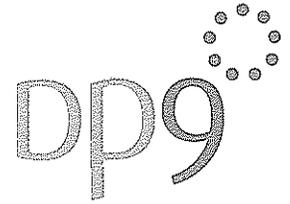


DP1025/JRS

8 December 2009



Mr Peter Lerner  
Executive Director of Planning and Borough Development  
F.A.O. The Planning Policy Team  
Royal Borough of Kensington and Chelsea  
The Town Hall  
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London  
W8 7NX

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London SW1Y 5NQ  
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Dear Sirs

## **REPRESENTATIONS TO THE PROPOSED SUBMISSION CORE STRATEGY**

On behalf of our clients, Circadian Ltd, we set out below comments to the above document currently published for public consultation.

Our clients, owners of the major development site at Lots Road Power Station have planning permission for the redevelopment of the site for a significant residential led mixed use scheme. As such, our clients have an interest in the Council's future policy direction for the site in the Local Development Framework and wish to be kept informed of the progress of the Council's Local Development Framework.

### **Strategic Sites Allocations**

We note that the site at Lots Road Power Station is identified as a 'Strategic Site' (27) for information purposes only as the site has the benefit of planning permission for a high quality residential led mixed use scheme.

Our clients support the identification of the Lots Road Power Station site of strategic importance to the Borough and will contribute significantly to the housing needs of the Borough. The document refers to the extant planning permission for the redevelopment of the site granted in 2006 and provides the following floor areas for the mix of uses:

- "Shops (A1): 1,198sqm (12,900 sq ft);
- Financial and Professional Services (A2): 82 sqm (883 sq ft);
- Food and Drink (A3): 528 sqm (5,700 sq ft);
- Non-Residential Institutions (D1): 877 sqm (9,500 sq ft);
- Business (B1): 4,904 sqm (43,000 sq ft);
- Housing: 420 dwellings, including 166 affordable units;
- Open Space."



However, the floor areas for the mix of uses for the consented scheme, as stated in the document are incorrect. The approved scheme for the redevelopment of the site includes the following floor areas for the mix of uses:

- Shops (A1): 1,097sqm (11,807 sq ft);
- Financial and Professional Services (A2): 82 sqm (883 sq ft);
- Food and Drink (A3): 297 sqm (3,197 sq ft);
- Non-Residential Institutions (D1): 1,109 sqm (11,938 sq ft);
- Business (B1): 3,401 sqm (36,608 sq ft);
- Housing: 420 dwellings, including 165 affordable units;

As such, paragraph 27.3.6 of the Core Strategy should be amended to refer to the correct floor areas for the uses comprising the approved scheme for the Lots Road Power Station site.

As such, this above section of the Core Strategy is not considered to be Sound as the floorspace figures are not justified. The evidence base for arriving at the figures stated in the document have not been stated.

## **Chapter 18 Lots Road / World's End**

Policy CV18 advises that improvements to the built and natural environment will transform the area into a place people choose to visit, which is an important part of investigating the potential of designating a conservation area in the Lots Road area. Paragraph 18.3.2 advises that there is a need to preserve and maintain the existing built environment by assessing the case for the industrial character of the Lots Road area to be made a conservation area.

The rationale for potentially designating a conservation area in the Lots Road area is not fully explained in the Core Strategy. The existing industrial character of the area, which is subject to change through the implementation of development proposals, is not in itself a reason to consider a designation of a conservation area.

As such, the Core Strategy is not considered to be Sound, as the methodology for designating a Conservation Area does not follow the guidance in PPG15.

### Paragraph 18.4.2

This paragraph needs to be amended to refer to the correct floorspace areas for the different uses within the consented scheme for Lots Road Power Station.

As such, this above section of the Core Strategy is not considered to be Sound as the floorspace figures are not justified. The evidence base for arriving at the figures stated in the document have not been stated.

## **Policy CL1 – Context and Character**

The proposed drafting of the policy is too restrictive and goes beyond the assessment in PPG15 which states that the desirability of preserving or enhancing a conservation area is a material consideration where development proposals would be seen in views in to or out of the area. The visibility of a new building could have a neutral or positive impact on the setting of a



conservation area or listed building or in other sensitive views. As such, the policy should be reworded to ensure consistency with national guidance and allows flexibility for appropriately designed buildings taking in to account townscape impacts, in accordance with PPS12.

Criterion “e” refers to the notion that the Council will “resist” development which interrupts, disrupts or detracts from a number of views. This should be reworded to reflect that the Council will “assess the impact of development” within the views and settings identified.

The Core Strategy is therefore considered not to be ‘Sound’ as the policies do not follow the wording in national planning guidance in PPG15 or PPS12.

