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1. Introduction to the Partial Review

1.1 Existing Local Plan

1.1.1 The Council’s Unitary Development Plan (UDP), which set out comprehensive policies for determining planning applications in the Borough, was adopted in May 2002. Most of the policies in the UDP were subsequently replaced by the Core Strategy, which was adopted by the Council in December 2010.

1.1.2 The Core Strategy policies and some of the remaining ‘extant’ UDP policies have since been the subject of a number of topic-based reviews, namely: Pubs and Local Character (adopted October 2013), Miscellaneous Matters (December 2014), Conservation and Design (December 2014) and Basements (January 2015). The changes have been consolidated into a single document and renamed the ‘Consolidated Local Plan’ (July 2015). The remaining UDP policies are also available in a separate document ‘Extant UDP Policies’. Both documents are available from www.rbkc.gov.uk/planningpolicy.

Figure 1.1: The existing Consolidated Local Plan (July 2015) and Extant Policies of the Unitary Development Plan (May 2002) available from www.rbkc.gov.uk/planningpolicy

1.1.3 The existing Local Plan and Extant UDP are introduced in each topic section of this document and are set out in full in Appendix A\(^1\).

\(^1\) Only those which are proposed to be reviewed as part of this Partial Review
1.2 Topics and subject matter

1.2.1 Where policies have not been subject to the recent Core Strategy Reviews (see section 1.1, above), the Council proposes that those are reviewed as part of this Local Plan Partial Review.

1.2.2 Appendix A provides a comprehensive table of the original Core Strategy and Extant UDP policies and identifies whether they have already been subject to the recent Reviews or not. The table then considers whether the resultant existing Local Plan or Extant UDP policies are proposed to be reviewed as part of this Partial Review.

1.2.3 In summary, the topics proposed to be reviewed by the Council as part of the Local Plan Partial Review are:

<table>
<thead>
<tr>
<th>Section of this document</th>
<th>Local Plan Partial Review topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Vision and strategic objectives</td>
</tr>
<tr>
<td>3</td>
<td>Places</td>
</tr>
<tr>
<td>4</td>
<td>Site allocations</td>
</tr>
<tr>
<td>5</td>
<td>Infrastructure and planning contributions</td>
</tr>
<tr>
<td>6</td>
<td>Shops and centres</td>
</tr>
<tr>
<td>7</td>
<td>Business uses and hotels</td>
</tr>
<tr>
<td>8</td>
<td>Arts and cultural uses</td>
</tr>
<tr>
<td>9</td>
<td>Rail infrastructure</td>
</tr>
<tr>
<td>10</td>
<td>Housing</td>
</tr>
<tr>
<td>11</td>
<td>Gypsy and Traveller accommodation</td>
</tr>
<tr>
<td>12</td>
<td>Access and space housing standards</td>
</tr>
<tr>
<td>13</td>
<td>Climate change: energy and water housing standards</td>
</tr>
<tr>
<td>14</td>
<td>Flooding and drainage</td>
</tr>
<tr>
<td>15</td>
<td>Waste</td>
</tr>
</tbody>
</table>

Figure 1.2: Local Plan Partial Review topics and relevant sections of this document

Question 1
Are there any topics or policies in the Local Plan, other than those identified in Figure 1.2 or Appendix A, which should be reviewed as part of the Local Plan Partial Review? If so, please explain and provide reasoning.
1.3 **Call for Sites**

**Introduction**

1.3.1 In particular, as part of this Partial Review consultation, the Council is undertaking a ‘Call for Sites’ to allow respondents to put forward sites for new development which may have the potential to contribute towards the Borough’s future needs for different land uses up to the end of the Local Plan ‘plan period’ (2028).

**What land uses are being considered?**

1.3.2 Potential site allocations (section 4) are encouraged for different land uses. The issues related to each different land use are considered in the relevant topic sections of this document:

- Retail (section 6);
- Business uses (section 7);
- Housing (section 10);
- Gypsy and Traveller accommodation (section 11);
- Waste management (section 15); and
- Any other land uses.

**How do I put forward a site?**

1.3.3 A general response form for the ‘Call for Sites’ for all of the different land uses is provided as part of Appendix C. Please provide as much information as possible to ensure the Council can make a detailed assessment of the sites’ potential.

**Who can put forward a site?**

1.3.4 The Council welcomes suggested site allocations from residents, associations, landowners, developers, businesses or any other relevant stakeholders.

1.3.5 Clearly, the likely deliverability of a site is influenced by a number of factors, including land ownership, and so it is recommended that those putting forward sites provide any known information on land ownership and, ideally, consult with landowners.

**What happens next?**

1.3.6 The Council will consider all sites put forward through the ‘Call for Sites’ for inclusion in the next ‘Draft Policies’ stage of the Local Plan Partial Review. Whilst there will also be opportunities to submit sites and make comments during the subsequent public consultation stages of the Local Plan Partial Review (see section 1.4), the sooner that potential sites are submitted and made known to the Council the better in enabling their proper consideration.

1.3.7 Not all sites put forward by respondents will necessarily be carried forward in light of the appropriateness of the type and scale of development and the likely deliverability. The submission of a site provides no guarantee that it will be allocated in the new Local Plan, or allocated for the suggested use.
1.4 Timescales

1.4.1 The Partial Review must undergo several stages of public consultation prior to being submitted to an independent examiner for a public ‘examination’.

1.4.2 Upon successful examination the Partial Review will be adopted by the Council, at which point the new policies become part of the ‘Development Plan’ upon which determinations on planning applications must be made in accordance with.

1.4.3 The proposed timescales are set out in Figure 1.3. This ‘Issues and Options’ consultation is the first stage in developing the Partial Review policies.

![Timescales for the Local Plan Partial Review](image)

1.4.4 The timetable is subject to change and may be influenced by external factors, such as the Government’s further proposed reforms to the planning system as part of the Housing and Planning Bill\(^3\), the Local Plans Expert Panel recommendations\(^4\) and the consultation on proposed changes to national planning policy\(^5\).

---


\(^3\) [http://services.parliament.uk/bills/2015-16/housingandplanning.html](http://services.parliament.uk/bills/2015-16/housingandplanning.html)


1.4.5 The Council has an existing Local Development Scheme (LDS)\(^6\) which sets out a 'project plan' and timescales for a range of planning policy documents. The existing LDS was approved by the Council in April 2014 and superseded earlier versions dating from November 2012 and March 2010.

1.4.6 Most of the documents identified in the existing LDS have been adopted or are well-progressed (with some exceptions), so it is considered to be largely out-of-date and in need of revision. The existing LDS covers the following documents:

<table>
<thead>
<tr>
<th>Documents listed in existing LDS (2014)</th>
<th>Latest status</th>
<th>Date</th>
<th>Part of Local Plan Partial Review?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Review</td>
<td>Consulted on Draft Policies(^7) (not progressed)</td>
<td>Jul-Sep 2013</td>
<td>✓ Yes section 10 (Housing)</td>
</tr>
<tr>
<td>Enterprise Review</td>
<td>Consulted on Issues and Options(^8)</td>
<td>Nov-Dec 2014</td>
<td>✓ Yes section 7 (Business uses and hotels)</td>
</tr>
<tr>
<td>Basements Review</td>
<td>✓ Adopted(^9)</td>
<td>Jan 2015</td>
<td>✗ No</td>
</tr>
<tr>
<td>Conservation and Design Review</td>
<td>✓ Adopted(^10)</td>
<td>Dec 2014</td>
<td>✗ No</td>
</tr>
<tr>
<td>NPPF Alignment Review “Miscellaneous Matters”</td>
<td>✓ Adopted(^11)</td>
<td>Dec 2014</td>
<td>✗ No</td>
</tr>
<tr>
<td>CIL Charging Schedule</td>
<td>✓ Took effect(^12)</td>
<td>Apr 2015</td>
<td>✗ No but see section 5 (Planning contributions and infrastructure)</td>
</tr>
<tr>
<td>Authority's Monitoring Report (AMR)</td>
<td>✓ Published 2014 and 2015(^13)</td>
<td>Apr 2015 Dec 2015</td>
<td>✗ No</td>
</tr>
<tr>
<td>Basements SPD</td>
<td>✓ Consulted on drafts(^14)</td>
<td>Feb-Apr 2015 Jun-Aug 2015 Nov-Dec 2015</td>
<td>✗ No</td>
</tr>
<tr>
<td>Trellick-Edenham Planning Brief SPD</td>
<td>✓ Adopted(^15)</td>
<td>Mar 2015</td>
<td>✗ No but see section 3 (Places) and 4 (Site allocations)</td>
</tr>
<tr>
<td>Notting Hill Gate SPD</td>
<td>✓ Adopted(^16)</td>
<td>Jun 2015</td>
<td>✗ No but see section 3 (Places)</td>
</tr>
<tr>
<td>Kensal SPD</td>
<td>Consulted(^17) on Issues and Options</td>
<td>Jun-Jul 2012</td>
<td>✗ No but see section 3 (Places) and 4 (Site allocations)</td>
</tr>
</tbody>
</table>

\(^6\) www.rbkc.gov.uk/planningpolicy
\(^7\) https://planningconsult.rbkc.gov.uk/consult.ti/HousingD/consultationHome
\(^8\) https://planningconsult.rbkc.gov.uk/consult.ti/EnterpriseIO/consultationHome
\(^9\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/basements-review-archive
\(^12\) www.rbkc.gov.uk/cil
\(^13\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report
\(^16\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/emerging-site-specific/notting-hill-gate
\(^17\) https://planningconsult.rbkc.gov.uk/consult.ti/KensalIssuesandOptions/consultationHome

Figure 1.4: The Council’s existing LDS (April 2014)
1.4.7 The Council has a legal requirement to prepare and maintain an LDS and make it public on its website\textsuperscript{18}. The Council can revise its LDS as such time as it considers appropriate\textsuperscript{19}.

1.4.8 Importantly, preparation of a Local Plan (or revision) must be “in accordance with” an LDS\textsuperscript{20} and having an up-to-date LDS is important to ensure that “local communities and interested parties can keep track of progress” of Local Plans\textsuperscript{21}.

1.4.9 In 2016 the Council intends to update the existing 2014 LDS to reflect the proposed topics and timescales of Partial Review. There is no requirement to consult on an LDS or to submit it to the Mayor of London or Secretary of State. Instead, a decision to bring a revised LDS into effect will be made by a Cabinet Member Key Decision and be subject to the normal Key Decision scrutiny process.

\textsuperscript{18} Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and NPPG on Local Plans paragraphs 003-009
\textsuperscript{19} Or when directed to do so by the Mayor of London or Secretary of State. Section 15(8) of the Planning and Compulsory Purchase Act 2004 (as amended)
\textsuperscript{20} Section 19(1)
\textsuperscript{21} NPPG on Local Plans paragraph 009
1.5 How to read this document

1.5.1 Most of the sections of this document follow the format as set out in Figure 1.5. The focus should be on the issues and options sections which raise issues, options and questions for which the Council welcomes your views.

<table>
<thead>
<tr>
<th>x.1 Introduction</th>
<th>This section introduces the topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.1.1 .............</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>x.2 Existing Local Plan policy/ies</th>
<th>This section sets out the existing Local Plan and Unitary Development Plan (UDP) policies which the Council currently uses to determine planning applications relevant to the topic. These policies are proposed to be reviewed as part of the Local Plan Partial Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.2.1 .............</td>
<td></td>
</tr>
<tr>
<td>x.2.2 .............</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>x.3 Legislation, policy and guidance context</th>
<th>This section covers national legislation, policy and guidance from the Government and other regional policy and guidance relevant to the topic that the Council should have regard to in reviewing its policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.3.1 .............</td>
<td></td>
</tr>
<tr>
<td>x.3.2 .............</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>x.4 Evidence base</th>
<th>This section covers any supporting evidence and data relevant to the topic which will inform the emerging revised policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.4.1 .............</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>x.5 Issues and options</th>
<th>This section covers the ‘Issues and options’ arising for the topic which the Council welcomes your views on to help inform the emerging revised policies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue 1</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Option 1</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Option 2</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Question 1</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Figure 1.5: General format of the sections of this document*
1.6 How to respond to this consultation and the ‘Call for Sites’

1.6.1 A general Consultation Response Form, including for the ‘Call for Sites’ (see section 1.3 above) is provided as Appendix C.

