

Local Development Framework

Representations on the Proposed Submission LDF Core Strategy by the Kensington Society

The Society made a significant contribution to the new document and, for the most part, we are very pleased with the result – we have been able to secure a clearer vision and improvements to the policies to help tackle some of the issues on which the current plan is inadequate.

We strongly **support** the Core Strategy but we are, however, concerned that the plan still does not deal effectively with a number of key issues:

- **it fails to elaborate key policies in the London Plan**, especially those on:
 - the density of development (3A.3);
 - identifying views and vistas;
 - the premises needs of voluntary organisations (3A.19); and
 - matching development to transport capacity and accessibility (3C.1 and 3C.2).

- **it fails to reflect the needs of Borough residents in the mix of housing required**, in terms of:
 - the proportion of new housing that should be affordable;
 - the proportion of market housing that should be in large units, most of which seem to be sold to an international market as “second homes”; and
 - promoting housing choice for the elderly which would release underoccupied housing.

- **it fails to identify the areas at risk from surface water and sewer flooding**

Statement of Support

The Society strongly supports the Core Strategy, particularly those policies designed to solve problems experienced since the UDP was adopted, such as:

- the provision of affordable housing;
- a sequential approach to the retention of social and community uses;
- the retention of offices throughout the Borough;
- the infrastructure contributions proposed for S106 agreements;
- the promotion of walkable communities – keeping things local; and
- the control of the extent that open spaces are used for commercial events.

Failure to elaborate key policies in the London Plan, especially those on:

1. The density of development (3A.3)

The London Plan (3A.3) says that “boroughs should develop residential policies in their DPDs in line with this policy and adopt the residential density ranges set out in Table 3A.2 and which are compatible with sustainable residential quality”.

Kensington and Chelsea has some of the highest residential densities in the country in terms of both built density and population density. The London Plan has a density matrix (Table 3A.2) based on a sophisticated mix of setting in terms of location, existing built form and massing and the index of public transport accessibility (PTAL), which defines appropriate density ranges for a site or for areas within the Borough.

The London Plan (2008) seeks to achieve the maximum intensity of use compatible with the local context and the design principles in Policy 4B.1 and with public transport capacity. This policy was widely misinterpreted to the extent that GLA research revealed that, despite the sophistication of the density matrix as a tool to promote sustainable residential quality, developers were promoting and Boroughs were permitting schemes that greatly exceeded the appropriate residential density for their sites – 67% of schemes exceeded the upper end of the appropriate density range, 10% were below and only 23% were within the range. The pressure to “maximise” the development (without recognising the constraints) had led to inflated densities. The developments along Warwick Road reflect this tendency in the way the planning brief took the “highest” category for each factor resulting in the highest density range and the developers chose the upper end of the range.

The Draft Revised London Plan Policy 3.4 proposes to soften the wording of the relevant policy to “optimising housing potential” and advises that “development proposals which compromise this policy should be resisted.”

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue

Proposal: The Society considers that misinterpretation of the London Plan has been very damaging to the Borough’s townscape. It, therefore, considers that it is essential that the LDF should:

- recognise the sensitivity of the Borough to developments which exceed the appropriate density for the site or part of the Borough;
- have a clear statement of how the density matrix will/should be applied in the Borough; and
- elaborate this within a Supplementary Planning Document on Housing.

The Mayor's comments on the Core Strategy support this approach.

“There is a clear lack of guidance regarding density within the Core Strategy. Previous iterations made reference to the London Plan density matrix, however, these appear to have been removed. Policy 3A.3 states boroughs should develop residential density policies in their DPDs in line with (3A.3) and adopt the ranges set out in table 3A.2. The current approach is therefore insufficient to satisfy Policy 3A.3. Reference to the London Plan (adoption of table 3A.3) should be considered to satisfy this conformity issue.”

GLA Comments on Core Strategy September 2009

2. Identification of views and vistas (4B.16):

Strategically important views are designated in the London Plan (Table 4B.1) and managed through the London View Management Framework. This is currently being refined, although this is largely about how views should be managed rather than adding further views and vistas. The policy, however, says that “boroughs should base the designation and management of local views in their DPDs on Policies 4B.16 to 4B.18”.

