

**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 December 2009**

**Personal Details**

Name:..... GRAHAM OLIVER .....

Organisation:..... GERALD EVE LLP .....

Address:..... 7, VERE STREET, LONDON, W1G 0JB .....

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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

Yes

No

Do you consider the core strategy to be legally compliant?

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.

SEE SCHEDULE 1

**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.

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**Representations on behalf of Martins Properties****Schedule 1****Policy CK1**

Policy CK1 relates to social and community uses and states that the Council will require social and community uses to be protected and enhanced within the Borough.

**Policy CK1**

Social and community uses are identified as including care homes/care facilities; and elderly people's homes; community/meeting halls; doctors, dentist, hospitals and other health facilities; bespoke premises for the voluntary sector; hostels; laundrettes; libraries; metropolitan police and other emergency service facilities; petrol filling stations; places of worship; schools and other educational establishments; sports facilities and youth facilities.

Martins Properties (Chelsea) Limited ("MP") object to the policy on the basis it does not provide any flexibility for the relocation of uses through, for example use swaps nor does it provide any criteria in relation to the loss of a social and community use entirely.

Additionally, any policy should make it clear that it relates to the specific social and community use which exists on the land or building being developed rather than seeking to protect the use for any other social and community use.

Paragraph 2.2.30 of the Strategy identifies that demand for private sector housing in the Borough is insatiable, and given the relatively little development land available, can never be met.

At a strategic level the London Plan identifies that there is an acute shortage of housing (paragraph 3.7). Policy 3A.1 therefore sets minimum targets at a borough level and states that the Mayor will and Boroughs should promote policies that seek to achieve and exceed this target. As land is a scarce resource, policies within the London Plan also seek to make the most efficient use of land and to maximise intensity of use (Policy 3A.3).

Given that there is a need at a strategic and local level for housing there must be a recognition within policy that the most efficient use of land is sought and that if land is protected there should be criteria against which proposals for alternative uses can be assessed which would enable the land to be put to more efficient use. Particularly, where these uses meet other objectives within the Plan.

Policy CK1 should therefore provide criteria against which proposals can be assessed where this will allow the reuse of the site and bring it into beneficial use. Such an approach was adopted within the Royal Borough of Kensington and Chelsea Supplementary Planning Guidance on Elderly Persons Accommodation dated April 2004. Within the SPG paragraph 7.5 identifies that the Council expects the following issues to be addressed by applicants in justifying development proposals which involve the loss of elderly persons accommodation;

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- Local need and capacity;
- Commercial viability; and
- Suitability for conversion or extension.

MP consider that these criteria should be identified within the policy when considering the loss of social and community uses.

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*Please tick the appropriate box*

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

SEE SCHEDULE 2

**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*

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## Representations on behalf of Martins Properties

### Schedule 2

#### Policy CH2 Housing Diversity

Policy CH2 identifies the criteria against which proposals will be considered in order to ensure that housing diversity is achieved.

Criterion i, j and k relate to thresholds for affordable housing. The Royal Borough of Kensington and Chelsea has moved away from a unit threshold for affordable housing to a floorarea threshold basis.

MP fundamentally object to this basis of assessment for Affordable Housing thresholds. Paragraph 2.2.30 of the Strategy identifies that demand for private sector housing in the borough is insatiable and given the relatively little development land available can never be met.

Paragraph 35.3.10 of the Strategy identifies that the main shortfall in terms of market housing is for three and four bedroom homes. Paragraph 35.3.17 identifies there is considerable demand in some southern areas of the Borough for very large luxury residential units (typically around 250 to 300 m<sup>2</sup> or even larger). The paragraph states often schemes of this nature involve fewer than 10 units, and therefore fall below the London Plan trigger of affordable housing. The Royal Borough of Kensington and Chelsea therefore propose a floorspace threshold rather than a unit threshold, as the most appropriate trigger for affordable housing within the Borough.

