



New Local Plan Review
Policy Formulation Report – October 2022
Policy SI1: Social Infrastructure and Facilities



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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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 the **Policy SI1: Social Infrastructure and Facilities** within Chapter 7 - Social Infrastructure of the RBKC 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

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

Chapter 18: Keeping Life Local

CO1 Strategic Objective for Keeping Life Local

Policy CK1: Social and Community Uses

1.3 KEY ISSUES AND POLICY DRIVER

1.3.1 The Council considers the NLPR must address issues that enable us to ensure that we have the right social infrastructure in the right places, both now and in the future. As part of this, the existing social infrastructure must be protected from loss and the new infrastructure should be planned for appropriately, so the needs of our communities are met.

2. LEGISLATION, POLICY AND GUIDANCE CONTEXT

2.1 INTRODUCTION

- 2.1.1 The existing Local Plan Policy CK1 was adopted in 2019 and needs to be updated to reflect changes to the planning regulations at national and regional level, including changes to the Use Classes Order.

2.2 NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.2.1 The National Planning Policy Framework (NPPF)¹ provides the overarching guidance in preparing Local Plans.
- 2.2.2 Section 8 of the NPPF is entitled ‘promoting healthy and safe communities’. Within this section, Paragraph 92 of the NPPF establishes the objective for planning policies and decisions *“to achieve healthy, inclusive and safe places” which would promote social interaction and “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.*
- 2.2.3 Paragraph 93 of the NPPF states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) *“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
 - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
 - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

¹ MHCLG, [National Planning Policy Framework](#), July 2021

2.2.4 Further to that, Paragraph 95 of the NPPF notes the importance of a sufficient choice of school places that is available to meet the needs of existing and new communities.

“Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”*

2.2.5 To ensure faster delivery of other public service infrastructure, Paragraph 96 of the NPPF encourages local planning authorities to *“work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted”*.

2.2.6 Paragraph 98 of the NPPF emphasises the importance of the access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities. It states that *“planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate”*.

2.2.7 Further to that, Paragraph 99 of the NPPF prohibits building upon existing open space, sports and recreational buildings and land, including playing fields, unless:

- a) “an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): HEALTHY AND SAFE COMMUNITIES

2.2.8 The NPPG on [Healthy and safe communities](#) sets out guidance to local authorities on how to promote healthy and inclusive communities, and how to support appropriate health infrastructure. Planning for health is expected to be considered in two ways: *“in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care*

system (taking into account the changing needs of the population)” (paragraph 1).

- 2.2.9 Paragraph 2 emphasises the importance of engagement between plan-making bodies and relevant health organisations that need to be involved in considering planning for health. It sets out the main points of contact on population health and wellbeing issues, as well as evidence base documents that should be taken into account in plan-making process.
- 2.2.10 Paragraph 5 provides guidance on how the need for health facilities and other health and wellbeing impacts can be considered in making planning policies and decisions. It is expected that local planning authority will “*discuss their emerging strategy for development at an early stage with NHS England, local Clinical Commissioning Groups, Health and Wellbeing Boards, Sustainability and Transformation Partnerships/Integrated Care Systems (depending on local context), and the implications of development on health and care infrastructure*”.
- 2.2.11 Paragraphs 7 and 8 provide advice for plan-makers on how to support the delivery of sufficient school places to meet the needs of existing and new communities. To assess the need and demand for school places, it is suggested to utilise annual school capacity surveys produced by the Council, as well as the Department of Education “[Securing developer contributions for education](#)” guidance (Paragraph 7). To ensure that development needs of the area are met over the plan-period, the plan-making authority should “*allocate sufficient suitable land for schools, taking into account needs that may cross local authority boundaries*” (Paragraph 8). Further to that, when allocating land for education uses, local planning authority are expected to “*provide clarity and certainty provide clarity and certainty by identifying the total amount of land required for education use, with regard to the [Department for Education space standards](#), and any necessary characteristics for the school site such as its shape, accessibility and serviced provision at an appropriate time*”.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): OPEN SPACE, SPORTS AND RECREATION FACILITIES, PUBLIC RIGHTS OF WAY AND LOCAL GREEN SPACE