The Core Strategy has not tackled this issue – it has not even identified the views and vistas covered by the UDP; see for example UDP policies covering views:

- along and across the Thames (CD1; CD2; CD6);
- of the Royal Hospital (CD8);
- of the South Kensington Museums Area (CD10 and CD11);
- from Kensington Gardens (CD13 and CD14);
- of and from Holland park (CD15); as well as
- the strategic view from King Henry's Mound (Richmond Park) to St Paul's (CD17); and
- those contained in conservation area proposals statements (CAPS).

The Core Strategy has only passing references to views and vistas, including Policy CL1 (d) and (e); CL2 (j) and CR5. This omission is particularly concerning given the Areas of Metropolitan Importance (the Thames and the Museums), the Royal Parks, Holland Park, the fine townscape as well as important local views that need protection.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue

Proposal:

The Society proposes that those views and vistas that have already been identified should be:

- shown on the diagram for Renewing the Legacy (page 202);
- where appropriate, shown on diagrams in the “Place” chapters – already shown on diagrams for:
 - Earl’s Court (p82)
 - Kensington High Street (p88)
 - Knightsbridge (p102 – but vista not shown)
 - King’s Road and Sloane Square (p108)
 - Notting Hill Gate (p114)

Almost all of them should show views and vistas of Borough importance.

In addition, in order to support the Core Strategy, the SPD on Tall Buildings and CAPS, the Borough should undertake research, as has been done in Westminster to define “Metropolitan Views”, to produce an **SPD on views and vistas**. This will help ensure that new buildings, especially large or tall buildings make a positive contribution to our townscape and enhance rather than harm our views and vistas.

3. The premises needs of voluntary organisations (3A.19)

The London Plan requires boroughs “assist the voluntary and community sector in delivering the objectives of this plan. In particular, boroughs should, when preparing their DPDs consult voluntary and community organisations and include policies, which address their need for accessible and affordable accommodation. The process for doing so should be spelt out in Statements of Community Involvement. “

Voluntary and community organisations are integral to the provision of suitable social infrastructure. Boroughs should provide for appropriate space, including access for disabled people, to meet the necessary operational requirements of voluntary and community organisations. This will only be achieved through active engagement with the voluntary and community organisations operating within the Borough.

While the Core Strategy does include references to the need for premises for voluntary and community organizations (eg para 29.2.4 (1) with regard to possible contributions through planning obligations), the Council has not yet established an evidence base of the various needs for premises. It is likely, however, that because of the high cost of property in Kensington and Chelsea, the main requirement may be affordable office accommodation.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue

Proposal:

The Core Strategy needs to have amend Policy CF5 to include a new policy:

- to require provision of a proportion of affordable office space in large-scale office developments to provide affordable space for voluntary and community organisations.

To underpin this policy the Council should support the Council for Voluntary Service – Kensington and Chelsea Social Council – to undertake a study and maintain a register of the accommodation needs of the voluntary and community sectors.

4. Matching development to public transport accessibility and capacity (3C.1 and 3C.2)

a. location of high trip-generating uses;

London Plan **Policy 3C.1** supports high trip-generating development only at locations with both high levels of public transport accessibility and public transport capacity, sufficient to meet the transport requirements of the development. (Note that this is in line with PPG13)

The current UDP (para 6xiv) seeks to concentrate large-scale office developments within 400m walk of 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. These are **all PTAL6 locations** (see map on page 184 on the

Core Strategy). This is supported by policy STRAT21, but Policy E1 failed to give priority to public transport accessibility and has resulted in most new large-scale office developments going to locations with poor public transport accessibility, such as the Freston Road area.

The Core Strategy has chosen PTAL4 and above to define areas appropriate for high trip-generating uses (see paras 31.3.34, 32.3.3) and proposes to use this as a basis for assessing proposals (eg Policy CF5). Whilst it is policy to protect large offices (over 1,000 sqm) in higher-order town centres and “other accessible areas” (CF5 (a)) – not even “highly accessible areas” - the policy for the location of large-scale offices no longer focuses on locations with the highest public transport accessibility and capacity as required by PPG13, PPS6 and the London Plan – within 400m walk of high-capacity underground stations and interchanges or even in higher-order centres. Even widening that area to include all areas in PTAL6 would provide a much larger area suitable in public transport accessibility terms (see PTAL map) and a very large area of search for highly-accessible locations. The Core Strategy has widened this area to all areas with PTAL4 or above – which adds large areas of Chelsea and North Kensington – making most of the Borough “highly accessible” when in fact it is no more than “good”. The strategy has lost any spatial focus.

