PPS25 is only for flood zones 2 and 3 and since we are in zone 1 this is a get out clause; third the “if necessary” suggests that it might not be – this demonstrates a lack of commitment to tackle the issue

The Society does not accept this wording, because:

- the map has been around since June 2009 and it has taken until August 2010 to get it. According to the Environment Agency, the Council has had this map for more than a year – it must now become part of the plan;
- the promise of “early review to policy CE2, if necessary” would defer dealing with this issue when the issue needs addressing now; and
- the plan must include a clear statement of intention to tackle the issue now, not to defer it.

Our proposed wording: New para 36.3.18

“The Environment Agency Map of Areas Susceptible to Surface Water Flooding identifies areas with critical drainage problems outside areas Flood Zones 2 and 3 as defined by PPS25. The Council will use this map as a material consideration when considering development proposals in areas susceptible to surface water flooding as shown on Map xxx, to ensure that the development is both protected from flooding and that it will not cause flooding to neighbouring properties.”

Map xxx = the Map of Areas Susceptible to Surface Water Flooding

Page 62: The Society proposes that the areas at risk for surface water and sewage flooding be shown on the plan on page 228 and mapped on the Proposals Map.

Proposed Changes to Policies in CE2

- a. resist vulnerable development, including self-contained basement dwellings and basements with limited means of exit, in Flood Risk Zone 3 and areas susceptible to surface water or

sewer flooding as defined in the Strategic Flood Risk Assessment;

- d. require development at risk from flooding in Flood Risk Zones 2 and 3, areas susceptible to surface water flooding, as shown on the Areas Susceptible to Surface Water Flooding as provided by the Environment Agency, or sites greater than 1ha to incorporate suitable flood defence or flood mitigation measures in accordance with the recommendations of the site-specific Flood Risk Assessment;
- e. require sustainable urban drainage, or other measures, to reduce both the volume and the speed of water run-off to the drainage system ensuring that surface water run-off is managed as close to its source as possible in line with the hierarchy in the London Plan. In particular, major development will be required to eliminate water run-off to the drainage system;

CE2 (b), (c) and (d): is “critical drainage problems” defined somewhere? Are they shown on a map?

Page 63: Para 34.3.20: The Council propose changing the penultimate sentence to read:

“In addition, to ensure subterranean developments do not add to the impermeable surfacing of the Borough, sustainable urban drainage systems (SUDS) or other measures will be required, to absorb water and prevent surface water runoff.”

However, this issue is not limited to subterranean development, but to any development that can add to surface water runoff, whether building under or above ground, or just paving over the site. Policy CE2(e) provides the general policy. However, there is no preceding reasoned justification paragraph.

The Society, therefore, proposes an additional sentence to para 36.3.20 to say:

“To reduce this risk all major developments will be expected to have no surface water runoff.”

Matter 10: Diversity of Housing

Page 65: The Mayor's draft Housing SPG has been issued in August 2010.

Page 66/67: The Society is fundamentally opposed to the Council's insistence that the need/demand over the next 20 years is for market housing with three, four or more bedrooms. Even at today's prices, houses or flats of this size are limited to very high income/ wealthy people, rather than the needs of households covered by the SHMA. This "policy" assessment is unlikely to meet the needs of the residents for a primary residence in the Borough. This is an unsound policy.

Page 70: **CH2c: Shortage of Extra Care Housing:**
There is a major deficiency across the whole Borough. The Society questions the use of the term "south of the Borough" as to whether it means south of Holland Park Avenue – a simple North/South split – or south of Fulham Road – as part of a three-way split. The Council have failed to explain this reference.

Proposal:

Failure to define the area, it would be better to delete the reference to "the south".

Matter 11: Monitoring etc

Page 70 The following changes are needed to monitoring section

- CP1 (1) 350 **net** additional homes a year to be provided
Indicator: Number of new homes **completed**
- CP1 (2) **60,000sqm** of office space **between 2008 and 2028**
The sqm office floorspace **completed**
- CP1 (3) The sqm of comparison **shopping** floorspace
completed
- CK1 (c) Losses of social and community uses need to be broken down by type of use
- CK (3) 800m is totally inappropriate as an accessibility standard for a GP surgery in a high-density area –
change standard to 600m. Targets should be challenging!

CF5(c) **NEW** Proportion of new office floorspace permitted in large-scale developments in high public transport accessibility locations – PTAL 5-6

% of new office floorspace permitted in PTAL 5-6

[NB: This is similar to London Plan 2008 performance measure 17]

Need an indicator to monitor losses of small offices through change of use or demolition

Page 73: Short-term measures for flood risk alleviation – should this be £23m **not** £323m. Of the £23m, £20m is for 600 “flips” within both this Borough **and** Hammersmith and Fulham.

Counters Creek – risk and contingency – if Counters Creek is not the subject of a planning policy – should the Crossrail station be included?