![Appendix C: Consultation Response Form (including Call for Sites)](image)

Figure 1.6: Extract from Appendix C: Consultation Response Form

1.6.2 This consultation is open for 8 weeks from Tuesday 15 December 2015 to 11:59pm on Tuesday 9 February 2016.

1.6.3 The Council prefers to receive your consultation responses on-line, however, you may also respond by email or post using the details below.

<table>
<thead>
<tr>
<th>On-line (preferred)</th>
<th><strong><a href="https://planningconsult.rbkc.gov.uk">https://planningconsult.rbkc.gov.uk</a></strong> or via <strong><a href="http://www.rbkc.gov.uk/planningpolicy">www.rbkc.gov.uk/planningpolicy</a></strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Email</td>
<td><strong><a href="mailto:planningpolicy@rbkc.gov.uk">planningpolicy@rbkc.gov.uk</a></strong></td>
</tr>
</tbody>
</table>
| Post                | Planning Policy Team  
Royal Borough of Kensington and Chelsea  
Kensington Town Hall  
Hornton Street  
London W8 7NX |
1.6.4 The Council will consider all representations in advance of publishing the next 'Draft Policies' stage of the Local Plan Partial Review (see section 1.4), which will allow further opportunity for comment.

1.6.5 In addition to the Council’s website (www.rbkc.gov.uk/planningpolicy), in accordance with Regulation 35, this consultation document is also available for inspection at the following offices and libraries:

- Customer Service Centre, Kensington Town Hall: Hornton Street, London, W8 7NX (Mon-Fri 09.30am – 5.40pm);
- Kensington Central Library: Phillimore Walk, London, W8 7RX (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Chelsea Library: Chelsea Old Town Hall Kings Road, London, SW3 5EZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- North Kensington Library: 108 Ladbroke Grove, London, W11 1PZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Brompton Library: 210 Old Brompton Road, London, SW5 0BS (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Notting Hill Gate Library: Pembroke Square, London, W2 4EW (Mon: 1pm - 8pm; Tues: 1pm - 7pm; Wed: CLOSED; Thurs: 9.30am - 1pm; Fri: 9.30am - 1pm and 2pm - 5pm; Sat: 9.30am - 1pm and 2pm - 5pm);
- Kensal Library: 20 Golborne Road, London, W10 5PF (Monday: 1pm - 6pm; Tuesday: 1pm - 6pm; Wednesday: Closed; Thursday: 1pm - 6pm; Friday: 9.30am - 5pm; Saturday: 9.30am - 1pm, 2pm - 5pm).

---

22 Please check opening hours (especially over the Christmas and New Year period) via the Council’s website www.rbkc.gov.uk/libraries/your-library/using-library-0
1.7 Legislation, policy and guidance context

Reviewing Local Plans

Planning and Compulsory Purchase Act 2004 (as amended)

1.7.1 Section 17 of the Planning and Compulsory Purchase Act 2004 (as amended)\textsuperscript{24} requires the Council to keep under review its Local Plan documents having regard to the “physical, economic, social and environmental characteristics” of its area. Section 26(1) of the Act allows the Council to prepare a revision to a Local Plan document “at any time”.

National Planning Policy Framework (NPPF)

1.7.2 Paragraph 153 of the National Planning Policy Framework (NPPF) states that a Local Plan “can be reviewed in whole or in part to respond flexibly to changing circumstances”.

National Planning Practice Guidance (NPPG): Local Plans

1.7.3 Paragraph 001 of the National Planning Practice Guidance (NPPG) on Local Plans states that “National planning policy places Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date”. Paragraph 008 goes on to state, “To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances... Most Local Plans are likely to require updating in whole or in part at least every five years”.

Government reforms

1.7.4 On 21 July 2015, the Minister of State for Housing and Planning, Brandon Lewis MP, issued a Written Ministerial Statement on ‘Local Plans’ which states “we will publish league tables setting out local authorities’ progress on their Local Plans. In cases where no Local Plan has been produced by early 2017... we will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the production of a Local Plan”. “Local Plans... should meet local needs by being produced in good time and being kept up to date”.

1.7.5 On 12 October 2015, the Prime Minister states that “Councils have a key role to play in... drawing up their own local plans for new homes by 2017. But if they fail to act, we'll work with local people to produce a plan for them”.

1.7.6 Powers relating to intervention in Local Plans by the Government and the Mayor of London are being proposed through the emerging Housing and Planning Bill. Whilst the precise details and implications are still emerging, it is clearly expedient for the Council to ensure it is fully up-to-date as proposed in this Local Plan Partial Review.

\textsuperscript{24} \texttt{www_legislation.gov.uk/ukpga/2004/5/contents}
Consultation on Local Plans

1.7.7 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires the Council to notify residents and specific and general consultees of the subject of a Local Plan which the Council proposes to prepare and invite them to make representations about what a Local Plan with that subject ought to contain. In preparing the Local Plan, the Council must take into account any such representations made.

1.7.8 As set out in Figure 1.3, this Issues and Options consultation is a ‘Pre-Regulation 18’ consultation. Although this is a ‘Pre-Regulation 18’ consultation, and is thus not strictly required to follow Regulation 18, the Council intends to fulfil the general requirements of the Regulation anyway. The subsequent stage of consultation, for ‘Draft Policies’, will be undertaken formally in accordance with Regulation 18.

Summary

1.7.9 Figure 1.7 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2004</td>
<td>Planning and Compulsory Purchase Act 2004 25</td>
<td>HM Government</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF) 27</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2014</td>
<td>National Planning Practice Guidance (NPPG): Local Plans 28</td>
<td>DCLG</td>
</tr>
<tr>
<td>Jul 2015</td>
<td>Written Ministerial Statement: Local Plans 29</td>
<td>DCLG</td>
</tr>
<tr>
<td>Oct 2015</td>
<td>Prime Minister: Councils must deliver local plans for new homes by 2017 30</td>
<td>10 Downing Street</td>
</tr>
<tr>
<td>Oct 2015</td>
<td>Housing and Planning Bill 31</td>
<td>HM Government</td>
</tr>
</tbody>
</table>

Figure 1.7: Summary of legislation, policy and guidance

26 www.legislation.gov.uk/uksi/2012/767/contents/made
27 http://planningguidance.communities.gov.uk/blog/policy/
28 http://planningguidance.communities.gov.uk/blog/guidance/local-plans/
29 www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-07-21/HLWS163/
31 http://services.parliament.uk/bills/2015-16/housingandplanning.html
## 1.8 Evidence base

### 1.8.1 New evidence base documents which have been commissioned to inform this Local Plan Partial Review Issues and Options consultation are set out in Figure 1.8. Evidence base documents are also referenced throughout the relevant topic sections of this consultation document.

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Section(s)</th>
<th>Document Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Pole Depot and Kensal Gasworks Valuation Study</td>
<td>DTZ</td>
<td>Section 3, Section 4, Section 9</td>
<td><a href="#">North Pole Depot and Kensal Gasworks Valuation Study</a></td>
</tr>
<tr>
<td>Development Uplift and Infrastructure Study for Kensal Opportunity Area</td>
<td>Cushman &amp; Wakefield</td>
<td>Section 3, Section 4, Section 9</td>
<td><a href="#">Development Uplift and Infrastructure Study for Kensal Opportunity Area</a></td>
</tr>
<tr>
<td>Shops and Centres Background Paper</td>
<td>RBKC</td>
<td>Section 6, Section 10</td>
<td><a href="#">Shops and Centres Background Paper</a></td>
</tr>
<tr>
<td>Affordable Housing Target: Viability Study</td>
<td>BNP Paribas</td>
<td>Section 10</td>
<td><a href="#">Affordable Housing Target: Viability Study</a></td>
</tr>
<tr>
<td>Establishing an approach to affordable housing payments in lieu</td>
<td>BNP Paribas</td>
<td>Section 10</td>
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<td>RBKC, LBHF</td>
<td>Section 11</td>
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<td>RBKC, LBHF, LB Wandsworth, LB Lambeth, OPDC</td>
<td>Section 15</td>
<td><a href="#">WRWA WPAs Waste Apportionments Engagement Statement</a></td>
</tr>
</tbody>
</table>

![Figure 1.8: Evidence base documents for the Issues and Options consultation](#)
2. Vision and strategic objectives

2.1 Introduction

2.1.1 The Local Plan must be seen in its wider context in terms of its relationship with Greater London and its neighbouring Boroughs, but also its relationship with wider Council visions and strategies.

2.1.2 The issues which the Council considers the Local Plan Partial Review needs to address are set out in the following sections:

- Issue 1: Vision and strategic objectives
- Issue 2: The duty to cooperate and neighbourhood planning
- Issue 3: Quanta of development
- Issue 4: Planning enforcement

2.1.3 The existing Local Plan has a broad vision and supporting objectives and the Council needs to consider whether these remain appropriate or not.

2.1.4 The Council also needs to consider whether the existing Local Plan’s definition of what is ‘strategic’ is fit for purpose for the ‘duty to cooperate’ and neighbourhood planning, which are new provisions since the Core Strategy was adopted in 2010.

2.1.5 In terms of how the vision and objectives can be properly delivered, this section also considers how the Council should set out its ‘Enforcement Plan’.
2.2 Existing Local Plan policy

2.2.1 This section of the Local Plan Partial Review relates primarily to the following chapters and policies of the existing Local Plan:

- Chapter 1: Setting the Scene
- Chapter 2: Issues and Patterns: Our Spatial Portrait
- Chapter 3: Building on Success: Our Vision and Strategic Objectives
  Policy CV1: Vision for the Royal Borough: Building on Success
- Chapter 4: Delivering Success: Our Spatial Strategy
  Policy CP1: Core Policy: Quanta of Development
- Chapter 29.1: Policies and Actions
- Chapter 44: Relationship to the Community Strategy

**Issue 1: Vision and strategic objectives**

2.2.2 Within Chapter 3 of the existing Local Plan, paragraph 3.16 sets out five strategic issues that the Local Plan seeks to address:

- Protecting local uses and those that are important to the vitality of the borough from potential loss to the higher values commanded by residential land uses.
- Improving travel choices to reduce car dependency, including getting better access onto the existing rail infrastructure.
- Protecting the high quality historic environment and ensuring new developments are of equivalent quality, so that we pass on a legacy to future generations, including quality within the public realm.
- Providing for new residential development in a way which diversifies tenure patterns and house sizes.
- Reducing the environmental impacts of everyday activities in the borough to better fit within environmental limits.

2.2.3 Policy CV1 provides a vision for the Local Plan to address the strategic issues:

**Policy CV1 Vision for the Royal Borough: Building on Success**

Our vision for Kensington and Chelsea over the next 20 years is to build on success. To further develop the strong and varied sense of place of the borough, we will, in partnership with other organisations, and importantly with our residents:

- Stimulate regeneration in North Kensington...
- Enhance the reputation of our national and international destinations...
- Uphold our residential quality of life...

2.2.4 The vision is supported by a ‘Key Diagram’ which is set out in Figure 2.1.
2.2.5 The supporting strategic objectives are set out in section 3.3 of the Local Plan and are reflected in the chapter titles and structure of the document and also in an opening ‘CO Strategic Objective’ policy for each chapter:

- To keep life local
- To foster vitality
- To offer better travel choices
- To maintain and extend our engaging public realm
- To renew our legacy
- To achieve a diversity of housing
- To respect environmental limits
2.2.6 It is important to note that the issues, vision and strategic objectives are partly influenced by the London Plan\textsuperscript{32} and the Community Strategy\textsuperscript{33} for the Borough. In particular, Chapter 44 sets out the Local Plan’s “Relationship to the Community Strategy”.

**Issue 2: The duty to cooperate and neighbourhood planning**

2.2.7 The Council has a legal ‘duty to cooperate’ with adjacent Boroughs and other prescribed bodies in terms of strategic policies which cross Borough boundaries (referenced in paragraph 1.2.2 of the existing Local Plan). When neighbourhood fora produce ‘Neighbourhood Plans’, they are required to be in general conformity with the strategic policies of the Local Plan. Therefore, a clear definition of ‘strategic policies’ is necessary for the Council to undertake its statutory ‘duty to cooperate’ and provide a fit-for-purpose interface with any future emerging Neighbourhood Plans. The legislative, policy and guidance context behind this is explained further in section 2.3 of this document.