While PTAL4 may be regarded as a very high public transport accessibility level in other parts of London, it is the high “background” level of public transport accessibility, but, given that a high proportion of employees come from outside the Borough and arrive by underground, locations as much as 800m or more, even if a bus service is available, are not “highly accessible” in terms of PPG13 or PPS6. While the high general accessibility raises the “background level” of accessibility – the key test is how far an office worker has to travel on after arriving at a station. As a key town centre use in terms of PPS6, these uses should be in or on the edge of town centres or close to stations. PPS6 defines edge-of-centre for offices as within 300m of a town centre boundary or within 500m of a public transport interchange. The approach used in the UDP represents a local interpretation of that approach. The approach in the Core Strategy fails to provide this spatial focus.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue

Proposal:

The Core Strategy should provide a stronger focus on both high PTAL and capacity in the choice of preferred locations for high trip-generating

developments, as proposed by PPG13, PPS6, the London Plan and the UDP, with the main focus being high-order centres and high-capacity underground stations. Even focus on all area with PTAL6 (or even PTAL5 or above) would provide more focus for developments. Many of the PTAL4 and PTAL5 locations are not served by more than a bus or are a long walk (eg more than 800m) from underground stations. This liberal definition of “highly accessible” needs to be changed to one of **defining named preferred locations for development** to give more spatial focus to the core strategy. The current approach would designate more than half the Borough as suitable for large-scale office development – the whole purpose should be to provide spatial focus.

To achieve this changes will be needed to the text:

- to focus large-scale office development in higher-order town centres and within 400m walk of named high-capacity underground stations – by designating them as preferred locations where offices will be both protected and promoted. This has been done in the place chapters for Notting Hill Gate (16.3.4) and Kensington High Street (11.3.3), but has been omitted for other centres (eg Knightsbridge);
- to delete all references to “PTAL4 and above” in relation to offices and replace with “within higher-order town centres and within 400m walk of named high-capacity underground stations” (eg 31.3.34) adapting PPS6 to the context of this Borough;
- change Policy CF5 introduction and (a) to read:
 - “within town centres and areas of highest public transport accessibility” (introduction)
 - “in higher-order town centres and areas of highest public transport accessibility (PTAL6)”
- references in Chapter 32: Better Travel Choices will also need revision, especially 32.3.2 – in the context of this Borough, “good” public transport accessibility” is not the same as “high” public transport accessibility let alone “appropriate locations for high trip-generating uses”.
- the references in Policy CT1 (a) to “require high trip-generating development to be located within town centres and areas where public transport accessibility is highest (PTAL6)”

b. Location of large-scale development:

London Plan **Policy 3C.2** requires boroughs to consider proposals for major development in terms of existing transport capacity, and where it is not sufficient to allow for travel generated by proposed developments, and no firm proposals

exist for a sufficient increase in capacity to cater for this, boroughs should ensure that development proposals are appropriately phased until these requirements can be met.

This has implications for major developments and major intensification of development in areas that are identified for development but where public transport accessibility and capacity is currently poor – especially western part of North Kensington and south west Chelsea.

There are considerable problems of public transport accessibility and public transport capacity in the western part of North Kensington. In the case of the Freston Road/Latimer Road area public transport accessibility is currently PTAL 2 and is optimistically projected to rise to 2/3. Public transport capacity may not be stretched at present, but increasing amounts of large-scale office development contrary to both the UDP and London Plan is inappropriate and, with proposals for estate renewal, may stretch capacity.

Proposed major development at Kensal relies heavily on achieving a Crossrail station by 2016. Apart from any uncertainty that may still be resolved, phasing of completion of this major development will be essential. The Core Strategy is silent about this uncertainty, public transport capacity and the need for very careful phasing.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue.

