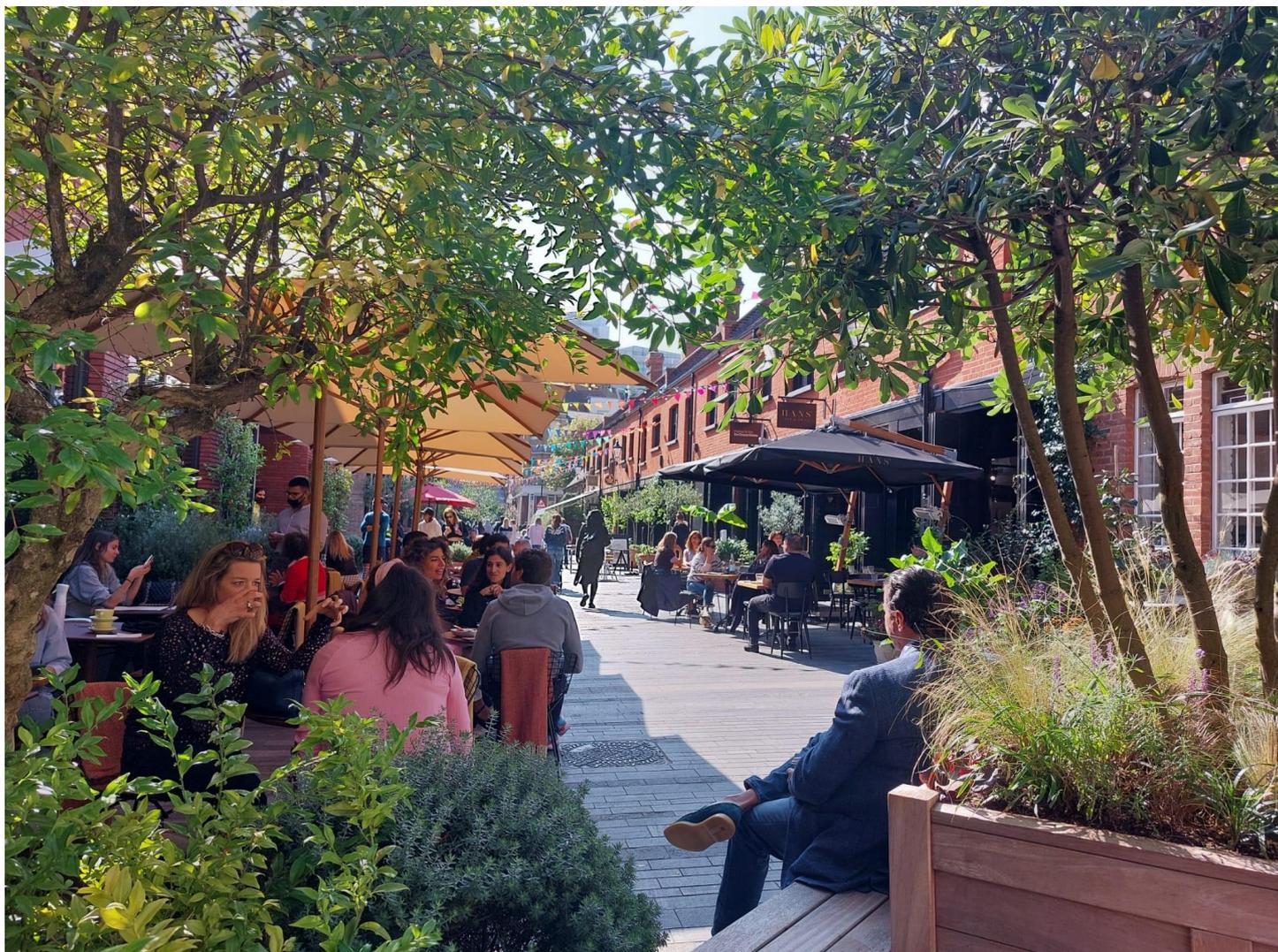


# New Local Plan Review Policy Formulation Report – October 2022



Policy T1: Street Network  
Policy T3: Living Streets and outdoor life  
Policy T4: Streetscape



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.