- 2.2.12 The NPPG on [Open space, sports and recreation facilities, public rights of way and local green space](#) sets out some relevant guidance for social and community infrastructure, such as sports and recreation facilities.
- 2.2.13 To assess the needs for sports and recreation facilities, authorities and developers are encouraged to refer to [Sport England's guidance](#) (paragraph 2).
- 2.2.14 Further to that, Paragraph 3 puts a requirement upon local planning authorities “*to consult Sport England in certain cases where development affects the use of land as playing fields*”. The guidance also encourages local authorities to consult Sport England in a variety of other cases where the development affects existing sports and recreation facilities.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): PLAN-MAKING

- 2.2.15 The NPPG on [Plan-making](#) sets out key guidance on plan-making process and provides guidance on what evidence might be needed to plan for health and well-being.
- 2.2.16 Local planning authorities are encouraged to work with public health leads and health organisations *“to understand and take account of the current and projected health status and needs of the local population, including the quality and quantity of, and accessibility to, healthcare and the effect any planned growth may have on this”* (paragraph 46). Further to that, authorities should *“assess the quality and quantity of, and accessibility to, green infrastructure, education, sports, recreation and places of worship including expected future changes, and any information about relevant barriers to improving health and well-being outcomes”*.

THE TOWN AND COUNTRY PLANNING (USE CLASSES) (AMENDMENT) (ENGLAND) REGULATIONS 2020

- 2.2.17 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020² introduced significant changes to the system of 'use classes'. The changes provide for three new uses classes: Class E (Commercial, business and service), Class F.1 (Learning and non-residential institutions) and F.2 (Local community).
- 2.2.18 Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 introduced a new Class E Use, which encompassed the variety of commercial, business and service uses that previously were considered separately, including some of the valued social and community uses. This means that the Council is no longer able to protect clinics, health centres, nurseries and gyms from loss as these no longer need planning permission to change use to shops, restaurants, offices or other commercial or business uses that fall within the same Class E Use.

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) ORDER 2021

- 2.2.19 The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021³ introduced a new Class MA Permitted Development (PD) right which allows the change of use from Commercial, Business and Service use class (Class E) to residential use (Class C3).
- 2.2.20 The new PD right took effect on 1 August 2021 and includes the number of limitations when development is not permitted, such as a three-month vacancy

² [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020](#)

³ [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021](#)

test and a 1,500 square metre size restriction. Development under Class MA is permitted subject to the conditions outlined under Schedule MA.2.

- 2.2.21 These changes mean that the Council now has less power to protect certain valued social and community uses that fall under Class E Use from changing to residential. However, the Council has introduced a new Article 4 Direction which came into force in July 2022⁴ thus removing permitted developments rights for the change of use of commercial (Class E) to residential within the designated area. The Council is satisfied that the Article 4 direction will be effective in protecting those valued social and community uses from loss as the designated area covers the main concentrations of Class E commercial and business uses as well as specific places where medical clinics, nurseries and creches are located.
- 2.2.22 Proposals for conversion of Class E floorspace to residential within the area covered by the Direction will need planning permission, and relevant development plan policies will apply.

THE CHILDCARE ACT (2006)

- 2.2.23 The Childcare Act⁵ places a duty on local authorities to ensure that there are enough childcare places to enable parents to work or train, and also to ensure that there are sufficient funded early education places for all three- and four-year-olds within the local authority area.

2.3 REGIONAL

THE LONDON PLAN

- 2.3.1 The London Plan's⁶ social infrastructure policy area is informed by multiple Good Growth objectives as set out below. GG1 Part C, GG2 Part H, GG3 Part E and G, GG6 Part D are all relevant to the issue of social infrastructure.