## **Housing Diversity – Policy CH2**

The policy should reflect the mechanisms by which affordable housing is calculated in order to provide consistency with PPS3 and the London Plan. Provision as a proportion of habitable rooms or units provides sufficient flexibility for the appropriate amount of affordable housing to be advanced on differing development schemes and on this basis a departure from the London Plan position (to a floorspace calculation) is not justified.

As such, criterion “i”. of the policy should be deleted and re-worded to state that the Council will target the provision of up to 50% of either habitable room numbers or unit numbers as affordable housing provision taking into account contributions towards the Borough target from other sources of supply, the need to promote rather than restrain residential development, the viability of the proposals and site specific circumstances including the availability of public subsidy.

Criterion “l” refers to the potential for the provision of off-site affordable housing, except within the Cremorne Ward, amongst others. This is based on 2001 census information that identifies areas where off-site affordable housing is not appropriate as they already contain a high proportion of Social rented housing. Our clients query the robustness of the Council’s assessment in this assertion and request further clarification and evidence to back up this statement.

Criterion “q” advises that in the Cremorne ward, affordable housing should include a “minimum of 15% intermediate housing.” As previously stated, this figure should be amended to a target “40%” and refer to the Borough wide target, evidence of need, scheme viability and site specific circumstances.

For the above reasons, the policy as currently drafted is not considered to be in accordance with London Plan policy and is therefore not ‘Sound’ and a departure from the approach in the London Plan has not been ‘Justified’.

We would be grateful for your acknowledgement of receipt of these representations. Should you wish to discuss any of the above comments with us please contact Julian Shirley of this office.

Yours sincerely,

DP9

**Proposed Submission Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington**

**Development Plan Document**

**Local Development Framework**

**Publication Stage Representation Form**

Please e-mail this form to: [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)

*Alternatively send this form to:*

Planning Services  
Policy Team  
Room 328  
The Town Hall  
Hornton Street  
London  
W8 7NX

*For further information:*

Visit our website at: <http://ldf-consult.rbkc.gov.uk>

Phone the LDF hotline on: 020 7361 3879

**Responses must be received no later than midday Thursday 10<sup>th</sup> December 2009**

**Personal Details**

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To be "sound" a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

"Justified" means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

"Effective" means that the document must be:

- deliverable
- flexible
- able to be monitored

"Consistent with National Policy" means that it is consistent with government guidance contained within Planning Policy Guidance and Planning Policy Statements

Do you consider the core strategy to be legally compliant?

Yes

No

Do you consider the core strategy to be Sound?

Please tick the appropriate box

**If you have selected YES and you wish to support the legal compliance or soundness of the core strategy, please be as precise as possible when setting out your comments below**

Please make it clear which Paragraph number, Vision box number, Policy box number or Objective box number you are commenting on.

**Please attach additional pages as required**

**If you have selected NO do you consider the core strategy to be unsound because it is not.**

Justified

Effective

Consistent with national policy

Please tick the appropriate box

Please give details of why you consider the core strategy to be unsound or not legally compliant. Please be as precise as possible when setting out your comments below.

Please make it clear which Paragraph number, Vision box number, Policy box number or Objective box number you are commenting on.

**PLEASE SEE THE ATTACHED LETTER FOR FURTHER DETAILS**

Strategic Site 27 & Paragraph 18.4.2 are not Sound for the following reason:

- The floorspace figures stated in the Core Document are incorrect and there is no evidence base stated for how these have been derived. As such, the figures stated in the document are not 'Justified' which is one of the tests of 'Soundness.'

Chapter 18 Lots Road / World's End

The rationale for potentially designating a conservation area in the Lots Road area is not fully explained in the Core Strategy and is therefore not 'Justified' which is one of the tests of 'Soundness'. The Core Strategy is not considered to be Sound, as the methodology for designating a Conservation Area does not follow the guidance in PPG15.

Policy CL1 – Context and Character

The proposed drafting of the policy is too restrictive and goes beyond the assessment in PPG15 which states that the desirability of preserving or enhancing a conservation area is a material consideration where development proposals would be seen in views in to or out of the area. As such, the policy should be reworded to ensure consistency with national guidance and allows flexibility for appropriately designed buildings taking in to account townscape impacts, in accordance with PPS12.

The Core Strategy is therefore considered not to be 'Sound' as the policies do not follow the wording in national planning guidance in PPG15 or PPS12.

Policy CH12

The policy should reflect the mechanisms by which affordable housing is calculated in order to provide consistency with PPS3 and the London Plan. Provision as a proportion of habitable rooms or units provides sufficient flexibility for the appropriate amount of affordable housing to be advanced on differing development schemes and on this basis a

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**Please attach additional pages as required**