1.1.2 The purpose of this Policy Formulation Report (PFR) is to demonstrate how the following policies within Chapter 8 – Streets and Transport have been developed and evidenced to a level of detail which cannot be included in the NLPR document itself:

- **T1: Street Network**
- **T3: Living Streets and outdoor life**
- **T4: Streetscape**

## 1.2 Existing Local Plan

1.2.1 These topics of the NLPR relate primarily to the following policies within the Local Plan:

CO2: Strategic objective for An Engaging Public Realm

Policy CR1: Street Network

Policy CR3: Street and Outdoor Life

Policy CR4: Streetscape

## 1.3 Key issues and policy drivers

1.3.1 The Council has long been proud of the quality of the borough's streets in terms in terms of their visual appeal and good maintenance. The importance of streets in facilitating safe efficient movement whether by car, bicycle or on foot is reflected in our Local Plan policies. In this NLPR we aim to give greater emphasis to the function of streets as spaces to spend time in. In recent years the Mayor of London has published the "Mayor's Transport Strategy" (2018) and the London Plan 2021. These policy documents introduced the "healthy streets" approach which aim for streets to be living spaces positively contributing to public health.

## 2. Legislation, policy and guidance context

### 2.1 Introduction

- 2.1.1 The existing Local Plan Policies CR1, CR3 and CR4 were adopted in 2010 as part of the then Core Strategy for the borough. These policies were saved through subsequent Local Plan reviews. In national and regional policy there is a growing emphasis on the value of streets as places.

### 2.2 National

#### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.2.1 A central strand of the NPPF is to achieve sustainable development.
- 2.2.2 Paragraph 92 states *“planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.”*
- 2.2.3 Chapter 9 on promoting sustainable travel recognises the importance of good street design for transport and movement. Paragraph 104 (e) affirms *“patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*
- 2.2.4 Under Paragraph 110 (c), the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide.
- 2.2.5 Paragraph 112 (c) sets out that development proposal should *“create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards”.*

### 2.3 Regional

#### THE LONDON PLAN (MARCH 2021)

- 2.3.1 Policy T2 sets out the requirement for achieving Healthy Streets. Paragraph 10.2.1 explains that *“streets account for 80 per cent of London’s public spaces. High quality streets are fundamental to the character and efficient functioning of the city, and play a fundamental role in moving people around safely, improving public realm and providing spaces for people to come together. Successful*

*streets are inclusive and provide for the various requirements of their users.*

## MAYOR'S TRANSPORT STRATEGY 2018

2.3.2 The Mayor's transport strategy sets out Mayor's policies and proposals to reshapes London's transport in the period to 2038.

2.3.3 Four of the nine intended MTS outcomes relate to streets

- 1: London's streets will be healthy and more Londoners will travel actively
- 2: London's streets will be safe and secure
- 3: London's streets will be used more efficiently and have less traffic on them
- 4: London's streets will be clean and green

## 2.4 Local

### EXISTING LOCAL PLAN POLICY (2019)

2.4.1 The existing Local Plan policies specifically relating to streets are Policies CR1, CR2, CR3 and CR4. These are set out in a chapter on *An Engaging Public Realm, a sense of place, attractive streets, and outdoor spaces*. The objective of achieving an engaging public realm is an integral part of the Local Plan's central vision. It is regarded as critical by residents to their quality of life, and also underpins the national and international reputation of Kensington and Chelsea.

### LOCAL IMPLEMENTATION PLAN (2019)

2.4.2 This document identifies how the Council will work towards the MTS outcomes.

#### **Policy CR1: Street Network**

The Council will require a well connected, inclusive and legible network of streets to be maintained and enhanced. To deliver this the Council will:

- a. require, in areas of regeneration and large scale redevelopment, the new street network to be inspired by the borough's historic street patterns to ensure optimal connectivity and accessibility;
- b. require new street networks to be established with a clear function, hierarchy and choice of routes, designed to optimise connectivity, accessibility and legibility, and to reflect the historic and finely grained block structure of the borough;
- c. require new links and the removal of barriers that disconnect access for pedestrians, cyclists and people with limited mobility;
- d. require new streets to be built to adoptable standards;

e. resist the gating of existing streets and the development of new gated communities;

f. require new streets to be designed to be attractive, safe, minimise opportunities for crime, and be inclusive to all.

### **Policy CR2: Three-dimensional Street Form**

The Council will require that where new streets are proposed, or where development would make significant change to the form of existing streets, the resultant street form and character must draw from the traditional qualities and form of the existing high quality streets. To deliver this the Council will:

a. require appropriate street widths to be established with regard to the legibility of the street function and hierarchy;

b. require the ratio of building height to street width to give a coherent and comfortable scale to the street;

c. require building lines and building scales to be consistent and related to context;

d. require a frequency and rhythm of building entrances and windows that support active street frontages and optimises community safety;

e. require a clear distinction to be maintained between public, private and communal space through the retention and provision of characteristic boundary treatments.