GG1 Building strong and inclusive communities

Good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must:

- C provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation.

⁴ DLUHC, Secretary of State Letter '[Modification of Article 4 Direction in relation to Class MA of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 for the entire area of the Royal Borough of Kensington and Chelsea](#)', 22 July 2022

⁵ [The Childcare Act](#), 2006

⁶ GLA, [London Plan](#), March 2021

GG2 Making the best use of land

To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

H maximise opportunities to use infrastructure assets for more than one purpose, to make the best use of land and support efficient maintenance.

GG3 Creating a healthy city

To improve Londoner's health and reduce health inequalities, those involved in planning and development must:

E plan for appropriate health and care infrastructure to address the needs of London's changing and growing population.

G plan for improved access to and quality of green spaces, the provision of new green infrastructure, and spaces for play, recreation and sports.

GG6 Increasing efficiency and resilience

To help London become a more efficient and resilient city, those involved in planning and development must:

D take an integrated and smart approach to the delivery of strategic and local infrastructure by ensuring that public, private, community and voluntary sectors plan and work together.

Developing London's social infrastructure

- 2.3.2 Chapter 5 of the London Plan sets out the policies that are aimed to shape London's social and community infrastructure. The main objective is to ensure that the social infrastructure needs of London's diverse communities are met, informed by a needs assessment of social infrastructure.
- 2.3.3 Paragraph 5.1.1 defines social infrastructure as *"a range of services and facilities that meet local and strategic needs and contribute towards a good quality of life. It includes health provision, education, community, play, youth, early years, recreation, sports, faith, criminal justice and emergency facilities"*. It also recognises green infrastructure as one of the key components of social infrastructure, although it is addressed separately in Chapter 8 of the Plan.
- 2.3.4 Policy S1 is concerned with meeting the social infrastructure needs of London's diverse communities. It supports the provision of new social infrastructure and Part A requires boroughs to ensure that local needs are met, informed by a needs assessment of social infrastructure. Assessments should consider the need for cross-borough collaboration where appropriate and involve relevant stakeholders, including the local community.
- 2.3.5 Paragraph 5.1.4 notes that needs assessments *"should be informed by both an*

understanding of the demographic make-up and socio-economic data required by Policy D1 London's form, character and capacity for growth as well as an audit of existing facilities and services".

2.3.6 Part F of the Policy seeks to resist the loss of social infrastructure in an area of defined as identified in the borough's social infrastructure needs assessment with two exceptions:

- 1) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;
- 2) the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.

2.3.7 Paragraph 5.1.7 further elaborates on such service transformation and reconfiguration cases and states that *"where social infrastructure premises are deemed redundant as part of this process, such losses may be acceptable in line with Parts D and F of Policy S1 Developing London's social infrastructure and Policy S2 Health and social care facilities and any related information or guidance to achieve the overall aims of the programme and to continue to meet the needs of Londoners"*.

2.3.8 Part G of the Policy states that *"redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan (see Part F2)"*.

Health and Social Care Facilities

2.3.9 Policy S2 is concerned with the provision of health and social care facilities. Part A of the Policy emphasises the importance of collaboration between the boroughs and Clinical Commissioning Groups (CCGs) and other NHS and community organisations to:

- 1) identify and address local health and social care needs within Development Plans, taking account of NHS Forward Planning documents and related commissioning and estate strategies, Joint Strategic Needs Assessments and Health and Wellbeing Strategies
- 2) understand the impact and implications of service transformation plans and new models of care on current and future health infrastructure provision to maximise health and care outcomes
- 3) undertake a needs assessment to inform Development Plans, including an audit of existing health and social care facilities. Needs should be assessed locally and sub-regionally, addressing borough and CCG cross-boundary issues
- 4) identify sites in Development Plans for future provision, particularly in areas with significant growth and/or under provision and to address needs across borough boundaries
- 5) identify opportunities to make better use of existing and proposed new

infrastructure through integration, co-location or reconfiguration of services, and facilitate the release of surplus buildings and land for other uses.