2.2.8 Chapter 29 ‘Policies and Actions’ of the existing Local Plan re-iterates the strategic objectives from the earlier chapter 3 and, importantly, paragraph 29.1.3 sets out the format of the Local Plan’s policies, including how the strategic objectives and strategic policies are defined (emphasis added):

Each of the sections follows a similar format:

- An introduction summarising the strategic objective;
- A section ‘what this means for the borough’, identifying issues that are locally distinctive;
- Planning policies are set out with a summary of the relevant evidence being provided as reasoned justification for the policy that follows. The policies are set in boxes. Each of the planning policies starts with a strategic policy which stands in its own right. Below this are the criteria of how the policy can be complied with, but the list is not exhaustive and addressing all the criteria may not necessarily indicate that a proposal is in conformity with the strategic policy.
- Corporate and Partner actions follow. This section summarises other strategies and plans prepared by the Council and partners that will also play a part in delivering the strategic objective. Actions to be taken by the Council or by partners are also listed. Planning may have a direct role in the implementation of these actions, but this will not necessarily be the case in all situations.

**Issue 3: Quanta of development**

2.2.9 Policy CP1 of the existing Local Plan sets out the quanta of residential, office and retail units and floorspace that the Local Plan aims to provide.

\textsuperscript{32} Existing Local Plan paragraphs 1.1.3, 1.2.5 – 1.2.6, 4.3.2
\textsuperscript{33} Existing Local Plan paragraphs 1.1.7, 1.2.11 – 1.2.13 and Chapter 44
Policy CP1: Core Policy: Quanta of Development

The Council will provide:
1. a minimum of 585 net additional dwellings a year based on the overall housing target of 5,850 net additional units; of which a minimum of 200 units a year will be affordable;
2. 60,000sq.m of office floorspace to 2028;
3. 26,150sq.m of comparison retail floorspace to 2015 in the south of the borough;
4. infrastructure as set out in the infrastructure plan, including through developer contributions.

To deliver this the Council has, in this document:

a. allocated strategic sites with the capacity for a minimum of 5300 dwellings;
b. allocated in the strategic sites of Kensal and Earl’s Court Exhibition Centre a minimum of 20,000sq.m business floorspace to meet identified unmet demand above the existing permissions;
c. identified in the south of the borough sufficient small sites with the potential for retail development to demonstrate identified retail needs of the borough can be met;
d. set out current infrastructure requirements, to be updated as part of the regular infrastructure plan review process.

Issue 4: Planning enforcement

2.2.10 The existing Local Plan has no current policy on planning enforcement.

2.3 Legislation, policy and guidance context

2.3.1 This section sets out the relevant legislation, policy and guidance context for the Local Plan’s vision and strategic objectives, in particular, how they relate to the London Plan, strategic planning and neighbourhood planning.

National

Planning and Compulsory Purchase Act 2004 (as amended) and the Deregulation Act 2015

2.3.2 Section 19(2) of the Planning and Compulsory Purchase Act 2004 requires the Council, in preparing a Local Plan, to have regard to:

- National policies and advice in guidance issued by the Secretary of State;
- The London Plan; and
- The Sustainable Community Strategy for the area.

2.3.3 However, Section 100(2)(b) of the Deregulation Act 2015 removed the requirement for the Council to have regard to the Sustainable Community Strategy.
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

2.3.4 Regulation 10 of these Regulations requires Local Plans to have regard to:
- Local transport authority policies\(^{34}\);
- Articles 5 and 12 of the EU Directive 2012/18/EU regarding the prevention of major accidents and hazardous establishments\(^{35}\); and
- The national waste management plan\(^{36}\).

2.3.5 Regulation 21 requires the Local Plan to be in conformity with the London Plan, which sets out a strategic planning context for London.

National Planning Policy Framework (NPPF)

2.3.6 Paragraphs 150-157 of the National Planning Policy Framework (NPPF) cover the topic of ‘Local Plans’. Paragraph 150 states that “Local Plans are the key to determining sustainable development that reflects the vision and aspirations of local communities” and paragraph 157 states “Local Plans should... be drawn up over an appropriate time scale, preferably a 15-year time horizon...” and “...indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map”.

National Planning Practice Guidance (NPPG): Local Plans

2.3.7 The National Planning Practice Guidance (NPPG) on Local Plans states that “Local Plans set out a vision and a framework for the future development on the area” (paragraph 001) and sets out general guidance for their contents and preparation.

Duty to cooperate

2.3.8 Section 110 of the Localism Act 2011 inserted section 33A into the Planning and Compulsory Purchase Act 2004 which requires Councils to cooperate with other

\(^{34}\) Transport for London (TfL) is considered a “local transport authority” for the purposes of these regulations and the Transport Act 2000 as it is an “Integrated Transport Authority”. Whilst TfL does not produce a Local Transport Plan, the Mayor has published the Mayor’s Transport Strategy. In this Local Plan Partial Review, this is largely considered in section 9 – Rail infrastructure

\(^{35}\) To be considered as part of future iterations of the Local Plan Partial Review’s site allocations (section 4)

\(^{36}\) Largely considered in section 15 – Waste
prescribed bodies. The duty requires, in particular, a duty to “engage constructively, actively and on an ongoing basis” in relation to “maximising the effectiveness” of, and having “regard to”, activities concerned with supporting or preparing planning policies “so far as relating to a strategic matter”.

2.3.9 A strategic matter is defined as “sustainable development or use of land that has or would have a significant impact on at least two planning areas... in particular... infrastructure” (section 33A(4)). The NPPF further defines “strategic priorities” as including:

- Homes and jobs
- Retail, leisure and other commercial development
- Infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- Health, security, community and cultural infrastructure and other local facilities
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape

2.3.10 Paragraph 157 of the NPPF makes clear that “Local Plans should ...be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations”. The National Planning Practice Guidance (NPPG) on the Duty to Cooperate provides further guidance on the duty.

Neighbourhood planning

2.3.11 In relation to neighbourhood planning, the NPPF is clear that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the Local Plan. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible” (paragraph 184).

2.3.12 The National Planning Practice Guidance (NPPG) on Neighbourhood Planning provides further guidance in stating “A neighbourhood plan should support the strategic development needs set out in the Local Plan” (paragraph 004). Paragraph 065 sets out the “basic conditions” that Neighbourhood Plans should meet, including that “the making of the... neighbourhood plan... is in general conformity with the strategic policies contained in the development plan for the area of the authority” (subsection e). “General conformity” is further elaborated in paragraph 074 which states that consideration should be given to:

- Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set

37 Paragraph 156, see also 178-180
out in the strategic policy without undermining that policy
• The rationale for the approach taken in the draft neighbourhood plan... and the
evidence to justify that approach.

2.3.13 Paragraph 075 goes on to state “The basic condition addresses strategic policies
no matter where they appear in the development plan. It does not presume that
every policy in a Local Plan is strategic or that the only policies that are strategic
are labelled as such”. Further guidance on the considerations for determining
whether a policy is a strategic policy is also provided in the NPPG:

- Whether the policy sets out an overarching direction or objective
- Whether the policy seeks to shape the broad characteristics of development
- The scale at which the policy is intended to operate
- Whether the policy sets a framework for decisions on how competing priorities
  should be balanced
- Whether the policy sets a standard or other requirement that is essential to
  achieving the wider vision and aspirations in the Local Plan
- In the case of site allocations, whether bringing the site forward is central to
  achieving the vision and aspirations of the Local Plan
- Whether the Local Plan identifies the policy as being strategic

(paragraph 076)

Regional

The London Plan

2.3.14 The London Plan is clearly relevant
to ‘setting the scene’ of the Local
Plan and its vision and strategic
objectives. Chapter 1 of the London
Plan sets out its ‘Context and
Strategy’ and includes a “vision for
the sustainable development of
London” as:

Over the years to 2036 – and
beyond, London should excel among
global cities – expanding
opportunities for all its people and
enterprises, achieving the highest
environmental standards and quality
of life and leading the world in its
approach to tackling the urban
challenges of the 21st century,
particularly that of climate change.

(paragraph 1.52)

2.3.15 The London Plan’s vision is
supported by six detailed objectives which are set out Policy 1.1 ‘Delivering the
strategic vision and objectives for London’:
...borough DPDs and development decisions should aim to realise the objectives... so that London should be:

a  A city that meets the challenges of economic and population growth
b  An internationally competitive and successful city
c  A city of diverse, strong, secure and accessible neighbourhoods
d  A city that delights the senses
e  A city that becomes a world leader in improving the environment
f  A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities

2.3.16 The London Planning Statement SPG sets out the Mayor’s responsibilities with regard to the duty to cooperate (paragraph 2.9) and “general conformity” of Local Plans with the London Plan (paragraphs 3.2-3.5).

2.3.17 The Mayor’s ‘2020 Vision: The Greatest City on Earth’ document also provides a high level vision statement for London which is wider than just ‘planning’ and helped inform the most recent iteration of the London Plan.

London Enterprise Panel (LEP)

2.3.18 The London Enterprise Panel (LEP) is the Local Enterprise Partnership for London, chaired by the Mayor of London. The Council must have regard to the LEP’s strategies as it is a prescribed body for the ‘duty to cooperate’.

2.3.19 The LEP’s ‘Jobs and Growth Plan for London’ sets out four key priorities for London as:

- **Skills & employment**: to ensure Londoners have the skills to compete for and sustain London's jobs
- **Small & medium sized enterprises**: to support and grown London’s businesses
- **Science & technology**: for the capital to be recognised globally as world leading hub; for science, technology and innovation – creating new jobs and growth
- **Infrastructure**: to keep London moving and functioning

2.3.20 In particular, the priority regarding small and medium sized enterprises acknowledges that there has been a decline in affordable workspace in recent years.
2.3.21 The LEP’s ‘London: 2036: An agenda for jobs and growth’ document sets out a number of themes, actions and goals that stakeholders in London should work towards:

**The Global Hub**

1. **Stay open for business** – Clear lead as number 1 global financial and business centre
2. **Focus on emerging markets** – First choice location for emerging market companies
3. **Improve global access** – Leading destination for international visitors

**The Creative Engine**

4. **Build more technical talent** – Technical skills not holding back growth
5. **Improve digital connectivity** – Over 50% take-up of Ethernet or high-speed broadband
6. **Improve funding for growing SMEs** – Creating twice as many new £100 million businesses

**The City that Works**

7. **Secure long-term infrastructure investment** – Fiscal devolution agreed with national government
8. **Accelerate housing delivery** – 50,000 new homes per year in Greater London
9. **Develop Londoner’s employability** – London unemployment below UK average

(from Figure 33)

**Neighbourhood**

2.3.22 It is important to note that there is currently one ‘made’ Neighbourhood Plan in Norland and another, St Quintin and Woodlands, which is progressing to referendum.
Planning enforcement

2.3.23 In terms of implementing planning visions and objectives and ensuring effective enforcement, the NPPF states:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

(paragraph 207)

2.3.24 The NPPG on Ensuring effective enforcement states that the preparation and adoption of a Local Enforcement Plan is important because it:

- Allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- Sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- Provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
- Provides greater certainty for all parties engaged in the development process.

