



New Local Plan Review
Policy Formulation Report – October 2022
Policy CD7: Tall buildings



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Contents

| | | |
|-----|---|----|
| 1. | Introduction | 3 |
| 1.1 | New Local Plan Review | 3 |
| 1.2 | Existing Local Plan and other documents..... | 3 |
| 1.3 | Key Issues and Policy Driver | 3 |
| 2. | Legislation, Policy and Guidance Context | 4 |
| 2.1 | Tall buildings and building heights (Policy cL12) | 4 |
| 3. | Evidence Base | 7 |
| 3.1 | Definition of tall buildings by locality | 7 |
| 3.2 | Location of tall buildings | 8 |
| 4. | Options, Consultation and Integrated Impact Assessment... | 10 |
| 5. | Draft and Publication Policy..... | 13 |
| 6. | Duty to Cooperate and Strategic Issues | 15 |

1. INTRODUCTION

1.1 NEW LOCAL PLAN REVIEW

- 1.1.1 The Council is undertaking New Local Plan Review (NLPR) to ensure we have an up-to-date and fit-for-purpose Local Plan to guide the development of the Borough and reflect our values. The NLPR is a full review.
- 1.1.2 The purpose of this Policy Formulation Report (PFR) is to demonstrate how policy CD7 Tall Buildings, within Chapter 4 – Conservation and Design of the NLPR has been developed and evidenced to a level of detail which cannot be included in the NLPR document itself.

1.2 EXISTING LOCAL PLAN AND OTHER DOCUMENTS

- 1.2.1 This policy of the NLPR relates primarily to the following chapters and policies of the existing Local Plan:

CL12 Building Heights

1.3 KEY ISSUES AND POLICY DRIVER

- 1.3.1 The built environment in Kensington and Chelsea is not one which offers many opportunities for tall buildings, with building heights relatively consistent within each quarter. This has been reflected historically in policy and development, and managed by looking at proposals on a case by case basis, in line with the current policy. However, the London Plan 2021 Policy D9: Tall Buildings requires Boroughs to “*define what is considered a tall building for specific localities*”, as well as to identify suitable locations where tall buildings may be an appropriate form of development and the maximum heights that would be acceptable in those locations.
- 1.3.2 The NLPR must ensure that developable land in the Borough is optimised, enabling us to meet our housing target and supply to provide for the Borough’s housing needs, support the local economy and create jobs, as required by the NPPF and the London Plan. Development at higher densities will include some buildings that are tall in their context and will contribute to meeting the needs of local residents and businesses.

2. LEGISLATION, POLICY AND GUIDANCE CONTEXT

2.1 TALL BUILDINGS AND BUILDING HEIGHTS (POLICY CL12)

INTRODUCTION

- 2.1.1 The existing Local Plan Policy CL12 Building Heights was adopted in 2019 and needs to be updated to reflect regional policy, especially the introduction of Policy D9 Tall Buildings the New London Plan.

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.1.2 The NPPF provides the overarching guidance in preparing Local Plans.

Achieving well design places

- 2.1.3 Section 11 of the NPPF focuses on the importance of development to be high quality, beautiful and sustainable. Paragraph 126 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 2.1.4 Furthermore, paragraph 127 requires Plans to *“set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics”*.
- 2.1.5 Paragraph 130(c) also states that planning policies and decisions should ensure that development *“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*.

Making effective use of land

- 2.1.6 Section 11 of the NPPF, entitled ‘Making effective use of land’. Within this section, Paragraph 119 states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*
- 2.1.7 Further to that, paragraph 125 focuses on the need to achieve appropriate densities, *“plans should contain policies to optimise the use of land in their area”*.

REGIONAL

THE LONDON PLAN

2.1.8 The London Plan’s policy for tall buildings is informed by the Good Growth principles, and in particular GG2 Making the best use of land, which states: *“To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:*

C. proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

D. applying a design-led approach to determine the optimum development capacity of sites...”

2.1.9 Furthermore, Policy D1 requires Boroughs *“to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas’ capacity for growth”*.

Policy D9 Tall Buildings

2.1.10 The policy requires a plan led approach to the location of tall buildings in London, expecting planning authorities to *“determine and identify locations where tall buildings may be an appropriate form of development by undertaking the steps below:*

1. based on the areas identified for growth as part of Policy D1 London’s form, character and capacity for growth, undertake a sieving exercise by assessing potential visual and cumulative impacts to consider whether there are locations where tall buildings could have a role in contributing to the emerging character and vision for a place

2. in these locations, determine the maximum height that could be acceptable

3. identify these locations and heights on maps in Development Plans.”