- 2.3.10 The supporting text refers to Sustainability and Transformation Plans (STPs), the NHS General Practice Forward View, and the NHS Long Term Plan in regard to planning for new health services infrastructure. The focus at present is on integration and co-location of various care services to make better use of infrastructure and land. This is further supported in paragraph 5.2.8 which states that *“the co-location of facilities with other uses, such as other forms of social infrastructure or housing, is encouraged to use land more efficiently and to enable a more integrated service delivery”*.

Education and Childcare Facilities

- 2.3.11 Policy S3 is focused on education and childcare facilities. Part A requires Development Plans to be informed by a needs assessment of education and childcare facility needs on a local and sub-regional level. Needs assessment should also include an audit of existing facilities. When preparing their Development Plans, boroughs should identify sites for future provision, and *“ensure that development proposals for housing and commercial facilities incorporate suitable childcare provision and encourage nursery provision within primary schools, where there is a need”*.
- 2.3.12 Part C of the Policy also restricts the net loss of education and childcare facilities, *“unless it can be demonstrated that there is no ongoing or future need”*.

Play and Informal Recreation

- 2.3.13 Policy S4 addresses play and informal recreation spaces. Part A of the Policy states that boroughs should:
- 1) prepare Development Plans that are informed by a needs assessment of children and young person’s play and informal recreation facilities. Assessments should include an audit of existing play and informal recreation opportunities and the quantity, quality and accessibility of provision. Boroughs should consider the need for cross-borough collaboration where appropriate;
 - 2) produce strategies on play and informal recreation facilities and opportunities, supported by Development Plan policies, to address identified needs.
- 2.3.14 When preparing needs assessments, boroughs should consult with children and young people to ensure their needs are understood in terms of existing and future provision.
- 2.3.15 Part B 2) of the Policy also sets out the minimum threshold of 10 sqm of formal play provision per child to be made on-site in case of residential development proposal for schemes that are likely to be used by children and young people. Off-site provision is considered more appropriate for the provision of play facilities for older children, who can travel further to access it, but should still be located within 400 metres of the development and be accessible via a safe route from children’s homes.

- 2.3.16 Part B 5) of the Policy also requires any new development “*not result in the net loss of play provision, unless it can be demonstrated that there is no ongoing or future demand*”.

Sports and Recreation Facilities

- 2.3.17 Policy S5 is concerned with sports and recreation facilities. To ensure there is sufficient supply of good quality sports and recreation facilities, Part A of the Policy puts a responsibility on the boroughs to:

- 1) prepare Development Plans informed by a needs assessment for sports and recreation facilities. Needs should be assessed at the local and subregional level. Needs assessments should include an audit of existing facilities
- 2) secure sites for a range of sports and recreation facilities in Development Plans, as justified by the needs assessment
- 3) maintain, promote and enhance networks for walking, cycling and other activities including the Walk London Network shown on Figure 5.1

- 2.3.18 Part C of the Policy also restricts the loss of existing sports and recreational land (including playing fields) and facilities for sports and recreation unless:

- 1) an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough’s assessment of need for sports and recreation facilities should inform this assessment; or
- 2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- 3) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 2.3.19 Paragraph 5.5.6 also encourages the co-location of sports facilities, “*particularly within new and existing schools, colleges, commercial schemes and community centres*”.

Public toilets

- 2.3.20 Policy S6 addresses the issue of public toilets and puts the requirement on any large-scale developments that are open to the public, or large areas of public realm to provide and secure the future management of free public toilets. Boroughs should define ‘large-scale’ for their local circumstances. Where no local definition is given, ‘large-scale’ should be taken to mean developments that come under Category 1B, Part 1 of The Town and Country Planning (Mayor of London) Order 2008⁷:

1. Development (other than development which only comprises the provision of

⁷ [The Town and Country Planning \(Mayor of London\) Order 2008](#)

houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings—

(a) in the City of London and with a total floorspace of more than 100,000 square metres;

(b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres; or

(c) outside Central London and with a total floorspace of more than 15,000 square metres.