(paragraph 006)

Summary

2.3.25 Figure 2.2 summarises the main legislation, policy and guidance of particular relevance to this section.

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<td>Deregulation Act 2015[^40]</td>
<td>HM Government</td>
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<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)[^42]</td>
<td>DCLG</td>
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<td>DCLG</td>
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<td>Mar 2014</td>
<td>National Planning Practice Guidance (NPPG): Ensuring effective enforcement</td>
<td>DCLG</td>
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<td>Mayor of London</td>
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<td>Jun 2013</td>
<td>2020 Vision: The Greatest City on Earth</td>
<td>Mayor of London</td>
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<td>The London Plan</td>
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<td>Apr 2013</td>
<td>Jobs and Growth Plan for London</td>
<td>London Enterprise Panel</td>
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<td>Dec 2013</td>
<td>Norland Neighbourhood Plan</td>
<td>Norland Neighbourhood Forum</td>
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<tr>
<td>Nov 2015</td>
<td>St Quintin and Woodlands Neighbourhood Plan with Examiner’s Recommendations</td>
<td>St Quintin and Woodlands Neighbourhood Forum</td>
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</tbody>
</table>

*Figure 2.2: Summary of legislation, policy and guidance*

44 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
45 http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/
46 http://planningguidance.communities.gov.uk/blog/guidance/ensuring-effective-enforcement/
47 www.london.gov.uk/priorities/planning/publications/london-planning-statement
48 www.london.gov.uk/mayor-assembly/mayor/vision-2020
49 www.london.gov.uk/priorities/planning/london-plan
50 www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance
51 www.london.gov.uk/about-us/mayor-london/ambitions-london
52 https://lep.london/publication/jobs-and-growth-plan-london
53 https://lep.london/publication/london2036
2.4 Evidence base

Community Strategy 2008-2018

2.4.1 The vision and strategic objectives of the existing Local Plan are very much based on the Kensington and Chelsea Partnership’s ‘Community Strategy 2008-2018’ document. In particular, the evidence base for Chapter 2 ‘Issues and Patterns: Our Spatial Portrait’ of the existing Local Plan “draws heavily on The Picture of Our Community (2005 and 2008), a companion guide to the Community Strategy” (paragraph 2.14).

Ambitious for Tomorrow

2.4.2 The Council published a document called ‘Ambitious for Tomorrow 2014-2018’ in December 2014 to set out the Council’s vision to:

- Maintain our excellent services
- Protect our most vulnerable residents
- Rethink housing
- Create new opportunities
- Make our borough yet more beautiful

2.4.3 In particular, the document notes, with regard to health and housing:

Kensington and Chelsea has a strong claim to be the best borough in the capital: best in terms of longevity, diversity, desirability and with the best built environment. But not all parts of it are the same. In North Kensington, many of our residents are missing out on years of good health. And much of our housing stock there requires refurbishment or replacement and is, in terms of architecture and urban design, markedly less attractive than the rest of the borough.
2.4.4 In terms of social and environmental, the document elaborates:

The relentless march of property prices is creating something of a ‘dumbbell community’, with lots of people at either end of the income spectrum but not so many in the middle. For those on ordinary or middle incomes who would like to live here to be closer to work or family, the stark truth is that they have little chance.

... In terms of social housing, we have far too many studios and one-bed flats but nowhere near enough family homes. That means we can have families stuck on the waiting list for years and is something that can only change through estate renewal.

Moreover, the borough’s housing stock only caters for those with either very high or very low incomes – there are even fewer opportunities for those on ordinary incomes to live in the borough. That, too, is something that can only be changed by making better use of Council land.

We want a borough in which people from every background can live. Estate renewal provides us with an opportunity to rebalance our community, and introduce more affordable homes and more intermediate homes for people on middle incomes.

2.4.5 In terms of traffic and transport, the document states:

A decision last April that there was no business case for a Crossrail station at Kensal Portobello was a setback for the Council’s ambitions but we are not giving up. The Council believes concerns about time lost by trains stopping at Kensal could be overcome by adding more track to the railway cutting so not all trains have to stop.

The Council estimates that just four to six Crossrail trains an hour stopping at Kensal Portobello would enable the best possible development of the adjacent gas works site, which would mean thousands of new homes and jobs and great new community facilities.
2.4.6 In terms of older people’s housing, the document states:

Expectations around how we look after older people are rising. Rather than a one-size-fits-all service in a traditional old people’s home, local authorities are these days trying to deliver ‘supported living’, tailored to individual needs and enabling people to stay in their own homes for as long as possible.

There is also a growing need for ‘extra care housing’ in which older people rent, lease or buy their own homes in developments where care is available in the quantity and type required, and which can increase and change as older people become older and frailer.

2.4.7 In terms of creative industries:

The creative and cultural industries account for around 15 per cent of jobs (around 16,000 in total) in the borough and 30 per cent of businesses (around 4,000). This is three times the national average and high even by London standards.

2.4.8 On retail and commercial:

One of the joys of Kensington and Chelsea is its shopping streets. The evidence is that in terms of vacancy rates those streets that have stood up to the recession better than in most other places but even so, there are parts where they are not thriving or where they look increasingly homogeneous.

We have seen some very encouraging signs that Kensington and Chelsea’s profile as a location for creative businesses is growing. Those businesses bring employment, and they bring trade to our bars, cafes and shops. We want those businesses to be able to prosper and grow with us here in the Royal Borough, providing employment for local people, but currently there is a shortage of the right type of affordable and flexible business space in the borough.

And to protect the space we do have, we are now having to fight to preserve our hard-won exemption from new planning rules which allows changes of use from commercial to residential without planning permission.

2.4.9 On housing estates:

Some of our estates date from the 60s and 70s and exhibit all the faults of that far from golden era of public architecture. A few of them are coming to the end of their lives. Redevelopment could give our
tenants better-quality homes, while all residents could benefit from the restoration of traditional street patterns, new shops and other infrastructure, as well as from a dramatically more attractive public realm.

It should be possible to transform the conditions in which many of our existing tenants live. The difference between a social home built as part of a 1960s estate and one built today in a street-front property integrated into the wider neighbourhood really is that dramatic.

And crucially, we will only redevelop an estate if it is possible to rehouse all existing tenants in better homes in the same area. Conserving and enhancing the local community is our primary objective in any regeneration project.

2.4.10 On Barlby Primary School and the Treverton Estate:

The Royal Borough’s Cabinet has agreed to explore options for redeveloping the tired and outdated Barlby Primary School and regenerating the area around the Treverton Estate at the same time.

The proposals could see a brand new school expanded to two forms of entry to help meet demand for primary school places, together with a new school for children with special educational needs.

The school is next to the Treverton Estate, parts of which are in need of investment, and the Council believes there may be an opportunity to improve existing homes, provide new affordable homes and improve the area significantly.

2.4.11 On Pembroke Road:

The Council is putting forward ambitious plans to redevelop two 1960s Council buildings in Kensington in order to provide nearly 300 new homes.

The 3.3 acre site on Pembroke Road currently houses a depot for refuse vehicles, as well as Council offices and a car park which are becoming surplus to the Council's requirements. There are also 116 homes above the depot and car park.

Redeveloping Pembroke Road would allow the Council to provide more housing and improve the streetscape while bringing in more income to support front line services.

As part of the process of creating a vibrant new community, the Council will make sure it protects the interest of the tenants and leaseholders who currently live above the depot and car park.
2.4.12 On Edenham Way:

Architects have been appointed by the Royal Borough to design a major new housing scheme for North Kensington.

The award winning firm will tackle the challenge of designing approximately 100 new homes at Edenham Way, a cleared site at the foot of Trellick Tower that has been used for car parking over the past eight years.

2.4.13 Further evidence base to support the emerging Local Plan Partial Review can be found in the relevant topic-specific sections of this consultation document. Overall baseline data is summarised in the Integrated Impact Assessment (IIA) which is published as a supporting paper to this consultation (see section 16).

Planning enforcement

2.4.14 According to the Council’s Monitoring Report 2015, for the period from October 2014 to September 2015, the Council received and investigated 1,735 planning enforcement cases compared to 1,406 in the previous year – an increase of 23%.

2.4.15 In some enforcement cases, no breach occurred, or negotiations were successful, resulting in no formal action being taken by the Council. However, in the last year, 190 enforcement related notices were served compared to 86 for the previous year. This indicates that more effective enforcement action is being taken to maintain the built environment including protecting the public realm from unauthorised development.

Summary

2.4.16 Figure 2.3 summarises the principal sources of evidence particularly relevant to this section.

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<td>Monitoring Report 2015&lt;sup&gt;58&lt;/sup&gt;</td>
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</table>


<sup>37</sup> [www.rbkc.gov.uk/newsroom/all-council-statements/ambitious-tomorrow](www.rbkc.gov.uk/newsroom/all-council-statements/ambitious-tomorrow)

2.5 Issues and options

**Issue 1: Vision and strategic objectives**

2.5.1 The existing Local Plan’s vision and strategic objectives (see above, section 2.2) are wide-ranging. The Local Plan’s chapters and topic areas are based around the strategic objectives. As this is only a Local Plan Partial Review, it may not be appropriate to significantly change the objectives.

2.5.2 Whilst the vision and strategic objectives were influenced by the Community Strategy at the time, the Council no longer has a legal requirement to have regard to the Community Strategy in drafting the Local Plan.

**Question 1**
Is the existing Local Plan’s vision (see section 2.2) appropriate in guiding the Local Plan Partial Review? If not, what changes should be made?

**Question 2**
Are the existing Local Plan’s objectives (see section 2.2) appropriate in guiding the Local Plan Partial Review? If not, what changes should be made?

**Question 3**
Is the existing Local Plan’s Key Diagram (see Figure 2.1) appropriate for the Local Plan Partial Review? If not, what changes should be made?

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 2: The duty to cooperate and neighbourhood planning**

2.5.3 The Council needs to consider whether the existing Local Plan’s definition of what is ‘strategic’ is fit-for-purpose for the functions of the ‘duty to cooperate’ and neighbourhood planning.

2.5.4 It should be noted that the independent examiner for the St Quintin and Woodlands Neighbourhood Plan stated in his report, in considering the Neighbourhood Plan’s relationship with the strategic policies in the Local Plan, “I note that the Council have made a statement that the neighbourhood plan is not in general conformity with certain policies. I have also had regard to the Council’s approach to defining strategic policies, which I do not support…” (paragraph 3.5).

2.5.5 The general approach by the examiner was that a Neighbourhood Plan only had to be in general conformity with the overarching policies and not the details of how the policies were to be achieved. This could mean that any sub clause of a policy could potentially be varied by a Neighbourhood Plan and still be in general conformity with the Local Plan as a whole.
Question 1
Is the existing Local Plan’s definition of strategic objectives and strategic policies (see above, section 2.2) fit-for-purpose for the duty to cooperate and neighbourhood planning? If not, what changes should be made?

Question 2
Should some policies be considered strategic in their entirety? If so, which ones?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 3: Quanta of development

2.5.6 The existing Local Plan policy CP1 ‘Quanta of development’ (see section 2.2, above) deals with four different topics. Changes to each of these different topic areas is dealt with in a dedicated section of this consultation document, as set out in Figure 2.4:

<table>
<thead>
<tr>
<th>Policy CP1 subsection</th>
<th>Topic</th>
<th>Section of this consultation document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/a</td>
<td>Housing units</td>
<td>Section 10: Housing</td>
</tr>
<tr>
<td>2/b</td>
<td>Office / business floorspace</td>
<td>Section 7: Business uses and hotels</td>
</tr>
<tr>
<td>3/c</td>
<td>Retail</td>
<td>Section 6: Shops and centres</td>
</tr>
<tr>
<td>4/d</td>
<td>Infrastructure</td>
<td>Section 5: Infrastructure and planning contributions</td>
</tr>
</tbody>
</table>

Figure 2.4: The subsection topics of existing Local Plan policy CP1 and the corresponding sections of this consultation document

2.5.7 The Council intends to update policy CP1 in light of the Issues and Options for each relevant topic section in this consultation document, and in light of the responses received.

2.5.8 For example, as set out in section 10 (Housing), the Borough’s housing target needs to be updated to reflect that of the 2015 London Plan (currently, CP1 uses the 2011 London Plan housing target following the ‘Miscellaneous Matters’ review which was adopted in December 2014, before the 2015 London Plan).

Question 1
Other than those topic areas set out above (which are dealt with separately in the corresponding sections of this consultation document), what other changes should be made to Policy CP1 ‘Quanta of development’?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
2.5.9 The Council has legal powers to take planning ‘enforcement’ action when development occurs without planning permission, if planning conditions are not complied with, or when other breaches of control have been committed for example, unauthorised demolition or works to listed buildings. It is important to ensure that contraventions of planning law do not take place as these undermine the successful implementation of Council policies and are unfair to those who have abided by planning law. The Council will therefore take enforcement action whenever it is expedient to do so, having regard to development plan policies and other material considerations.