LOCAL

EXISTING LOCAL PLAN POLICY

2.1.11 The existing Local Plan Strategic policy CL12 Building Heights sits within CO5 Strategic Objective for Renewing the Legacy as set out below.

CO5 Strategic Objective Renewing the Legacy

Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place, it enhances the Borough.

2.1.12 The main objective of Policy CL12 Building Heights of the existing Local Plan is

relevant to this policy formulation report and is set out below.

Policy CL12 Building Heights

The Council will require new buildings to respect the setting of the Borough's valued townscapes and landscapes, through appropriate building heights.

BUILDING HEIGHTS SUPPLEMENTARY PLANNING GUIDANCE (SPD) 2010

2.1.13 The SPD provides strategic level guidance on in relation to tall buildings, based on an analysis of the physical context of the Borough. It sets out the definition of a tall building in relation to the context, which is relevant to this PFR:

“The premise is that Kensington and Chelsea is generally not a tall buildings Borough and as such there are unlikely to be opportunities for new tall buildings... However, where a tall building may be countenanced it should be of district scale¹. This is considered in proportion to the surrounding context and is between 1½ and 4 times the prevailing building scale.”

2.1.14 Therefore, the definition for a building to be considered “tall” in the Borough is a building that is at least 1½ times taller than the prevailing building scale, according to the SPD.

SUMMARY

| Date | Document | Organisation |
|-----------------------------------|---|-----------------|
| Mar 2012 (updated Jun 2019) | National Planning Policy Framework (NPPF) | MHCLG |
| Mar 2021 | The London Plan | Mayor of London |
| Sep 2019 | RBKC Local Plan | RBKC |
| July 2012 | Building Heights SPD | RBKC |

¹ The SPD states there are three categories for taller buildings: *Local landmarks*, *District landmarks*, and *Metropolitan landmarks*. It goes on to define that the last two landmark categories might be referred as “tall buildings”, as they would be significantly taller than their context. The SPD also states that “*Metropolitan landmarks are inappropriate to the predominantly residential character of the Borough, away from the economic centre of the Capital*” prior to defining the minimum height for a building to be considered a district landmark.

3. EVIDENCE BASE

3.1 DEFINITION OF TALL BUILDINGS BY LOCALITY

- 3.1.1 The first part of the London Plan Policy D9 requires Boroughs to define what is a tall building in different localities:

Policy D9 Tall buildings

A Definition

Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.

TALL BUILDING THRESHOLD

- 3.1.2 The council has produced evidence to establish what the most suitable definition is for what can be reasonably be considered a tall building in different parts of the Borough. This document is included as part of the evidence base for the NLPR.
- 3.1.3 For the purposes of the Local Plan, the interpretation of the above definition of the minimum height for a building to be considered tall in London is 21 metres from the ground to the top of the uppermost storey of a building, based on 3 metres per storey on an assumed purely residential building.
- 3.1.4 In paragraph 3.9.3, the London Plan states that tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. This is consistent with the approach taken by the Borough's Building Heights SPD, which defines a building that is 1.5 times higher than its context to be a tall building. This definition is well established in the Borough and is carried forward as part of the new policy.
- 3.1.5 Upon analysis of the Borough's built form, it is clear that the London Plan definition for the minimum tall building threshold is suitable for many areas of the Borough. Most of the Borough's residential neighbourhoods are generally below the 21 metre benchmark, with a building taller than 21 metres likely to be 1.5 times taller than the prevailing height.
- 3.1.6 However, the analysis also reveals that there are some areas of the Borough where the predominant building height already exceeds 21 metres. Therefore, it is necessary that another tall building threshold definition is in place for those specific localities. This should be proportional to the predominant heights in areas of the Borough which are generally taller than 21m.
- 3.1.7 Based on the London Plan London Plan threshold of 18m to floor level of uppermost

storey, 1.5 times this figure would be considered a tall building, as per the principle established in the Building Heights SPD. Therefore, a building which is 27m to floor level of the uppermost storey, plus 3m to reach roof height, or a 30 metre building would be tall in those localities where the London Plan threshold is not suitable.