Proposal

The quantity and type of development in areas where public transport accessibility and capacity is currently poor/low needs to be acknowledged and the likely public transport accessibility and capacity after any improvements needs to be assessed. Where large-scale development is proposed that is dependent on a significant improvement in public transport, there is a need to demonstrate that:

- the transport improvements are committed and programmed;
- the scale of development is proportionate to the transport improvements;
- and
- the developments are phased to avoid a long period in which people have poor public transport.

The current “proposals”, especially for Kensal, are very uncertain as to scale and timing. The station has yet to be confirmed. Any development is likely to be primarily residential with a local centre based around Sainsbury’s and a range of local facilities, such as health, education and leisure. The proposal needs a strong injection of realism. At present they are not sound.

CF3: Diversity of uses within town centres

This policy only seeks to protect (CF3 (a)) office uses in town centres (CF3 (a)) and permit, and fails to promote office uses, especially on upper floors, in town centres in line with PPS6 and recycle the “intention” of the UDP policies to locate offices in principal centres. Some of the “place” chapters recognise that certain town centres – usually those identified in the UDP, but not all of them – should be preferred locations for offices. Policy CF5 only protects or permits medium-sized and large-scale offices in high-order centres.

Proposal:

The main centres should be places where town centre uses are **promoted** not just protected or permitted. The dichotomy – protect or permit – is insufficiently positive. The concept of “preferred locations”, see above, would promote offices in those locations.

Nevertheless, the Society strongly supports the retention of offices on the upper floors in these centres, and conversion to housing should be resisted. This is not sufficiently clear.

CL6: Small-scale alterations and additions,

This policy is written with two distinct types of development in mind, and it does not suit both of them.

It would appear that CL6 has deliberately been written not to require a positive test, using the more conventional ‘no harm’, because satellite dishes and air conditioning units, however carefully sited, can, if regulated, only ‘cause no harm’ and cannot be seen as actual positive improvements. But the Council has lumped windows, mouldings, balustrades and other architectural details into the same policy.

Proposal

The Society suggests that to resolve this problem the Council should:

- add at the end of CL2 a further category ‘windows and other architectural details’, with text that would then read:

p. require new or replacement windows or other architectural details to be of a high quality in terms of form, detailed design and materials, and to take opportunities to enhance the character or appearance of the existing building, its setting or townscape.

In the associated reasoned justification, ‘windows and other architectural details’ should be defined as ‘to include items such as changes to windows or glazing patterns; front walls, and railings; projecting mouldings, balustrades, chimneys and other architectural details.’

- CL6 should be renamed as ‘technical and servicing equipment’ and it should read as now, but with ‘alterations and additions’ and ‘small-scale development’ to be replaced with ‘technical and servicing equipment’.

The reasoned justification would define tech and s equip as ‘to include alarms, cameras, grilles and other security equipment; servicing, plant and telecoms equipment and the like.’

- ‘balconies and terraces’ in the current list of small-scale alterations at para 34.3.48 should be subsumed into ‘extensions and modifications’ in policy CL2.

Need to manage the mix of housing required to respond to the housing needs of the Borough’s residents and provide a better choice of housing.

The Society considers that the Core Strategy, based on the Strategic Housing Market Assessment, fails to propose an appropriate mix of housing in terms of:

- the proportion of new housing that should be affordable;
- the proportion of market housing that should be in large units, most of which are sold to an international market as “second homes”. See also London Plan 3A.5; and
- housing choice for older households needing to downsize or to find sheltered housing or nursing homes.

Chapter 35: Diversity of Housing seeks to provide a diversity of housing thereby catering for a variety of housing needs of Borough residents in mixed and balanced communities – the support for this comes from PPS3 and the London Plan.

The Strategic Housing Market Assessment (SHMA) is intended to define the housing needs of Borough residents whether for affordable housing or market housing. This showed:

- a huge need for affordable housing – considerably larger than the amount of housing that is likely to be added over the next 10 years, but the proposed target is from 2011/12 will be 200pa or a third of the total housing target – given that large schemes will make up a large proportion of the total additional housing this is modest compared to the policy in the Core Strategy CH2 (I) which requires the maximum reasonable affordable housing with the presumption of at least 50% provision from schemes over 800 sqm;
- a need for more market housing and suggested that 80% should be large units (3 and 4 bedroom units) (para 35.3.10), although the Council indicates that rather than being tied to such exact ratios, the SHMA underlines “the need for as high a proportion of large units to be provided as possible”(35.3.11) on the basis that there is a demand for larger dwellings with 3 or more bedrooms (35.3.16)

There is a fundamental problem in undertaking a SHMA in Kensington and Chelsea – instead of focusing on the needs of Borough residents for what are assumed will be primary residences, any market housing that is built will be offered on an international market. A large proportion will be sold abroad, especially larger units, to people for whom it will not be their primary (or even second) residence. This issue was raised with both the consultants and the Council with a request for evidence to establish what proportion of housing in new schemes completed in the last 5 years was bought and occupied as a primary residence and for what proportion of the year the property was occupied.