2.5.10 The existing Local Plan has no current policy on ‘enforcement’. As set out in section 2.3, the NPPF suggests Councils “should consider publishing a local enforcement plan to manage enforcement proactively, in a way that it is appropriate in their area”\(^ {59}\). The Council is considering publishing a Local Enforcement Plan as a separate document to the Local Plan.

**Question 1**
Are there any particular issues that a Local Enforcement Plan should address?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

\(^ {59}\) NPPF paragraph 207
3. Places

3.1 Introduction

3.1.1 The system of plan making introduced by the 2004 Planning and Compulsory Purchase Act brought in the concept of ‘spatial planning.’ This was an attempt to recognise that Planning is more than just controlling the development of land. Instead it was intended that wider issues would be examined looking at how places are used and how other public services influence the quality of places – this is widely referred to as ‘place shaping.’

3.1.2 The Core Strategy, as it then was, examined four aspects to being ‘spatial’ which were: geographical, so that plans set out where things might happen; integrated, so that plans were joined up with other public services; locally distinctive, in so far as bespoke Borough policies were produced, and finally, deliverable, so there was more of an emphasis on delivery.

3.1.3 The ‘Place’ chapters of the Core Strategy (now known as the Local Plan) were introduced as part of this spatial approach to integrate development management with the actions of other bodies, both public and private that had a bearing on the future quality of the place. This was done through a clear vision about how they might evolve in the future and giving a clear framework for future actions expressed as Priorities for Action. However, five years on, it is arguable how successful this has been as an approach in terms of actual delivery. The Council believes that delivery could be strengthened by adopting a different approach.

3.1.4 The ‘Place’ chapters usefully integrate the different spatial functions of ‘what,’ ‘when,’ where,’ and ‘how’ and these are brought together into a vision of how the
Place would develop over the lifetime of the plan. However, since the Local Plan (formerly Core Strategy) was adopted in 2010 there have been some important changes in the direction of planning policy introduced by successive Governments. The most important of these has been the National Planning Policy Framework (NPPF, March 2012) with its emphasis on the delivery of sustainable development. The Government’s definition of sustainable development is to meet the needs of the present without compromising the ability of future generations to meet their own needs (page 2) or, in other words, to ensure that better lives for ourselves does not mean worse lives for future generations. Sustainable development requires economic, environmental and social roles for planning (paragraph 7). The NPPF requires the planning system to “play an active role in guiding development to sustainable solutions” (paragraph 8).

3.1.5 A further change has been the Deregulation Act 2015 which removed the requirement for Local Plans to have regard to the (Sustainable) Community Strategy produced by the Council, in other words, to be a spatial expression of the Council’s Community Strategy. The change in emphasis towards delivery is reflected in paragraph 154 of the NPPF which states that Local Plans “should address the spatial implications of economic, social and environmental change... only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”. Paragraph 154 also states that, “Local Plans should be aspirational but realistic.” The key would therefore appear to be to ensure that the ‘Place’ chapters, if they are retained, assist more in the delivery of sustainable development, in whatever form this might take with a clearer indication as to what development might be acceptable and how this is linked in with the wider area.

3.1.6 Each Place chapter currently has a vision that sets how that Place should develop during the lifetime of the plan, a portrait of the area that describes its unique context, and a set of priorities for action based around Borough-wide planning policy objectives like ‘keeping life local’ and ‘fostering vitality’.

3.1.7 How delivery of the vision for each Place will be monitored is set out for each chapter and progress is reported annually in the Monitoring Report. However, as explained above, the Place chapters were originally intended to provide a spatial expression of the Council’s Community Strategy. This means they contain a number of wider aspirations which cannot be delivered through land use planning alone and, following the adoption of the National Planning Policy Framework in 2012, it may no longer be appropriate for these to be included in the Local Plan. Similarly the new emphasis on the delivery of sustainable development means that it may be better to ensure that site allocations are included within a Place and there is a closer relationship expressed with the wider area, perhaps in terms of public realm improvements or showing key linkages that could be strengthened or how access could be improved.

3.1.8 As a result the Place chapters may be more effective if they change from following a template based on Borough-wide planning policy objectives to identifying the specific changes required to enhance each area and how these can be delivered. This could entail each Place chapter focusing on indentifying, for example:
• infrastructure requirements – transport, social and community facilities;

• regeneration and development opportunities, including where appropriate site allocations;

• how the area’s unique characteristics can be enhanced through specific projects like public realm improvements, and in facilitating the work of other bodies like residents’ associations and business forums.

3.1.9 A further consideration to strengthen the delivery of sustainable development is to have bespoke planning policies for individual Places. However, this raises its own challenges in so far as specific robust evidence would have to be submitted to demonstrate why these policies were appropriate and it would inevitably mean that other areas may be viewed as disadvantaged by having to rely on a Borough wide policy. It might also lead to an inconsistency of approach. The ‘Places’ were also left deliberately without boundaries because of their more fluid integration role, but if more detailed development management policies were introduced this would have to change. There would also inevitably be debates about where a boundary should be drawn.

3.1.10 An alternative option for those areas where there is a pressing need for locally specific policies would be to rely on Neighbourhood Plans coming forward. The Borough currently has one Neighbourhood Plan for Norland and another St Quintin and Woodlands progressing to referendum.

3.2 Existing Local Plan policies

3.2.1 The existing Local Plan policies on Places are included in full in Appendix B.

3.3 Issues and options

Issue 1: The policy context for the Places chapters has changed since the Local Plan was originally adopted. The Council needs to consider whether to update the Local Plan to reflect the emphasis on the delivery of sustainable development and how this could be best achieved through continuing to focus on specific Places

Question 1
Should the Place chapters be retained or removed? Please give reasons.

Question 2
Do you consider the Places have proved effective in the delivery of their visions? What could be done to improve delivery?

Question 3
Do you consider it appropriate to include site allocations within the Places? Would it be appropriate to have a single ‘Places and Allocations’ chapter?

Question 4
The current site policies have been framed in a very generalised way. Do you
think they should be clearer about what they are seeking to achieve and how this will be delivered?

**Question 5**
Are there other aspects of Place shaping, which can be delivered through land use planning, that should be included?

**Question 6**
Should there be bespoke detailed development management policies for a particular Place? Can you explain how this might be helpful?

**Question 7**
Are there instances where a more flexible or creative approach to the delivery of sustainable development could or should be taken within the Place chapters?

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 2: To improve delivery and to ensure genuine spatial planning, how might the current Places chapters be amended to reflect these aims?**

3.3.1 The second set of questions relate to the existing Places. Leaving aside the questions as to how they might change there are issues regarding whether the current set of Places are the right ones; whether a different geographical area or widened area may assist in the delivery of sustainable development and whether the focus needs to change, particularly in North Kensington.

3.3.2 Currently there is a single overarching Place policy (CP3) which is for the Council to protect, promote and enhance local distinctiveness and economic success of the Places of the Borough, and to improve their character and quality and the way they function. To achieve this aim and to assist in delivering sustainable development a case could be made for certain Places to be removed as they may have failed to make any meaningful contribution to achieving the policy, or perhaps certain Places could be amalgamated or their focus might change to make them more effective.

3.3.3 The Place chapters, currently, fall into three spatial themes:

- National and international destinations where the vision is to enhance their reputation (Knightsbridge, Portobello Road, South Kensington, the King’s Road, Kensington High Street and Earl’s Court);

- North Kensington where the vision is to stimulate regeneration through the provision of better transport, housing and facilities, aiding better health (Kensal, Golborne Trellick, Westway, Latimer)

- Other places like town centres which make an important contribution to residents’ quality of life (Notting Hill Gate, Fulham Road, Lots Road / World’s End).
3.3.4 The Places are varied in what they cover – some describe Places where change is expected (predominantly in the north of the Borough) whilst others have a national/international profile where less change is anticipated (predominantly in the south of the Borough). There might be merit in distinguishing between the different focuses for the Places on this basis. There is also no doubt that the north of the Borough is likely to be the subject of greater change and to ensure that this is properly linked up and coordinated there might be merit to having a single regeneration vision for all these Places rather than individual ones. The greater use of site allocations in these areas might assist in this process.

**Question 1**
Are there some existing Place chapters that should be removed or amalgamated? Can you give reasons for amalgamation, giving a geographical area, or if to be removed, can you give your reasons?

- Kensal
- Golborne Trellick
- Portobello / Notting Hill
- Westway
- Latimer
- Earl’s Court
- Kensington High Street
- South Kensington
- Brompton Cross
- Knightsbridge
- King’s Road / Sloane Square
- Notting Hill Gate
- Fulham Road
- Lots Road / World’s End

**Question 2**
Are there other areas in the Borough that should be considered? Please give reasons for your choice together with an indication of the geographical area to which you are referring.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
**Issue 3: Progress with delivery of the Place chapters**

3.3.5 Since the Local Plan was originally adopted in 2010 (then known as the Core Strategy) there has been progress in delivering the visions for each of the Places. An update of the different Places is given below for information purposes. It is the intention of the Council that as part of the consultation regarding the Place chapters a series of workshop sessions will be held dealing with individual Places. To make these as productive as possible and to stimulate some ideas about how they might change the information below is provided.

**Question 1**

Do you have any comments that you wish to make at this stage regarding details in individual Places?

**Chapter 5 Kensal**

![Figure 3.1: Kensal as shown in the Existing Local Plan](image)

**Progress to date**

3.3.6 The Crossrail line will run above ground through the existing rail corridor which dissects the Kensal Opportunity Area. The Council has lobbied for a Crossrail station (to be known as Kensal Portobello due to the site’s proximity to the north end of Portobello Road) as part of the Opportunity Area to serve the site and benefit the wider area. A station in this location would improve access to public transport in an area that is not particularly well served, with PTAL scores falling away rapidly to the west. It would also increase the density of development that can be achieved on the last remaining major brownfield site in the Borough.
without planning permission. The Council has put a proposal to the Crossrail sponsors (Department for Transport and Transport for London), which would address their concerns about the cost of journey time disbenefits to passengers if all Crossrail trains called at the station. The Council’s calculations suggest that by having four to six trains an hour call at Kensal, there would be an overall passenger journey time benefit.

3.3.7 In 2015 the Council petitioned Parliament for changes to the HS2 Bill to remove provisions that would have prevented Kensal Portobello station and compromised very severely the Opportunity Area’s development potential. The Council presented evidence that additional tracks between Old Oak Common (OOC) and Kensal would address the significant challenge of running twice as many Crossrail trains as currently planned, in order to meet increased demand at OOC.

3.3.8 The Council consulted on Issues and Options for an SPD for the Kensal Gasworks site in 2012. This identified the scale of development that would be achievable on the site with and without a station and a second road access, and opportunities to improve access to the canal. The SPD will not progress until there is certainty over the question of delivery of a station.

3.3.9 A substantial part of the site is currently being used for the construction of Crossrail and will be required until 2017. The National Grid gasholders have been mothballed and are scheduled to be decommissioned.

3.3.10 The Borough–wide exemption from permitted development rights for change of use from office to residential has successfully protected office uses in the Kensal Employment Zone.

3.3.11 Architects have been appointed by the Council to develop proposals to redevelop the Barlby Primary School and regenerate the Treverton Estate60.

**Chapter 6 Golborne Trellick**

**Progress to date**

3.3.12 Planning permission for Wornington Green Estate renewal was granted in 2010. Phase one consisting of 324 new homes, 174 affordable and 150 homes for private sale, is complete.

3.3.13 A Supplementary Planning Document setting out the parameters for redevelopment of the vacant site in front of Trellick Tower has been adopted61 and architects have been appointed to develop proposals for this site.

3.3.14 Golborne Road Bridge has been refurbished to a design selected by local people. In October 2015 the Council consulted on proposals for improvements to the public realm of Golborne Road which are intended to solve drainage problems.

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increase street trading and preserve the existing street character.

3.3.15 To improve the connection between Golborne Road Market and Portobello Road the blank wall section of Portobello Road has been used successfully for a range of arts projects, the most recent ‘One Five Zero’ marking the 150th anniversary of market trading in North Kensington. See the Council’s website for details of past Portobello Wall projects. In-ground electricity points to encourage street trading in this section were installed in Portobello Road between Acklam Road and Golborne Road in 2012.