3.1.8 In addition to the base analysis on predominant heights, which was carried out using the character areas as per the Borough's Character Study as a starting point, the analysis considered the following additional factors:

- areas of consistent, sensitive historic townscape where taller buildings would cause a significant change to the skyline
- town centres and along arterial routes where there are existing concentrations of taller buildings that contrast with a lower residential hinterland within the same character area
- land use, scope for change and other designations, such as Opportunity Areas or Employment Zones; and
- Council-owned, modernist housing estates where there is great variation in building heights. These often have singular tall buildings in a low-rise setting

3.1.9 The resulting map defines where each of the definitions for what constitutes a tall building is located.

3.2 LOCATION OF TALL BUILDINGS

3.2.1 The second part of the London Plan Policy D9 requires Boroughs to define what is a tall building in different localities:

Policy D9 Tall buildings

B Locations

- 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring Boroughs that may be affected by tall building developments in identified locations.
- 2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.
- 3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

SITE ALLOCATIONS

3.2.2 In line with the above, the Council has allocated specific locations where tall buildings are suitable, as well as defining the maximum heights for each. These

are identified on a map which accompanies policy CD7, showing all such locations in the Borough. This is in line with the requirements of policy D9, as included in paragraph 3.9.2:

“Boroughs should determine and identify locations where tall buildings may be an appropriate form of development by undertaking the steps below

1. based on the areas identified for growth as part of Policy D1 ... to consider whether there are locations where tall buildings could have a role in contributing to the emerging character and vision for a place

2. in these locations, determine the maximum height that could be acceptable

3. identify these locations and heights on maps in Development Plans.”

3.2.3 The locations identified as suitable for tall buildings are as follows:

- SA1. Kensal Canalside Opportunity Area,
- SA2. Earl’s Court West Kensington Opportunity Area
- SA3. 100/100A West Cromwell Road
- SA4. Former Territorial Army site, 245 Warwick Road
- SA6. Lots Road South
- SA7. Edenham Way
- SA10. Newcombe House

3.2.4 In the case of the opportunity areas (SA1 & SA2), the council has commissioned independent evidence to support the designation of these areas as suitable for tall buildings and to define what the optimum heights are, as well as how they might be distributed across these relatively large sites, based on a thorough townscape impact assessment which looks at key views across the Borough and neighbouring areas from where development might be visible. This is detailed in **RBKC OA Building Height Guidance**. Further details are included in the relevant Site Allocations Policy Formulation Report which is included for each of the Opportunity Area sites.

3.2.5 For allocations which refer to sites that have been granted planning permission, these are based on the height that have been approved. Please refer to the Site Allocations Policy Formulation Report for further details on those and other sites.

4. OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT

4.1.1 Alternative options were consulted on as part of the Borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (October 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

4.1.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

| Public Consultation | Timeframe |
|---------------------------------|---------------------------------|
| Borough Issues Consultation | 29 September – 10 November 2020 |
| Issues and Options Consultation | 26 July – 4 October 2021 |
| Regulation 18 Draft Policies | 9 February – 23 March 2022 |
| Regulation 19 Publication | October 2022 |

Figure 1: RBKC NLPR Consultation Timeline.

4.1.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

4.1.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

TALL BUILDINGS

4.1.5 The options and alternatives considered under Policy CD7 to ensure compliance with London Plan Policy D9 Tall Buildings are described below.

DEFINITION OF A TALL BUILDING

| Option | Status | Reason |
|---|-------------------------------|---|
| <p>1 Use the London Plan definition of a tall building (defined as 21m tall or above) across the Borough</p> | <p>Reasonable alternative</p> | <p>The London Plan has provided a minimum definition of tall building.</p> <p>Any building which exceeds this minimum threshold will need careful assessment in line with criterion C of London Plan Policy D9.</p> |
| <p>2 Adopt a local definition which is higher than the London Plan definition only for those areas already characterised by buildings that are higher than 21m, and for the Opportunity Areas. A taller threshold would be based on the principle established in the Borough's Building Heights SPD (2010) which sets out that a building will be considered tall if it is 1.5 times higher (or more) than the existing buildings around them. Therefore, the taller threshold would be 30m</p> | <p>Preferred option</p> | <p>Because tall buildings are substantially higher than the other buildings around them. using the London Plan definition would in some cases result in a building that is lower than their context being assessed as a tall building.</p> <p>A higher threshold for the areas that already have a predominance for buildings above 21m would make requirements of assessment for tall buildings relevant and proportional to the building heights around them.</p> |