2.3.21 In the context of RBKC, the majority of the borough falls “outside Central London” area with exceptions of small areas of Knightsbridge and South Kensington Museum Quarter, and thus 15,000 sq m threshold will apply for the Policy to be triggered.

2.3.22 The Policy also provides guidance on the quality of the public toilets to be provided to create inclusive, safe environments for all London’s diverse communities.

Burial space

2.3.23 Policy S7 is concerned with the provision of burial spaces. Part A of the Policy requires the boroughs to *“ensure provision is made for the different burial needs and requirements of London’s communities, including for those groups for whom burial is the only option. This should be informed by a needs assessment of burial space, including an audit of existing provision and opportunities for the re-use of burial space. Cross-borough and/or sub-regional working is encouraged where appropriate to identify and address the requirements of these groups and to tackle burial space shortages within the sub-region”*.

2.3.24 Part B of the Policy also seeks to support development proposals for new burial provision. *“This may include provision in one borough to assist faith groups from another borough that are facing burial space shortages. Development proposals resulting in the loss of burial provision should only be supported if it can be demonstrated that there is no ongoing or future demand”*.

2.3.25 The Policy recognises the challenges associated with the provision of burial spaces in inner London boroughs and encourages councils to collaborate on a sub-regional level to address the needs of the population in a holistic approach and explore innovative approaches where the space is very limited. This, in turn, *“should inform a borough’s assessment of current cemetery demand and site allocations for cemeteries in their Development Plans”*.

2.3.26 Paragraph 5.7.3 also recognises that some additional capacity could be provided through re-use of graves and encourages boroughs to actively examine the potential that re-use offers them in accordance with Section 74 of the London Local Authorities Act 2007⁸ and Section 25 of the Burial Act 1857⁹.

⁸ [The London Local Authorities Act 2007](#)

PLAY AND INFORMAL RECREATION SPG (2012)

- 2.3.27 The SPG was developed to support previous versions of the London Plan but remain relevant for the implementation of the London Plan 2021. Where inconsistencies between parts of the SPG and the London Plan 2021 arise, the London Plan takes precedence as the most up to date document.
- 2.3.28 The Mayor’s Play and Informal Recreation SPG¹⁰ provides benchmarks for London to assist boroughs in setting standards for local provision and devising strategies for improvement of play and informal recreation facilities. The guidance sets out the benchmark standards that apply to auditing the current provision, assessing the needs of the existing population, and determining the play space requirements arising from new development.
- 2.3.29 The SPG sets out the benchmark standard of *“a minimum of 10 sq m of play space per child regardless of age as a basis for assessing future requirements arising from an increase in the child population of the area”*. However, this benchmark is recommended and not statutory. It is also noted that this *“benchmark should be set in the context of the overall open space requirement, and where open space provision is genuinely playable, the open space may count towards the place space provision”*.
- 2.3.30 The SPG states that *“all new developments with an estimated child occupancy of ten children or more should seek to make appropriate play provision to meet the needs arising from the development”*. In case if estimated child occupancy is fewer than 10 children, an appropriate financial contribution to play provision within the vicinity should be made instead.

SOCIAL INFRASTRUCTURE SPG (2015)

- 2.3.31 The SPG was developed to support previous versions of the London Plan but remain relevant for the implementation of the London Plan 2021. Where inconsistencies between parts of the SPG and the London Plan 2021 arise, the London Plan takes precedence as the most up to date document.
- 2.3.32 The Mayor’s Social Infrastructure SPG¹¹ provides guidance in gathering information for assessing the strategic and local infrastructure requirements of an area regarding various types of social infrastructure.