3.3.16 Legible London monoliths and miniliths directing visitors from the three local Tube stations (Ladbroke Grove and Westbourne Park) and along the street market were installed in 2012.

Chapter 7 Portobello / Notting Hill

Progress to date

3.3.17 Since 2010 a number of the road’s antiques arcades have been converted into other types of shops, which did not require planning permission, and the number of antiques shops has also declined. This is a regrettable erosion of the unique character of Portobello Road.

3.3.18 The Council has lobbied extensively for additional planning powers to protect small and independent shops, in response to concerns about the changing mix of

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63 www.rbkc.gov.uk/leisure-and-culture/culture/portobello-road-arts-project
shops in Portobello Road\footnote{www.rbkc.gov.uk/business-and-enterprise/towncentres-neighbourhoods/support-independent-retail/lobbying-planning}. This included proposing a new London Local Authorities Act and a petition to No 10 Downing Street through the Sustainable Communities Act requesting additional planning powers. However, other London Boroughs and central Government declined to support these proposals.

Figure 3.3 Portobello / Notting Hill as shown in the existing Local Plan

3.3.19 The Markets Development Officer organises an annual programme of events to attract shoppers. In 2015, this focused on the 150\textsuperscript{th} anniversary of street trading in North Kensington. The Markets Development Officer also manages social media for the markets, provides social media training for traders and local businesses, and leads themed walking tours. The interests of market traders are represented
through the Portobello and Golborne Management Committee (PGMC), chaired by a market trader, and the Markets Streets Action Group, chaired by the Council. Epic CIC, runs the Market Enterprise Launch Pad, a course for 18-25 year olds to provide them with the skills they need to run a small business or a market stall.

3.3.20 In-ground electricity points were installed in Portobello Road between Acklam Road and Golborne Road in 2012. Legible London monoliths and miniliths directing visitors from the three local Tube stations (Notting Hill Gate, Ladbroke Grove and Westbourne Park) and along the street market were installed in 2012. In conjunction with the partial temporary pedestrianisation of Portobello Road from 10am until 4pm between Westbourne Grove and Cambridge Gardens in 2012, a number of the junctions across Portobello Road have also been renewed.

3.3.21 The Museum of Brands, Packaging and Advertising has recently relocated to larger premises in Lancaster Road, off Portobello Road.

Chapter 8 Westway

Progress to date

3.3.22 The Westway Trust has consulted on initial ideas for redevelopment of their estate immediately around Portobello Road and has been awarded GLA High Street funding for pop-up market stalls in Thorpe Close.

3.3.23 The Council adopted a Supplementary Planning Document for land underneath and close to the Westway in 201265.

3.3.24 The Imperial West Innovation Hub is in the process of construction immediately adjacent to the Westway, in LB Hammersmith and Fulham. The s106 agreement for this development provides for a new pedestrian and cycle subway under the railway line which will increase footfall and create new employment opportunities in this part of the Westway. An application has been made to the Mayor of London’s London Regeneration Fund for public realm improvements on the Royal Borough’s side of the subway.

65 www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning/westway-supplementary-planning
Figure 3.4 Westway as shown in the existing Local Plan
Progress to date

3.3.25 The Kensington Academy and the redeveloped Leisure Centre opened in 2015, together with a new pedestrian link and improved open space. Silchester has been redeveloped by Peabody and is currently been marketed as More West. Phase 2 is schedule for completion in early 2016. Proposals for further estate regeneration in this area are being considered.

3.3.26 The Borough–wide exemption from permitted development change of use from office to residential has successfully protected office uses in Latimer Road / Freston Road Employment Zone. If it passes a referendum the St Quintin and Woodlands Neighbourhood Plan will allow residential uses above ground floor and mezzanine level in Units 1-14 Latimer Road.

3.3.27 The Council is conducting a study on land and properties in Council ownership and the wider area. This is to understand the potential to improve the area as a whole and establish if other nearby landlords, social and private are interested in partnering with the Council to build new homes. The study will also at look at opportunities for creating employment through new retail and office space, for new social and community spaces, and ways to improve the townscape and open spaces in order to make this part of Kensington more attractive. It is due for completion in early 2016.
Chapter 10 Earl's Court

Progress to date

3.3.28 A Supplementary Planning Document was produced for redevelopment of the Opportunity Area including the part of the site in the London Borough of Hammersmith and Fulham\(^6\). Redevelopment has received planning permission and is underway. Some of the Warwick Road sites have been built out.

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**Figure 3.6: Earl’s Court as shown in the existing Local Plan**

Progress to date

3.3.29 The Design Museum will relocate to the former Commonwealth Institute in late 2016, the Odeon cinema and former Main Post Office are being redeveloped, as is Lancer Square and a Supplementary Planning Document is being produced for the Heythrop College site with a frontage onto Kensington Square.

3.3.30 North-south cycling movements across Kensington High Street are not easy to make. Opportunities to provide crossings in the central and eastern sections of the street are being explored.
3.3.31 The Kensington High Street Retail Forum was re-launched in 2014 as the Kensington Business Forum with a new Chairman and Executive Committee. It now alternates formal meetings with business to business networking events. All meetings are held in the evening, hosted by local businesses and are free to attend for any local business.

3.3.32 In July 2015 the Leader of the Council chaired a meeting of stakeholders to discuss how the Council’s Cultural Placemaking\(^{67}\) ambitions could be achieved in association with the Design Museum opening in the former Commonwealth Institute building, which is scheduled for late 2016.

**Chapter 12 South Kensington**

**Progress to date**

3.3.33 The Exhibition Road public realm improvement scheme has been implemented. A Neighbourhood Plan is being developed for the residential areas in Westminster to the east of Exhibition Road, and a Supplementary Planning Document has been adopted for the grounds of the Natural History Museum\(^{68}\). The V&A has been granted planning permission to develop a new entrance onto Exhibition Road and is progressing this scheme.

3.3.34 Proposals to upgrade the station including: new escalators to the Piccadilly Line; reopening the disused eastbound District and Circle Line platform; and provision of step free access are being progressed by Transport for London. Planning applications are likely to be submitted in 2016.

3.3.35 The Council and local residents are keen to see redevelopment of 31-39 Harrington Road, which is now used as a car park after the building occupying the site was demolished following a fire in the 1980s.

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\(^{67}\) [www.rbkc.gov.uk/networking-and-training-events](http://www.rbkc.gov.uk/networking-and-training-events)

Figure 3.8: South Kensington as shown in the existing Local Plan
Progress to date

3.3.36 A planning application was received for new shops on the south western end of Pelham Street. This was refused because of concerns regarding the impact on...
traffic and pedestrian movement as well as the design of the proposal.

3.3.37 Planning permission has been granted for residential development of the Clearings a depot owned by John Lewis Partnership and redevelopment of Marlborough School with some associated office development.

Chapter 14 Knightsbridge

Figure 3.10: Knightsbridge as shown in the existing Local Plan

Progress to date

3.3.38 A planning application has been received for residential redevelopment of the Pavilion Road car park.

3.3.39 Public realm improvements have been implemented in Hans Crescent and the corner of Hans Road and Basil Street.

3.3.40 The Knightsbridge Business Forum meets as required and is Chaired by the MD of Harrods.
Chapter 15 King’s Road / Sloane Square

Figure 3.11: King’s Road and Sloane Square as shown in the existing Local Plan

**Progress to date**

3.3.41 TfL are progressing work on delivering the Crossrail 2 line including a proposed station at Chelsea. This station would be located underground. The ticket hall is proposed to be beneath 151 Sydney Street and the car park due north of the building. The underground platforms will be up to 250m in length, as they will be for Crossrail 1, with one escalator up and one down. It is proposed that there will be a ventilation shaft with an emergency exit behind the Pheasantry.

3.3.42 The Royal Brompton Hospital has identified the need to redevelop its main
hospital campus on Sydney Street in Chelsea in order to provide facilities that will meet its future requirements and maintain its position as a world leading centre of excellence for the treatment of heart and lung disease. To fund this ambition the hospital would need to sell parts of its estate in Chelsea. The Council produced a draft SPD to assist this process but this is currently on hold. The Council is awaiting a report from NHS England that will identify the future clinical requirements of both the Royal Brompton and the Royal Marsden hospitals, as there is the potential for them to develop shared facilities.

3.3.43 Thamesbrook Nursing Home has closed. The Council owns the site and is considering options for its redevelopment.

3.3.44 Some or all of these issues may be taken forward thorough a wider Chelsea Supplementary Planning Document in the future. However, such an approach is yet to be decided.

3.3.45 Sloane Square Tube station and the National Army Museum are being refurbished.

3.3.46 The King’s Road Business Forum is chaired by the Managing Director of Peter Jones and has an active membership of local businesses and institutions.

Chapter 16 Notting Hill Gate

Progress to date

3.3.47 The Council adopted a Supplementary Planning Document for the area in 2015. This sets out a number of proposals for the area, relating to improving the public realm, reducing vehicle dominance, providing step free access to the tube station, relocating the farmers’ market, enhancing office provision, and providing affordable housing and public art. It identifies development opportunities for seven sites: Newcombe House; Astley House; The Gate Cinema; West Block; Ivy Lodge to United House; 66-74 Notting Hill Gate (Book Warehouse site); and David Game House. The Coronet Cinema has new owners who have plans to refurbish and fully modernise the building and it is now being used both as a cinema and for theatre performances.

https://planningconsult.rbkc.gov.uk/consult.ti/RoyalBromptonHospitalSPD/consultationHome
Figure 3.12: Notting Hill Gate as shown in the existing Local Plan
Chapter 17 Fulham Road

Figure 3.13: Fulham Road as shown in the existing Local Plan

Progress to date

3.3.48 Chelsea Football Club has revealed plans to redevelop the Stamford Bridge stadium in LB Hammersmith and Fulham.

Chapter 18 Lots Road / World’s End

Progress to date

3.3.49 The Lots Road Power station redevelopment has planning permission. Lots Village Conservation Area has been designated. The Borough–wide exemption from permitted development change of use from office to residential has successfully protected office uses in Lots Road Employment Zone.
Figure 3.14: Lots Road and World’s End as shown in the existing Local Plan

3.3.50 Cremorne Wharf is being used as a construction site for the Thames Tunnel. This site is designated as a Safeguarded Waste Site in the London Plan but it is not suitable for removal of waste by river because barges can only load from the wharf at high tide. As a result the Council has sought de-designation of the wharf.
4. Site allocations

4.1 Introduction

4.1.1 There are eight strategic sites identified in the Local Plan where great change is envisaged. Seven of these sites were allocated in the Local Plan (as the Core Strategy in 2010). The eighth, Lots Road Power Station, had previously been granted planning permission.

4.2 Existing Local Plan policies

4.2.1 The existing Local Plan policies for Allocations and Designations are included in full in Appendix B.

4.3 Progress with delivery of the strategic sites

4.3.1 Since the Local Plan was adopted (as the Core Strategy in 2010) some of the strategic sites have been fully or partly developed, while others have not progressed.

Kensal Gasworks

Progress to date

4.3.2 The Gasworks strategic site was allocated for upwards of 2,500 homes in the Local Plan, this was increased to 3,500 in the London Plan 2015. However, paragraph A1.3 of the London Plan states, “It should be noted that in some Areas
the transport system would not currently support this level of growth and developer contributions may be required to underpin enhancements”.

Figure 4.1: Kensal Gasworks as shown in the existing Local Plan

4.3.3 The Council consulted on issues and options for an SPD\(^70\) for the Kensal Gasworks site in 2012. This identified the scale of development that would be achievable on the site with and without a station and a second road access. The SPD will not progress until there is certainly over the question of delivery of a station.

**Worlington Green**

**Progress to date**

4.3.4 Planning permission was granted in 2010 and Phase One of the development is now complete. There were a number of infrastructure requirements included in the strategic site allocation such as the reinstatement of Athlone Gardens and the Venture Centre. These will be delivered in later phases of the development.

Figure 4.2: Womington Green as shown in the existing Local Plan

Land Adjacent to Trellick Tower

Figure 4.3: Land adjacent to Trellick Tower as shown in the existing Local Plan
Progress to date

4.3.5 This vacant site in front of Trellick Tower was allocated for 60 residential units in the Local Plan. A Supplementary Planning Document has been adopted for redevelopment of the site\textsuperscript{71} and architects have been appointed to develop proposals.