SUITABLE LOCATIONS FOR TALL BUILDINGS

4.1.6 The options considered for the locations that are suitable for tall buildings are:

| Option | Status | Reason |
|--|-------------------------------|---|
| <p>1</p> <p>Consider Opportunity Areas: Kensal Canalside and Earl's Court, as specific locations where tall buildings would be appropriate and define what heights will be suitable through further assessment</p> | <p>Reasonable alternative</p> | <p>These are areas for extensive redevelopment and important sites toward achieving our housing targets</p> |
| <p>2</p> <p>Include site allocations - 100/100A West Cromwell Road, Lots Road Power Station, Site at Lots Road and Site at Edenham Way (Land adjacent Trellick Tower) as locations where tall buildings may be an appropriate form of development. Maximum acceptable heights to be as per the extant permission or to be determined through further assessment.</p> | <p>Preferred option</p> | <p>Where extant planning permissions are in place, or developments are under construction, these would be reflected by the plan. The two further site allocations are included based on an analysis of the height of surrounding buildings (including those outside the Borough in LBHF)</p> |
| <p>3</p> <p>Include locations with existing tall buildings in private ownership as appropriate locations for replacement tall buildings of same/similar heights.</p> | <p>Reasonable alternative</p> | <p>Due to viability reasons, it is expected that existing tall buildings in private ownership when/if they are redeveloped will be replaced by a building of at least the same floorspace. This would normally mean a building of the same/similar height. This clarifies that financial viability plays an important role when replacing existing tall buildings, and would exclude Council owned housing estates.</p> |

5. DRAFT AND PUBLICATION POLICY

5.1.1 Following consideration of the options presented above, consultation and reasonable alternatives. Policy CD7 is proposed as follows. The modifications made as a result of the Reg. 18 Draft Policies consultation are highlighted in red:

CD7: Tall Buildings

Definition

- A. There are two definitions of tall Buildings in the Borough based on where they are located. These are shown in Figure 4.3, and are:
1. 21m or more in height **from the ground level to the top of the building² (as measured externally).**
 2. 30m or more in height **from the ground level to the top of the building³ (as measured externally).**
- B. Proposals that meet or exceed the definition of a tall building in criterion A will be assessed in accordance with London Plan Policy D9.
- C. Criterion B will not apply to single storey roof extensions on individual dwelling houses/homes.

Suitable Locations for Tall Buildings

- D. Tall buildings will only be acceptable within those locations that are identified as suitable for tall buildings as shown in Figure 4.4 and **at the heights** specified in the relevant site allocations.
- E. Introducing new buildings which are tall relative to their context should be done with careful consideration of the impact they may have in the surrounding townscape. Buildings that are tall in their context should contribute to enhancing the character and legibility of the local area.

Assessment criteria

- F. The Council will expect tall buildings to be of exemplary design quality. This includes:
1. Requiring any homes and other accommodation provided to be of the highest quality, including any external amenity space.

² In the areas not shaded in Figure 4.3 (see glossary for the definition of top of the building)

³ In the areas shaded yellow in Figure 4.3 (see glossary for the definition of top of the building)

2. Requiring tall buildings to be well-integrated, at street level, with surrounding buildings and the streetscene.

To use materials that are robust, fitting in their context and that ensure the safety of residents and occupants

6. DUTY TO COOPERATE AND STRATEGIC ISSUES

- 6.1.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”⁴.
- 6.1.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”⁵. Strategic matters are further defined in paragraph 24 - 27 of the NPPF⁶ and paragraph 009 - 017 of the PPG on maintaining effective cooperation⁷.
- 6.1.3 Figure 2 shows the actions the actions the Council has taken with regard to the duty and the relevant prescribed bodies.
- 6.1.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

| Strategic issue | Relevant prescribed bodies ⁸ | Council actions Prescribed bodies’ strategies, plans and policies which the Council has had regard to |
|-----------------|--|--|
| All | The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs) | Ongoing |
| All | New Local Plan Review Issues consultation – see Consultation Schedule | Sept. to Oct. 2020 |
| All | New Local Plan Review Issues and Options consultation – see Consultation Schedule | Jun. to Oct. 2021 |

⁴ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

⁵ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

⁶ [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

⁷ [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

⁸ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

| Strategic issue | Relevant prescribed bodies ⁸ | Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to |
|-----------------|---|--|
| All | New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule | Feb. to Mar. 2021 |

Figure 2: *Duty to cooperate strategic issues, prescribed bodies and Council action.*



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www.rbkc.gov.uk/planningpolicy