⁹ [The Burial Act 1857](#)

¹⁰ Mayor of London, [Play and Informal Recreation SPG](#), 2012

¹¹ Mayor of London, [Social Infrastructure SPG](#), 2015

2.4 LOCAL

EXISTING LOCAL PLAN POLICY

- 2.4.1 The existing Local Plan Strategic Objective for Keeping Life Local is set out below.

CO1 Strategic Objective for Keeping Life Local

Our strategic objective to keep life local is for strong effective neighbourhood centres and for social and community facilities to be widely available and for neighbourhood functions, including local shopping facilities, to be inclusive for all so that residential communities can flourish.

- 2.4.2 The Local Plan policies on protecting and enhancing social and community uses are set out in specific criteria of Policy CK1: Social and Community Uses, which is set out below:

Policy CK1 Social and Community Uses

The Council will ensure that social and community uses are protected or enhanced throughout the borough and will support the provision of new facilities.

To deliver this, the Council will:

- a. provide a new academy for the communities of North Kensington;
- b. permit new, and the expansion of existing, social and community uses which predominantly serve, or which provide significant benefits to, borough residents, except where the proposal results in a shared or communal residential/social and community entrance;
- c. apply the following sequential approach:
 - i. protect land and/or buildings where the current use is or the last use was a social or community use, for re-use for the same, similar or related use;
 - ii. permit the change of use of land and/ or buildings where the current or last use was a social or community use from one social and community use to another social and community use which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use;
 - iii. permit enabling development on land and of buildings where the current use is or the last use was a social and community use in order to: significantly improve that use; provide another social and community use on site; significantly improve or provide new social and community uses elsewhere within the borough and where it can be demonstrated that there is a greater benefit to the borough resulting from this enabling development.

SUMMARY

Date	Document	Organisation
Jul 2021	National Planning Policy Framework (NPPF)	MHCLG
Aug 2022	National Planning Practice Guidance (NPPG): Healthy and safe communities	MHCLG
Mar 2014	National Planning Practice Guidance (NPPG): Open space, sports and recreation facilities, public rights of way and local green space	MHCLG
Oct 2021	National Planning Practice Guidance (NPPG): Plan-making	MHCLG
Sep 2020	The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020	HM Government
Apr 2021	The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021	HM Government
Jul 2022	Modification of Article 4 Direction in relation to Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the entire area of the Royal Borough of Kensington and Chelsea	Secretary of State for DLUHC
Jul 2016	The Childcare Act	HM Government
Jul 2007	The London Local Authorities Act 2007	HM Government
Aug 1857	The Burial Act 1857	HM Government
Mar 2021	The London Plan	Mayor of London
Sep 2012	Play and Informal Recreation SPG	Mayor of London
May 2015	Social Infrastructure SPG	Mayor of London
Sep 2019	Local Plan	RBKC

3. EVIDENCE BASE

- 3.1.1 For the purposes of Policy SI1, social and community uses are grouped into seven broad categories: health and social care facilities, education and childcare facilities, play facilities, sports and recreation, cultural uses, uses supporting the emergency sectors and other “valued” uses.

LOCAL INFRASTRUCTURE DELIVERY PLAN

- 3.1.2 The RBKC Local Infrastructure Delivery Plan (IDP)¹² outlines the current provision and future needs for each of the uses outlined above based on the wide range of evidence documents available.

CONNECTIVE SOCIAL INFRASTRUCTURE

- 3.1.3 The GLA’s Connective Social Infrastructure¹³ report sets out the findings and learning from the Good Growth by Design inquiry, based on primary research in London’s neighbourhoods and wider evidence. From this, a set of actions and tactics have been distilled, which focus on what can be done to make social infrastructure more effective in supporting social integration.