Kensington Leisure Centre

\begin{figure}
\centering
\includegraphics[width=\textwidth]{kensington_leisure_centre}
\caption{Kensington Leisure Centre as shown in the existing Local Plan}
\end{figure}

Progress to date

4.3.6 This site was allocated for a 10,000 sq m new academy and a sports centre. Both opened in 2015. The final proposals included a CHP plant together with a small number of residential units which will be developed separately.

Former Commonwealth Institute

Progress to date

4.3.7 The ‘tent’ building was allocated for a high trip-generating institutional use. Planning permission has been granted for enabling residential and retail development on part of the site, subject to a S106 Agreement for the Design Museum to relocate to the ‘tent’ building. Development of the site is nearing completion and the Design Museum is expected to open in its new home in 2016.

\textsuperscript{71} \url{www.rbkc.gov.uk/sites/default/files/atoms/files/Trellick-Edenham%20SPD%20adopted%20small%20file%20-%20Mar%202015.pdf}
Warwick Road

Progress to date

4.3.8 The five sites were allocated for a total of 1,550 residential units. Planning permission has been given for 1,178 to date. The site allocations also included the provision of a primary school, on site public open space, community sports hall and swimming pool and funding for a number of streetscape improvements to Warwick Road and West Cromwell Road.

4.3.9 Redevelopment of Charles House, allocated for 500 units, will be complete when the school opens in September 2016. 439 residential units will be delivered. The Former Territorial Army site, allocated for 250 units, has planning consent for 281 units. Empress Telephone Exchange allocated for 150 units, has consent for 158 and the Homebase site allocated for 350 units has consent for 300 units. The former Charles House site, Telephone Exchange and Homebase site have all been implemented and are in various stages of completion. The primary school is being provided together with on site public open space and funding towards the streetscape improvements in addition to funding for education and leisure facilities in the Borough. These sites also include affordable housing. The site at 100 West Cromwell Road allocated for 350 units currently has no extant permission. The future development of this site should include the community sports hall and funding towards streetscape improvements.
Figure 4.6: Warwick Road as shown in the existing Local Plan

Earl’s Court

Figure 4.7: Earl’s Court as shown in the existing Local Plan
4.3.10 The part of the site in RBKC was allocated for 500 homes and a number of other land uses. Planning permission has been granted for a mixed use development in RBKC which includes up to 930 residential units including affordable housing, two CHP plants (one in RBKC/one in LBHF). The permission for RBKC also includes up to 10,132 sq m Class B1, 3414 sq m retail, 7381 sqm hotel and 6067 sqm of education, culture, community and leisure floorspace. The permission has been implemented and will take some 15 years to complete. The Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham, in partnership with the Mayor of London have produced a joint planning framework to guide future development in the Earl’s Court and West Kensington Opportunity Area\(^72\).

4.4 Potential new site allocations

4.4.1 The following potential new strategic site allocations have been identified:

Royal Brompton Hospital / Chelsea

Figure 4.8: Potential new site allocations for Royal Brompton Hospital / Chelsea (blue line indicative boundary)

4.4.2 The Royal Brompton Hospital has identified the need to redevelop its main hospital campus on Sydney Street in Chelsea in order to provide facilities that will

meet its future requirements and maintain its position as a world leading centre of excellence for the treatment of heart and lung disease. To fund this ambition the hospital would need to sell parts of its estate in Chelsea. The Council has produced a draft SPD\textsuperscript{73} to assist this process but is awaiting a report from NHS England that will identify the future clinical requirements of both the Royal Brompton and the Royal Marsden hospitals, as there is the potential for them to develop shared facilities.

4.4.3 Any option for site allocation should also consider including the sites that could be required for a Crossrail 2 station and the Thamesbrook Nursing Home site.

37 Pembroke Road

![Figure 4.9: Potential new site allocations for 37 Pembroke Road (blue line indicative boundary)](image)

4.4.4 The Council has reviewed the requirement for the Pembroke Road Depot as a base for waste operations, whether the Council offices could be re-let to other businesses and the benefits that could be achieved through partial or full redevelopment of the building which could include new housing on the site and improving Pembroke Road by introducing new shops and businesses. On 30 October 2014, the Royal Borough's Cabinet agreed that full redevelopment could best meet the objectives of the Council by maximising the benefits to the Borough as a whole, while protecting the existing resident community on the site.

\textsuperscript{73} [https://planningconsult.rbkc.gov.uk/consult.ti/RoyalBromptonHospitalSPD/consultationHome](https://planningconsult.rbkc.gov.uk/consult.ti/RoyalBromptonHospitalSPD/consultationHome)
Barlby and Treverton Estates

4.4.5 The Council is considering options for building a new Barlby Primary School, a new school for children with special educational needs, and what opportunities there may be for improving existing homes and building new ones on and around:

- 319-339 Ladbroke Grove
- Raymede and Treverton Towers
- 5 Exmoor Street
- 1-18 Burleigh House

4.4.6 Architects have been appointed to take forward this project.
4.4.7 The Council is conducting a study on land and properties in Council ownership and the wider area. This is to understand the potential to improve the area as a whole and establish if other nearby landlords, social and private, are interested in partnering with the Council to build new homes. The study will also at look at opportunities for creating employment through new retail and office space, for new social and community spaces, and ways to improve the townscape and open spaces in order to make this part of the Borough more attractive. The study is due for completion in early 2016. The Council currently does not have any development proposals.
Originally, part of a stuccoed terrace on Queen’s Gate, the site was a hotel but fire damage in the 1980s led to the building being demolished. Currently the site is used as a car park. The Council and local residents are keen to see this prime South Kensington site redeveloped.
4.5 Issues and options

4.5.1 The Council is required to allocate sites for development and this is necessary to demonstrate that the Council can meet its five year housing land supply requirement, so not allocating strategic sites is not an option.

4.5.2 The strategic allocations for Kensington Leisure Centre, and the Former Commonwealth Institute are no longer required because the former has been built and the latter is in the final stages of construction.

Issue 1: There has been progress in delivering most of the strategic sites since the Local Plan was drafted (as the Core Strategy in 2010). The Council needs to consider whether it is appropriate to update the Local Plan to reflect the progress that has been made to make the Allocations and Designations chapter easier to use and to identify new (strategic) sites.

Question 1
How could the Allocations and Designations chapters be improved?

Question 2
Are there other aspects of the existing strategic sites policies which need updating? If so, please identify which ones and what the issue is.

Question 3
The following potential new (strategic) site allocations have been identified:

- Royal Brompton Hospital/ Chelsea
- Pembroke Road
- Barlby and Treverton Estates
- Silchester East and West
- 39-49 Harrington Road

Do you agree that any / all of these should be allocated in the future and do you have any comments on the draft indicative boundaries?

Question 4
Are there any other (strategic) sites that should be considered as a site allocation as part of the Local Plan Partial Review? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).
Figure 4.13: Site allocations in the existing Local Plan and potential new site allocations for the Local Plan Partial Review
5. **Infrastructure and planning contributions**

5.1 **Introduction**

5.1.1 The Council needs to review its existing Local Plan policies relating to infrastructure and planning contributions because, since its adoption in 2010 (known as the Core Strategy at the time):

- The Council’s Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 (R123) List has taken effect (6 April 2015)\(^7\), limiting what the Council can negotiate in terms of Section 106 agreements (S106s); and
- The wider legislative, policy and guidance context relating to infrastructure and planning contributions has changed significantly.

5.1.2 The issues which the Council considers the Local Plan Partial Review needs to address in light of these changes are set out in the following sections:

- **Issue 1**: S106 vs CIL infrastructure categories, standard charges and pooling;
- **Issue 2**: Public art provision and contributions;
- **Issue 3**: Open space provision and contributions;
- **Issue 4**: Infrastructure planning to support the Local Plan Partial Review;
- **Issue 5**: Thresholds for seeking S106s; and
- **Issue 6**: Viability and transparency.

\(^7\) [www.rbkc.gov.uk/cil](http://www.rbkc.gov.uk/cil)
5.2 Existing Local Plan policies

Issue 1: S106 vs CIL categories, standard charges and pooling

5.2.1 Chapter 29 ‘Policies and Actions’ of the existing Local Plan introduces ‘Infrastructure and Planning Obligations (s106)’ and the existing policy as follows:

**Policy C1 Infrastructure Delivery and Planning Obligations**

**Infrastructure Requirements and Delivery**

New development will be coordinated with the provision of appropriate infrastructure to support the development. The Council will require that there is adequate infrastructure to serve developments, including through the use of planning obligations, working with infrastructure providers and stakeholders to identify requirements.

In determining applications for planning permission, the Council will take into consideration the nature, scale and location of the proposed development, and where the need arises from the development either because of its individual or cumulative impact, will seek prescriptive, compensatory or mitigatory measures to secure the necessary social, physical, green or environmental infrastructure, or improvements to the proposals submitted to enable the development to proceed, in accordance with advice in national guidance.

**Planning Obligations**

Planning obligations will be negotiated whenever appropriate in accordance with Circular 05/2005 Planning Obligations, and taking account of the proposed development, and in determining which measure receives priority, account will be taken of the individual characteristics of the site, the infrastructure needs of the site and the surrounding area, and the London Plan. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole...

5.2.2 Chapter 29 of the existing Local Plan also suggests measures which may be suitable for planning obligations, including:

1. Environmental improvements
2. Economic initiatives
3. Provision of affordable housing
4. Provision of community, social and health facilities
5. Provision of transportation facilities
6. Conservation of buildings of architectural or historic interest and other conservation projects such as archaeological investigation
7. Sports, leisure, recreational and visitor facilities
8. Green infrastructure improvements
9. Cultural facilities
10. Play facilities
11. Energy efficiency and renewable energy
12. Utility infrastructure requirements
13. Waste management and recycling to mitigate the impact of the development
14. Land charges, legal, project management, monitoring and implementation costs, and management and maintenance costs on completion

Unitary Development Plan (UDP)

5.2.3 The Council’s Unitary Development Plan (UDP, May 2002) also contains an extant policy relating to infrastructure provision which is set out below and is part of the scope of the Local Plan Partial Review:

Policy H8

To require the provision of appropriate social and community facilities within major residential schemes.

Planning Obligations Supplementary Planning Document (SPD)

5.2.4 The Council adopted a Planning Obligations Supplementary Planning Document (SPD) and Calculator in August 2010 to provide further guidance on the Local Plan (at the time, the Core Strategy) policies. The SPD sets out a range of ‘categories’ of infrastructure for which S106s will be sought (see Figure 5.2). Chapter 9 of the existing SPD sets out its general approach of seeking “Standard Charges” through S106s and states:

The Council will adopt a consistent approach to the application of standard charges in order to ensure fairness, predictability and transparency... Negotiated planning obligations will normally be required for large and complex developments. In such cases, the standard charges may act as a starting point for negotiations.

Each case will be considered on its merits to ensure that any obligation sought is sufficient to ensure that the proposed development is acceptable in policy terms... and the statutory tests contained in the CIL Regulations 2010 are met. (Paragraphs 9.3 and 9.6)

5.2.5 Chapter 11 sets out the existing SPD’s general approach to “Pooling of Funds”. The SPD states:

In cases where a financial contribution is sought towards off-site provision, funds may be pooled towards the strategic aims of the Development Plan.

In cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure, contributions may be sought from developers towards future provision where the combined impact of a number of developments does, may or will create a need for infrastructure. (Paragraphs 11.5 and 9.4)

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75 www.rbkc.gov.uk/planning-and-building-control/planning-policy/section-106
5.2.6 The Council’s Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 (R123) List came into effect on 6 April 2015. The full details of these documents, and information on how CIL works is set out on the Council's dedicated CIL webpage \(^76\) and will not be duplicated here but, importantly for this Local Plan Partial Review, the Council can no longer seek S106s for items which are included within the R123 List, because these are intended to be funded through CIL instead.