### **Policy CR3: Street and Outdoor Life**

The Council will require opportunities to be taken within the street environment to create 'places' that support outdoor life, inclusive to all, adding to their attractiveness and vitality. To deliver this the Council will:

#### **Markets:**

a. require proposals for new, and extensions to existing, markets on public highways:

- i. where a highway is to be closed for the duration of the market, that it is demonstrated there are sufficient alternative vehicular routes and that vehicle access outside market hours is maintained;
- ii. to maintain amenity;
- iii. to submit waste management plans as part of a planning application.

b. require new isolated street trading pitches to contribute to the character and appearance of the street, have no adverse impact on existing shops and residential amenity and to allow for the safe and secure passage of pedestrians;

**Pavements:**

c. maintain the free, safe and secure passage of pedestrians;

d. require proposals for tables and chairs on the highway to maintain the primary function as public footway allowing for the free, safe and secure passage of pedestrians;

**Temporary Use of Open Spaces:**

e. require that the occasional use of parks, gardens and open spaces for special events will be wellmanaged, and that in the duration, frequency and scale of the event has no adverse impact upon:

- i. local residential amenity;
- ii. the setting of historic listed buildings;
- iii. the setting of registered Parks and Gardens;
- iv. the character and appearance of conservation areas;
- v. the predominant use as open space, taking the cumulative impact into account;
- vi. the road network.

f. require an Events Management Plan and a Management Strategy for repeated use of an open space to be submitted as part of a planning application.

**Policy CR4 Streetscape**

The Council will require improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard, that street clutter is removed and that street furniture, advertisements and signs are carefully controlled to avoid clutter to support the Council's aim of driving up the quality of the borough's streetscape.

To deliver this the Council will:

a. require all work to, or affecting, the public highway, to be carried out in accordance with the Council's Streetscape Guidance;

b. require all redundant or non-essential street furniture to be removed;

c. retain, and seek the maintenance and repair of, historic street furniture such as post boxes and historic telephone kiosks, where this does not adversely impact on the safe functioning of the street;

d. require that where there is an exceptional need for new street furniture that it is of high quality design and construction, and placed with great care, so as to relate well to the character and function of the street;

e. resist adverts that by reason of size, siting, design, materials or method of illumination, including on street furniture, harm amenity or public or road safety;

f. resist freestanding structures such as telephone kiosks where the function for the display of adverts over-dominates the primary purpose for the structure,

whether sited on streets, forecourts or roadsides;

g. resist pavement crossovers and forecourt parking;

h. require all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm. Where such provision is not appropriate, the Council may seek planning contributions for the provision of public art. New public art proposals should be developed in consultation with the Public Art Panel.

an area.

## 2.5 Summary

Date	Document	Organisation
June 2019 (as amended)	<a href="#">National Planning Policy Framework</a> Paragraph Chapter 9	DLUHC
January 2021	<a href="#">National Design Guide</a> as amended	DLUHC
March 2018	<a href="#">Mayor's Transport Strategy</a>	Mayor of London
Mar 2021	<a href="#">The London Plan</a> Policy T2	Mayor of London

### 3. Evidence base

3.1 Our proposed policies on Street Network (CR1) and Streetscape (CR4) were informed by the following documents:

- [National Design Guide \(2021\)](#)
- [Manual for Streets \(2007\)](#)
- [Manual for Streets 2 \(2010\)](#)

3.2 Our proposed policy on Living Streets and Outdoor life was informed by the following documents:

- Kensington and Chelsea Council [Key Decision 05967](#) (2022) on “a policy to support al fresco dining on streets and public spaces. This document was subject to public consultation and was in turn informed by the findings of a [Citizens’ Panel survey on making the borough greener](#) and a [public survey of attitudes to the borough’s high streets](#).”

## 4. Options, consultation and Integrated Impact Assessment (IIA)

4.1 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.

4.2 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 4.1** : RBKC NLPR Consultation Timeline.

