

PBD/DP2473

9 December 2009

Planning Services  
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[By email: [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)]

Dear Sir,

**RBKC LOCAL DEVELOPMENT FRAMEWORK  
PROPOSED SUBMISSION CORE STRATEGY OCTOBER 2009**

We write in respect of the above mentioned documentation. We are in receipt of the Proposed Submission Core Strategy and make representations on behalf of the Sun Life Assurance Society plc.

We reserve the right to add or amend these representations at a later date.

We are happy to meet with you to further elaborate on any of the points made in the attached representations. Please contact Jim Pool or Pippa Barker-Danby.

Yours faithfully

A handwritten signature in black ink, appearing to be 'DP9' or similar, written over a horizontal line.

**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 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?  Yes  No

**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.

N/A

**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 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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**Policy C1**

The policy should clarify that benefits inherent to the development scheme will be taken in to account in considering appropriate mitigation measures. It is not appropriate for the draft GLA Crossrail SPD to be cited given it is not in force, is controversial, and is any event a GLA matter. The proposed change as shown below is consistent with national guidance and provides clarity, in accordance with PPS12.

**29.2.4**

*Planning Obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. They might be used to prescribe the nature of a development; to secure a contribution from a developer to compensate for loss or damage created by a development; or to mitigate a development's impact. Such measures may (as appropriate and applicable to the relevant proposals) include.....*

- ~~5. provision of transportation facilities - including public transport and highway improvements to cater for the impact of the development., and towards Crossrail where development within the CAZ (48) would require this as a result of London Plan Supplementary Planning Guidance (SPG), and permit free development.~~



## ***Policy C1***

### ***Planning Obligations***

*Planning obligations will be negotiated taking account of the proposed development, having regard to the benefits generated by the development and potential implications for the viability of the development project. ~~and~~ <sup>i</sup> In determining which measure receives priority, account will be taken of the individual characteristics of the site, the infrastructure needs of the site and the surrounding area, and the London Plan. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole.*

*The viability of the development will also be taken into account. In the case of an enabling development, or where the development is unable to deliver all the policy requirements for reasons of viability, a viability study will be required to accompany the planning application. s106 contributions and related obligations and commitments will be reviewed in the context of this viability study. The viability study should use the GLA toolkit or an agreed alternative. The applicant will fund the independent assessment of the viability study, or other technical studies requiring independent assessment, prior to the application being determined.*



Do you consider the core strategy to be legally compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do you consider the core strategy to be sound?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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### **Policy CK1**

Policy CK1 states that “*the Council will ensure that social and community uses are protected or enhanced throughout the Borough*”. Part c sets out the sequential approach to change of use, however, it is considered that it is too restrictive in its current form and could hinder redevelopment.

It is suggested that the sequential approach should also take into consideration the following factors:

- Provision should be made for the change of use of land and/or buildings where the current or last use was in social or community use to other uses, such as residential where the existing use will be relocated to another premises; and
- It should also be stated that when assessing the change of use from social/community to another use, factors such as demand for such a facility in that location should be taken into consideration when assessing the proposals.



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**Paragraph 34.2.1**

In order to reflect the wording in policy CL2 and to ensure consistency across the document in accordance with PPS12, our client proposes the following revised wording:

*“Careful incremental improvement is needed to ensure our conservation areas remain of the highest quality. However, there are a number of small areas in the south and two large areas in the north of the Borough which are not within conservation areas. It is important that these areas are not regarded as ‘second class’ in terms of the future quality and contribution for which we should be striving. We should aspire for these areas to be our future conservation areas and exceptional high architectural and design quality is needed to create a new design legacy for the Borough.”*



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**Policy CH1**

The term 'require' does not provide for sufficient flexibility in application of this policy in light of the suggested amendments to policy CH2.

The proposed amendments to tenure mix targets accord with the position being advocated as part of the London Housing Strategy and acknowledge the need for increasing the opportunity to deliver mixed and balanced communities in accordance with PPS3 and in light of the particular concentrations of social rented tenures which exist in the Borough. The following changes are proposed:

*"C. The Council will generally seek the provision of ~~require~~-affordable housing tenures ~~to be provided~~ such that they work towards a Borough wide target of 60.85% social rented housing and 40.15% Intermediate housing."*



	Yes	No
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**Policy CH2**

Paragraph 29 of Planning Policy Statement 3: Housing (2006). states that Local Planning Authorities (LPAs) should set overall targets for affordable housing which should reflect an assessment ‘...of the likely economic viability of land for housing..., taking account of risks to delivery and drawing on informed assessment of the likely finance levels available...’.