National Guidance set out in PPS3 (paragraph 29) identifies the criteria for affordable housing. It states that local planning authorities should set out an overall Plan wide target for the amount of affordable housing to be provided. In relation to the range of circumstances in which affordable housing will be required, PPS3 states that the national indicative minimum site size threshold is 15 dwellings. However, local planning authorities can set a lower minimum threshold, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site size thresholds over the Plan area. Local planning authorities will **“need to undertake an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed, including their likely impact upon overall levels of housing delivery and creating mixed communities” (PPS3 paragraph 29).**

MP object fundamentally to the policy on the basis that the Criterion i sets out a requirement for the provision of at least 50% affordable housing on all schemes in excess of 800m<sup>2</sup>. The policy as it is worded is therefore a requirement rather than a target at a Borough wide level. Also the policy does not provide the evidence base of an informed assessment of the economic viability of any threshold or proportion of affordable housing proposed as required by PPS3. MP considers that at the level proposed of 800 and 1200 m<sup>2</sup> the policy will sterilise the viability of many smaller schemes which would otherwise provide valuable new housing to meet an identified need.

There is clearly a significant amount of tension between the need to provide housing and the need to delivery affordable housing. For example, if greater weight is given to policies which set high standards for the proportion of affordable housing that must

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be achieved when development comes forward, this can have the affect of disincentivising developers to bring forward new housing development thus stemming the delivery of new housing. Therefore, although the proportion of affordable housing that might be achieved on individual developments may be high, the total volume in a particular borough may not be significant because of reduced total number of housing developments coming forward, particularly in the current financial climate.

Developers make informed decisions on whether to bring forward development based on viability. If the prescribed arbitrary threshold is proposed (which does not have regard to viability) then the consequences are developers will either bring forward alternative uses which are viable or not proceed with the development. The London Plan policy 3A.11 states that Boroughs should normally require affordable housing provision on a site which has a capacity to provide 10 or more homes, applying the density guidance set out in policy 3A.3 of the London Plan and table 3A.2. The policy states that Boroughs are encouraged to seek a lower threshold through the DPD process where this can be justified in accordance with Government Guidance. As set out above, we do not consider that this threshold has been justified in accordance with Government Guidance.

The floorspace threshold would also have a negative impact on the Borough's objectives of bringing forward family housing and is likely to result in the reduction in the size of residential units coming forward. Developers are likely to reduce the size of units so the overall floor area does not exceed the affordable housing threshold. This would run counter to the objectives within the London Plan and LDF which seek to improve residential amenity.

Notwithstanding these fundamental objections we consider that the floor area threshold is too small and would constrain unit sizes. Paragraph 41.2.7 sets out a floor area threshold based on 57m<sup>2</sup> for two bedroom units and 98m<sup>2</sup> for three to four bedrooms units. As identified within paragraph 35.3.17 there is considerable demand for large luxury residential units typically around 250 to 300 metres square. Therefore to base a floor area threshold for three to four bedroom units on 98 metre square net internal is not appropriate as it does not reflect the size of units being developed and would trigger a requirement for affordable housing if 3 family homes were proposed.

MP consider that criteria i and p should be amended to reflect Policy 3A.10 of the London Plan whereby the authority will seek the maximum reasonable amount of affordable housing having regard to affordable housing targets, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

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Policy Team  
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The Town Hall  
Hornton Street  
London  
W8 7NX

**Our ref.** GAO/FLA/J5912

**Your ref.**

**Email & Post**  
planningpolicy@rbkc.gov.uk

10 December 2009



Dear Sir

**The Draft Core Strategy for the Royal Borough with a particular focus of North Kensington Consultation  
Representations on behalf of Martins Properties (Chelsea) Limited**

We act on behalf of Martins Properties (Chelsea) Limited and are instructed to make representations in relation to the Draft Core Strategy for the Royal Borough on their behalf.

Martins Properties have a varied portfolio of properties within Kensington and Chelsea focused in and around the Kings Road.

We enclose representations on behalf of Martins Properties.

If you wish to discuss this matter further please do not hesitate to contact Stephenie Thourgood or Graham Oliver.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Gerald Eve LLP'.

**Gerald Eve LLP**

Encs.

Cc: T Martin Esq.  
J Garrod Esq.

London (West End & City) Birmingham Cardiff Glasgow Leeds Manchester Milton Keynes West Malling

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