MAKING LONDON CHILD-FRIENDLY

- 3.1.4 The London Plan highlights the importance for children to be independently mobile within their neighbourhoods and recognises that development proposals must create safe and accessible routes and increase opportunities for play and informal recreation.
- 3.1.5 The GLA’s Making London Child-Friendly¹⁴ report identified a number of challenges that young Londoners face in regards to moving around the city, as well as health and wellbeing. This report sets out how we can think differently about the built environment and its effect on how young people develop and behave. It provides a series of indicators, principles, examples of best practice and recommendations to help make London a more child-friendly city.

SPORTS FACILITIES

- 3.1.6 Sport England have undertaken Facilities Planning Model Assessment of Sports Halls Provision¹⁵ and Swimming Pools Provision¹⁶ for the Council. Both reports include a full supply, demand and access assessment. These two reports fed into an overarching Sport Facilities Assessment Report¹⁷.

¹² RBKC, Local Infrastructure Delivery Plan Update, October 2022.

¹³ GLA (2020), [Connective Social Infrastructure](#).

¹⁴ GLA (2020), [Making London Child-Friendly](#).

¹⁵ Sport England, Facilities Planning Model Assessment of Sports Halls Provision in Kensington and Chelsea, January 2022.

¹⁶ Sport England, Facilities Planning Model Assessment of Swimming Pools Provision in Kensington and Chelsea, January 2022.

¹⁷ RBKC, New Local Plan Review: Sports Facilities Assessment, October 2022.

- 3.1.7 In regard to sports halls, the study identifies that as of 2020, 77% of the total demand for sports halls in Kensington and Chelsea was met, yet with only 27% of this demand being met within the Borough. The Borough's unmet demand accounted for 23%, with main reason being lack of capacity of sports halls. This corresponds with the London-wide trend, with the demand for sports halls exceeding the supply mainly due to the lack of sports hall capacity. The findings indicate that there is a need to protect the existing facilities from loss and improve the provision where possible.
- 3.1.8 In regards to swimming pools, the study identifies that as of 2020, 97% of the total demand for swimming from Kensington and Chelsea residents is met, with 49% of this demand being met within the Borough. The Borough's unmet demand accounted only for 3% which was mainly due to the location outside of catchment area of a pool. In conclusion, given that almost half of the demand is met outside of the Borough, it is considered appropriate to protect the existing facilities from loss and improve the provision where possible to shift away from reliance on neighbouring boroughs to meet this demand.
- 3.1.9 The Council recognises that a further exercise will be necessary to establish any mismatch between the current supply and future demand for outdoor sports pitches. In 2022, the Council has committed to review and update the Sport and Physical Activity Strategy¹⁸. The strategy will be developed in consultation with the CSPAN¹⁹, with draft strategy to be in place for public consultation by mid-Winter 2023.

SUMMARY

Date	Document	Organisation
Oct 2022	Draft Local Infrastructure Delivery Plan Update	RBKC
2020	Connective Social Infrastructure	GLA
2020	Making London Child-Friendly	GLA
Oct 2022	New Local Plan Review: Sports Facilities Assessment	RBKC
Jan 2022	Facilities Planning Model Assessment of Sports Halls Provision in Kensington and Chelsea	Sport England
Jan 2022	Facilities Planning Model Assessment of Swimming Pools Provision in Kensington and Chelsea	Sport England

¹⁸ EBKC, Environment Select Committee Report, [Directorate Issues and Priorities Report of 23 June 2022](#) (Item A6).

¹⁹ The Kensington and Chelsea CSPAN is a collective of partners. They work together to lead, plan and deliver sport and physical activity opportunities in the local area.