Recent research by MoliorLondon (November 2009) showed that of the 5,500 new houses and new flats sold in London between January and September 2009 around two-thirds were bought as buy-to-let property investments and nearly 30% were sold in places like Hong Kong and Singapore. In Kensington and Chelsea these proportions may well be higher, especially for larger units. This would suggest that if a high proportion of new market housing were large units, very few would be bought by Borough residents. This raises a fundamental question – how many Borough residents get housed by these schemes? If a high proportion of new larger units do not meet the housing needs of Borough residents there is a fundamental flaw in the usefulness of undertaking a SHMA. It is a poor guide to the mix of housing to build.

A second flaw is the evidence base - a snapshot survey of moving intentions of current owner occupiers and their moving intentions. To base the housing mix

decisions for the next 20 years on a January 2009 snapshot – the depth of a recession is not a robust basis for such an analysis.

Finally, there appears to be little information on latent demand by long-term Borough resident who may wish to downsize to a more modern, smaller, more manageable housing or move to sheltered housing. Unless such housing is available as part of the choice, older single people or couples will not be able or willing to downsize and free up larger units in the housing stock. This would suggest that there is an untapped demand for such housing, which means that more of the new market housing should be meeting these very real needs of Borough residents rather producing new stock that leaks out of the stock available to Borough residents.

The Society recognises that the Council is obliged to undertake a SHMA, but is convinced that its outputs are largely irrelevant in the special circumstances of this Borough and are entirely misleading in terms of devising policies which would deliver the right mix of housing that would best meet the requirements of Borough residents for a primary residence.

The Council would do better to identify the key issues and design policies that would produce a mix that would meet those concerns. The SHMA leads to policies which would waste what few opportunities we have to meet the needs of our residents and lead to greater not less polarisation of our communities, not only between rich and poor, but primary residences and housing which is only used for part of the year.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue

Proposal:

The Society considers that:

- a higher target for affordable housing should be adopted;
- the focus of the analysis should be on what will meet the needs of Borough residents – especially in the market sector; and
- the need for manageable, modern units for downsizing couples or single people should be encouraged to enable the release of larger units.

The Core Strategy housing mix should be revised to increase the proportion of small units – a 50:50 mix between small and large and a bias to meeting the needs of older households would be a more appropriate mix.

The Council should undertake an analysis of major schemes completed in the last 5 years to determine how they are used – whether primary residences and if not how much of the year they are occupied.

It fails to identify the areas at risk from surface water and sewer flooding

The policies relating to flooding (CE2) fail to deal with safety measures when basements are proposed in areas of known to be at risk from surface water and sewer flooding. Whilst the policy deals with mitigating the impact of development on other developments through reducing the risk of surface water flooding through the use of sustainable urban drainage systems and controlling the use of impermeable paving of front gardens throughout the Borough, there is a need to ensure that basements proposed in areas of flood risk from surface water and sewer flooding are designed to avoid or control risk of flooding and, in particular, danger to life.

Test of soundness:

The Society believes that there is therefore a risk that this area of the plan will fail the effectiveness test of soundness, because what is intended may not be achieved. For this reason, we make the following proposal to rectify the soundness issue.

Proposal

The issue of flood risk from surface water flooding needs to be dealt with more fully:

- include further areas of “indicative flood risk zones” (on the map on page 225) for areas which were affected by surface water and sewage flooding in July 2007 and previous incidents since 1980;
- insert a new policy in CE2 (d) require developments involving basements in areas known to be at risk of surface water and/or sewer flooding to incorporate safety measures to avoid flooding.;
- prepare a surface water management plan leading to an SPD on flood risk surface water and sewer flooding.