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

4.4 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** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, 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

## 5. Publication Policy

5.1 Following consideration of the options presented above, consultation and reasonable alternatives, the Council has finalised the following policies:

### **T1: Street Network**

#### **New Streets**

- A. In areas of large scale redevelopment, the Council will require new street networks to be inspired by the Borough's historic street patterns to ensure optimal connectivity and accessibility.
- B. New street networks must be established with a clear function, hierarchy and choice of routes, designed to optimise connectivity, accessibility and legibility, and to reflect the historic and finely grained block structure of the Borough.
- C. New streets to be designed to give priority to pedestrian and cyclist movement, be attractive, safe, provide planting, minimise opportunities for crime, and be inclusive to all, in line with the Healthy Streets approach
- D. New streets to be built to adoptable standards.
- E. Development that provides new links and removes barriers that disconnect access for pedestrians, cyclists and people with limited mobility is encouraged. The development of new gated communities and development that restricts access for pedestrians, cyclists and people with limited mobility to existing streets will be resisted.

#### **Existing Streets**

- F. Development that changes the existing street network including the addition or modification of accesses, street layouts and road crossings must serve to (i) improve street safety in line with the Vision Zero approach, (ii) provide for ease of movement for all pedestrian groups (iii) contribute positively to the Healthy Streets score.

### **T3: Living streets and outdoor life**

- A. Require opportunities to be taken within the street environment to create places that support outdoor life, inclusive to all, adding to their attractiveness and vitality.

## **AI fresco hospitality**

B. Support proposals for outdoor hospitality uses that:

1. contribute positively to the streetscape by improving the visual and functional qualities of our streets,
2. maintain the safe, secure passage of pedestrians including those with mobility needs and
3. are proportionate in scale to their context.

## **Markets**

C. Support proposals for markets (including changes to existing markets) on the public highway that demonstrate that:

1. sufficient local access would be maintained; and
2. satisfactory waste management and traffic management measures would be put in place.

D. New isolated street trading pitches must contribute to the character and appearance of the street, have no adverse impact on existing shops and residential amenity and allow for the safe and secure passage of pedestrians.

## **Events**

E. Require that the occasional or temporary use of parks, gardens and open spaces for special events be well managed, and that in the duration, frequency and scale they have no adverse impact upon:

1. local residential amenity;
2. the setting of historic listed buildings;
3. the setting of registered parks and gardens;
4. the character and appearance of conservation areas;
5. the predominant use as open space, taking the cumulative impact into account;
6. the road network;
7. biodiversity, wildlife habitats and the quality of the natural environment.

F. Require the submission of an Events Management Plan and a Management Strategy as part of a planning application for repeated use of an open space

#### **T4: Streetscape**

A. Require improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard, that street clutter is removed and that street furniture, advertisements and signs are carefully controlled to avoid clutter to support the Council's aim of driving up the quality of the Borough's streetscape.

B. All work to, or affecting, the public highway must be carried out in accordance with the Council's Streetscape Guide.

1. Remove redundant street furniture.
2. Retain, and seek the maintenance and repair of, historic street furniture such as post boxes and red Gilbert Scott telephone boxes, where this does not adversely impact on the safe functioning of the street.
3. Where there is an exceptional need for new street furniture, it must be of high-quality design and construction, and placed with great care, so as to relate well to the character and function of the street.
4. Resist adverts, including on street furniture, that by reason of size, siting, design, materials or method of illumination harm amenity or public or road safety.
5. Resist freestanding structures such as telephone kiosks where the function for the display of adverts dominates the primary purpose for the structure, whether sited on streets, forecourts or roadsides.
6. Resist pavement crossovers and forecourt parking.
7. Resist the construction of high garden walls and fences along street boundaries.

#### **Public Art**

C. All major development must contribute to delivering new arts and culture in line with the Council's Culture Plan that is of high quality. This may either be on-site or where such on-site provision is not appropriate, through planning contributions towards delivering the Council's Culture Plan.

## 6 Duty to cooperate and strategic issues

- 6.1 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”<sup>1</sup>.
- 6.2 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”<sup>2</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>3</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>4</sup>.
- 6.3 Figure 5.1 shows the actions the actions the Council has taken with regard to the duty and the relevant prescribed bodies.
- 6.4 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.
- 6.5 The provision of hotels is not concerned to be a cross boundary matter, and as such has not been a focus of discussions with our neighbours.

Prescribed bodies / LPAs <sup>5</sup>	Action(s)	Date(s)
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 Nov 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	July to Oct 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb to Mar 2022

*Figure 5.1: Duty to cooperate strategic issues, prescribed bodies and Council actions*

<sup>1</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>2</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>3</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>4</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

<sup>5</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012