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 (September 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

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 needs²¹; 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 alternative, 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.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

TYPES OF SOCIAL AND COMMUNITY USE

4.1.5 The options and alternatives considered for **the widening of definition of social and community uses** are:

Option	Status	Reason
2 Add a separate category of <i>cultural uses</i> (e.g. galleries, theatres, museums, rehearsal and dance space) into the definition.	Preferred option	Cultural uses deliver both economic and social benefits, serving local community as well as visitors of the borough. The loss of cultural venues, facilities or spaces can have a detrimental effect on an area, particularly when they serve a local community function.
3 Include <i>river-based recreational facilities</i> as part of <i>sport facilities</i> definition	Preferred option	In the current definition of social and community uses, while river-based facilities fall under the sports facilities category, it is not explicitly stated. This would clarify it.
4 Include <i>playing pitches</i> as part of <i>sport facilities</i> definition	Preferred option	In the current definition of social and community uses, while playing pitches fall under the sports facilities category, it is not explicitly stated. This would clarify it.
5 Add a separate category of <i>parks and open spaces</i> (e.g. parks, open spaces, garden squares, cemeteries) into the definition.	Reasonable alternative	Parks and open spaces will be protected regardless but this would explicitly recognise the role they play for the community.

THE PROTECTION OF SOCIAL AND COMMUNITY USES

4.1.6 The options and alternatives considered under Policy SI1 for **the protection of existing social and community uses** are:

Option	Status	Reason
2 Generally protect social and community uses, but allow their loss where we are satisfied that the loss brings forward another valued use. Such use might include RBKC community housing.	Preferred option	This approach will protect the social and community uses from unnecessary loss yet allow for flexibility and will ensure that otherwise excellent proposals can come forward.
3 Generally protect social and community uses, but allow their loss where we are satisfied that the loss will not result in a deficit in the provision of that use.	Reasonable alternative	The need for various social and community uses differs over time. Allowing the loss of a use no longer needed would free up that use for others. Yet, this may result in the loss of the stock of premises suitable for social and community uses.

THE NEED FOR NEW SOCIAL AND COMMUNITY USES

4.1.7 The options and alternatives considered under the Policy SI1 for **the provision of new social and community infrastructure** are:

Option	Status	Reason
1 Require developments to make a planning contribution towards creation of new social and community infrastructure based on the IDP and, where appropriate, a local needs assessment.	Preferred option	For larger strategic sites/ allocations the need for social and community uses should be identified within the appropriate site allocation. Planning contributions will be sought for smaller developments.

5. PUBLICATION POLICY

- 5.1.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy SI1: Social and Community Infrastructure is proposed as follows.

SI1: Social Infrastructure and Facilities

- A. The Council will ensure that social and community uses are protected or enhanced throughout the Borough and will support the provision of new facilities.

New social and community uses

- B. The Council will support the provision of new and the expansion of existing, social and community uses which predominantly serve, or which provide significant benefits to, borough residents, except where the proposal results in a shared or communal residential/social and community entrance.
- C. Where new facilities are provided, they should seek to make best use of land and co-locate a range of social and community uses where possible. The new provision should be well-designed, inclusive and easily accessible.

Existing social and community uses

- D. The following sequential approach must be followed for existing social and community use:
1. Protect land and/or buildings where the current use is or the last use was a social or community use, for re-use for the same, similar or related use.
 2. Permit the change of use of land and/ or buildings where the current or last use was a social or community use from one social and community use to another social and community use which predominantly serves, or which provides significant benefits to Borough residents and where it is demonstrated that there is a greater benefit to the Borough resulting from this change of use.
 3. Permit enabling development on land and of buildings where the current use is, or the last use was a social and community use in order to: significantly improve that use; provide another social and community use on site; significantly improve or provide new social and community uses elsewhere within the Borough and where it can be demonstrated that there is a greater benefit to the Borough resulting from this enabling development.

5.2 PROPOSALS MAP

5.2.1 No changes are required to be made to the Proposals Map.

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”²⁰.
- 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”²¹. Strategic matters are further defined in paragraph 24 - 27 of the NPPF²² and paragraph 009 - 017 of the PPG on maintaining effective cooperation²³.
- 6.1.3 Figure 1 shows 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 of common 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 ²⁴	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

²⁰ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

²¹ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

²² [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

²³ [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

²⁴ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

Strategic issue	Relevant prescribed bodies ²⁴	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 1: Duty to cooperate strategic issues, prescribed bodies and Council action.



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