The London Plan provides for flexibility on the quantum of affordable housing through the provisions of Policy 3A.10 which states the following:

*“Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes, having regard to their affordable housing targets adopted in line with Policy 3A.9, 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”*

Paragraph 3.52 of the supporting text to the policy notes that in estimating provision from private residential or mixed-use developments, Boroughs should take account of economic viability and that the ‘...development control toolkit developed by the Three Dragons and Nottingham Trent University is one mechanism that will help’. On this basis the paragraph states that Boroughs should ‘...take account of the individual circumstances in which the site lies, the availability of public subsidy and other



*scheme requirements*'. Furthermore, the London Plan is clear is stating that determining the affordable housing requirements for a specific site should be approached in the context of Policy 3A.9 (referenced above).

Paragraph 3.57 states that in exceptional cases, that the required affordable houses may be provided off site, for example, where there are demonstrable benefits to be gained by providing the units in a different location.

Further, the emerging London Plan and 'New Plan for London' indicate that the mechanistic 50% affordable housing target in the adopted London Plan has proved unachievable and unresponsive to local circumstances. It adds that the Mayor is committed to removing it, instead using a more collaborative approach. The draft London Plan abandons the 50% target. The Core Strategy does not provide a robust justification for keeping the 59% target.

The Core Strategy should therefore reflect the national and emerging London planning policy framework:

- Affordable housing provision on site should be based upon scheme viability and other considerations in line with the London Plan rather than seek to impose the strategic "target" of 50% on all schemes regardless of individual site circumstances.
- The proportions of social rented and intermediate should be considered on a site by site basis and should as advocated by Policy 3A.9 of the London Plan should be based on a robust viability assessment.
- The Core Strategy, in line with the London Plan policy, should recognize the exceptional circumstances when off site or no affordable provision would be acceptable.

The following wording is requested:

*i. on schemes which have the capacity to provide 10 homes or more, require the maximum reasonable amount of affordable housing with the presumption being at least 50% provision on gross residential floor space in excess of 800m<sup>2</sup> of either habitable room numbers or unit numbers as affordable housing provision the viability of the proposals and site specific circumstances including the availability of public subsidy. Where an applicant identifies that a 50% affordable contribution cannot be viably supported by a development the council will require a viability assessment, using the GLA toolkit or an agreed alternative, to be submitted as part of the planning application documentation.*

*j. require as appropriate provision to be in the form of a commuted sum in lieu of affordable housing where less than 1,200m<sup>2</sup> of gross external residential floor space is proposed.*

*k. require affordable housing provision of affordable homes on site where more than 1,200m<sup>2</sup> of gross external residential floor space is proposed, unless exceptional circumstances are agreed to exist;*



~~p. require a viability assessment, using the GLA toolkit or an agreed alternative, to be submitted where schemes fail to provide 50% affordable housing on floorspace in excess of 800m<sup>2</sup>;~~



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**Policy CH3**

This policy is unduly restrictive, the draft Core Strategy should return to the policy presumption of residential development on all sites and should recognise the exceptional circumstances where small retail units and community uses across the borough can be developed for housing.

Residential development has historically been the priority land use in the Royal Borough. Indeed policy H2 of the UDP confirms that vacant sites should be brought forward for residential development wherever possible.

The Core Strategy should refer to other important London Plan and national policy considerations which set out the agenda for a sustainable approach including the promotion of *“more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings”*.

The priority for the borough should remain in favour of residential use. Indeed, this priority is requested under London Plan policies.

The Core Strategy should reflect that **residential use is the priority land use in the Borough.**

The following amendments to the draft policy are requested:



*c. will permit new residential units everywhere except unless exceptional circumstances can be demonstrated:*

- i. ~~at ground floor level of all town centres,~~*
- ii. ~~where replacing existing retail uses across the borough,~~*
- iii. where replacing and existing light industrial use across the Borough*
- iv. within the Kensal, Latimer Road and Lots Road Employment Zones,*
- v. where replacing an arts and cultural use*
- vi. ~~where replacing a social and community use which predominantly serves, or provide significant benefits to, Borough residents unless as part of an enabling development); or where replacing offices with a higher order town centre; a large or a medium office in a highly accessible area (PTAL 4 or above); or a very small or small office use across the Borough.~~*



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**Policy CE1**

The Council needs to set realistic targets in relation to sustainability and ensure that they are technically feasible and will not impact on the viability of development. Targets proposed should also be in line with London Plan targets and timescales.

Whilst the Council should commit to the principles of sustainability and high standards of energy conservation, special consideration should be given to the impact on listed buildings, conservation areas and the redevelopment within existing buildings as potential limiting factors.

The following amendments to the draft policy are requested:

*“The Council recognises the Government’s targets to reduce carbon dioxide emissions by 26% against 1990 levels by 2020 and will require development to make significant contributions towards this target.*

*To deliver this the Council will where feasible and viable: ...*