5.2.7 For the sake of clarity, the R123 List sets out ‘exceptions’ where S106s can still be sought by the Council. The categories used in the R123 List reflect those used in the Planning Obligations SPD for consistency and are replicated in Figure 5.2 below:

<table>
<thead>
<tr>
<th>Category</th>
<th>Item</th>
<th>R123 List: S106 or CIL?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Affordable Housing</td>
<td>Affordable Housing</td>
<td>S106</td>
</tr>
<tr>
<td>B Education</td>
<td>Education</td>
<td>CIL</td>
</tr>
<tr>
<td>C Community Facilities</td>
<td>Health; Libraries; Sport and Leisure; Community Facilities; Policing Resources and Emergency Services; Revenue Contributions; Cultural Facilities</td>
<td>CIL</td>
</tr>
<tr>
<td>D Public Realm</td>
<td>Parks and Open Space; Streetscape; Community Safety; Revenue Payments; Public Art</td>
<td>CIL</td>
</tr>
</tbody>
</table>

\(^76\) [www.rbkc.gov.uk/cil](http://www.rbkc.gov.uk/cil)
<table>
<thead>
<tr>
<th>Category</th>
<th>Item</th>
<th>R123 List: S106 or CIL?</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Transport</td>
<td>Public Transport; Highways and Traffic Works</td>
<td>CIL</td>
</tr>
<tr>
<td></td>
<td>On-site provision of new or enhanced access from the highway or public transport facilities to a development site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Highway measures necessary to directly mitigate the impact of particular development proposals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Changes to, or introduction of, local traffic management or controlled parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Removal, relocation or replacement of street furniture, dropped kerbs, crossovers, street trees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Revenue ‘pump priming’ of new/extended local bus routes/services and/or increased service frequencies</td>
<td>S106</td>
</tr>
<tr>
<td></td>
<td>Parking Restrictions; Travel Plans and Car Clubs</td>
<td>S106</td>
</tr>
<tr>
<td>F Natural Resource Management</td>
<td>Flood Risk; Air Quality; Waste; Biodiversity</td>
<td>CIL</td>
</tr>
<tr>
<td></td>
<td>Energy Efficiency; Renewable Energy</td>
<td>S106</td>
</tr>
<tr>
<td>G Employment and Training</td>
<td>Local Training in Construction; General Employment and Training Contributions; Securing Employment Premises; Town Centres, Regeneration and Affordable Shops</td>
<td>S106</td>
</tr>
<tr>
<td>Monitoring and Programme Costs</td>
<td>Monitoring and Programme Costs</td>
<td>S106</td>
</tr>
<tr>
<td>Other exceptions to R123 List</td>
<td>An item of infrastructure (or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a development acceptable, subject to the ‘S106 tests’ and the pooling restrictions, including the below requirements</td>
<td>S106</td>
</tr>
<tr>
<td></td>
<td>On-site provision of infrastructure required in accordance with the Development Plan</td>
<td>S106</td>
</tr>
<tr>
<td></td>
<td>For development in the Earl’s Court and West Kensington Opportunity Area / Earl’s Court Strategic Site and/or the Kensal Gasworks Strategic Site / Kensal Canalside Opportunity Area, any infrastructure from all Categories required in accordance with the Development Plan (such as infrastructure specified in SPDs or the IDP)</td>
<td>S106</td>
</tr>
<tr>
<td></td>
<td>For commercial floorspace subject to zero Borough CIL rates, any infrastructure from all Categories (except A Affordable Housing and B Education) required in accordance with the Development Plan (such as infrastructure specified in SPDs or the IDP)</td>
<td>S106</td>
</tr>
</tbody>
</table>

**Figure 5.2: Categories of infrastructure from the Planning Obligations SPD and whether they are intended to be funded through S106 or CIL as per the R123 List**

**Issue 2: Public art**

5.2.8 Chapter 33 of the existing Local Plan also contains a policy on streetscape which refers to public art. The extract from this policy is set out below and forms part of the Local Plan Partial Review:

**Policy CR4 Streetscape**

... 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.
5.2.9 The remainder of Policy CR4 is not part of the Local Plan Partial Review because the other elements of the policy were considered as part of the Core Strategy ‘Conservation and Design’ Review, which was adopted in December 2014.

5.2.10 Chapter 40 of the Council’s existing Planning Obligations SPD deals with “Public Art” under the wider category of “Public Realm” and sets out how the Council will seek S106s for public art – through a ‘standard charges’ S106 financial contribution approach.

5.2.11 The Council adopted a Public Art Supplementary Planning Guidance (SPG) document in August 200477 and sets out a number of ways in which public art may be sought in the Borough, including through on-site provision or financial planning contributions. Section 7 of this consultation report deals with ‘arts and cultural uses’ and refers to the Council’s corporate policies on ‘cultural placemaking’.

Figure 5.3: CIL R123 List (April 2015) and Public Art SPG (Aug 2004)

5.2.12 The Council’s existing R123 List specifically identifies “Public Art” as an exception from the R123 List because the Council cannot spend CIL on public art (because it is not ‘infrastructure’ for the purposes of CIL as set out in the Planning Act 2008). This means that the Council may, in theory, still seek S106s for public art, subject to satisfying the necessary ‘S106 tests’ set out in national legislation and policy (see section 5.3).

**Issue 3: Open space**

5.2.13 Chapter 33 ‘An Engaging Public Realm’ of the existing Local Plan contains a
policy on open space which refers to S106s. The extract from this policy is set out below (emphasis added) and forms part of the Local Plan Partial Review. The other elements of the policy are not intended to form part of the Partial Review.

**Policy CR5 Parks, Gardens, Open Spaces and Waterways**

...d. require all major development outside a 400m radius of the closest entrance to the nearest public open space to make provision for new open space which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. Where this is not possible for justified townscape reasons, that a S106 contribution is made towards improving existing publicly accessible open space.

...  

5.2.14 The remainder of Policy CR5 is not part of the Local Plan Partial Review because the other elements of the policy were considered as part of the Core Strategy 'Conservation and Design' Review, which was adopted in December 2014.

5.2.15 Chapter 38 of the Council’s existing Planning Obligations SPD deals with “Parks and Open Space” under the wider category of “Public Realm” and sets out how the Council will seek S106s for open space.

5.2.16 The Council’s existing R123 List specifically identifies “Parks and Open Space” as infrastructure the Council intends may be funded by CIL and so can no longer be sought through S106s (unless any of the R123 List ‘exceptions’ apply).

**Issue 4: Infrastructure planning**

5.2.17 Chapter 37 ‘Infrastructure’ of the existing Local Plan introduces the ‘Infrastructure Delivery Plan (IDP)’ and the ‘Infrastructure Schedule’. The IDP uses the following ‘categories’ of infrastructure:

- Transport
- Utilities and Waste
- Social Infrastructure
- Environmental and Green Infrastructure
- Culture and Leisure

5.2.18 Subsection 37.2 introduces the ‘Infrastructure Schedule’ of the Local Plan which sets out the key infrastructure requirements in the Borough that are necessary to support the delivery of the Local Plan. For each project, the Schedule sets out:

- Where?
- What?
- Why?
- Lead delivery organisation / management organisation (Who?)
- Cost (How much?)
- When?
- Sources of funding
- Any dependencies
5.2.19 Since the original adoption of the IDP and Schedule in the Local Plan in 2010 (at the time known as the Core Strategy), a more up-to-date version of the IDP, using the same categories, has been published by the Council (March 2014)\(^78\) as part of the evidence base to support the Council’s CIL Charging Schedule.

5.2.20 Chapter 38 ‘Monitoring’ of the existing Local Plan includes a subsection 38.2 on ‘Section 106 Implementation and Infrastructure Monitoring’.

**Issue 5: S106 thresholds**

5.2.21 Thresholds for seeking S106 planning obligations are set out in Table 55.1 of the existing Planning Obligations SPD and summarised in Figure 5.4 below:

<table>
<thead>
<tr>
<th>Categories</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Affordable Housing</td>
<td>800m²</td>
</tr>
<tr>
<td>B Education</td>
<td>School places 1 unit</td>
</tr>
<tr>
<td>C Community Facilities</td>
<td>Health 1 unit</td>
</tr>
<tr>
<td></td>
<td>Libraries Major*</td>
</tr>
<tr>
<td></td>
<td>Sport and leisure Major*</td>
</tr>
<tr>
<td></td>
<td>Community facilities Major*</td>
</tr>
<tr>
<td></td>
<td>Policing resources and emergency services Major*</td>
</tr>
<tr>
<td></td>
<td>Community facilities revenue contributions N/A</td>
</tr>
<tr>
<td>D Public Realm</td>
<td>Parks and open spaces Major*</td>
</tr>
<tr>
<td></td>
<td>Streetscape Case-by-case</td>
</tr>
<tr>
<td></td>
<td>Public art Major*</td>
</tr>
<tr>
<td></td>
<td>Community safety Case-by-case / to meet safety needs / based on visitor numbers</td>
</tr>
<tr>
<td></td>
<td>Public realm revenue payments N/A</td>
</tr>
<tr>
<td>E Transport</td>
<td>Public transport Case-by-case, including majors*</td>
</tr>
<tr>
<td></td>
<td>Highways and traffic works Case-by-case</td>
</tr>
<tr>
<td>F Natural Resource Management</td>
<td>Air quality Major*</td>
</tr>
<tr>
<td>G Employment and Training</td>
<td>Local training in construction Major*</td>
</tr>
<tr>
<td></td>
<td>General employment and training Major* commercial, &gt;50 employees</td>
</tr>
<tr>
<td></td>
<td>Securing employment premises Major* commercial</td>
</tr>
<tr>
<td></td>
<td>Town centres and affordable shops Major* commercial within town centres</td>
</tr>
</tbody>
</table>

*Figure 5.4: Thresholds for financial contributions from Table 55.1 of the Planning Obligations SPD. *major ≥10 units or ≥0.1ha or ≥1,000sqm for non-residential*

\(^78\) [www.rbkc.gov.uk/planning-and-building-control/planning-applications/consideration-and-obligations/community-0](http://www.rbkc.gov.uk/planning-and-building-control/planning-applications/consideration-and-obligations/community-0)
5.2.22 Thresholds for seeking affordable housing as part of residential development proposals are not considered in this section but are instead covered within Issue 5 ‘Affordable housing threshold’ in section 10 ‘Housing’ of this Issues and Options consultation document.

**Issue 6: Viability and transparency**

5.2.23 Policy C1 of the existing Local Plan also covers financial ‘viability’ issues:

**Policy C1 Infrastructure Delivery and Planning Obligations**

*Planning Obligations*

The viability of the development will also be taken into account. In the case of an enabling development, or where the development is unable to deliver all the policy requirements for reasons of viability, a viability study will be required to accompany the planning application. S106 contributions will be reviewed in the context of this viability study. The viability study should use the GLA toolkit or an agreed alternative. The applicant will fund the independent assessment of the viability study, or other technical studies requiring independent assessment, prior to the application being determined.

5.2.24 Chapter 6 “Viability Issues” of the Planning Obligations SPD provides further guidance to the policy with regard to viability assessments and transparency in stating:

The applicant will be required to provide any financial information to support the viability assessment to the Council and/or to the independent assessor, on a strictly confidential basis. Open book appraisal may be required

(paragraph 6.4)

5.2.25 The SPD goes on to support a residual land value approach, assuming that land values are “set by the application of planning policy in determining the permissible scope of development” (paragraph 6.5). The SPD also states, with regard to viability ‘review mechanisms’:

In order to address economic uncertainties which may arise over the lifetime of the proposal the Council will give consideration to put in place provisions for re-appraising the viability of schemes prior to implementation in whole or in part. These are also known as “contingent obligations” and may also be known as “overage” provision of clauses. These will obligate the applicant to resubmit a financial appraisal immediately prior to the commencement of the development. If the margins of viability/profitability have increased since determination further obligations will be payable. If the situation has not improved the approved obligation stands. This allows for development to be carried out when it may otherwise would [sic] not be viable to do so, or to do so would be at increased levels of risk. It may also serve to encourage development sooner rather than later.

(paragraph 6.6)
5.3 Legislation, policy and guidance context

Issue 1: S106 vs CIL categories, standard charges and pooling

National

5.3.1 Section 106 of the Town and Country Planning Act 1990 (as amended) sets out the legal basis for S106 agreements:

Any person interested in land... may, by agreement or otherwise, enter into an obligation...

(a) restricting the development of use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority... on a specified date or dates periodically.

5.3.2 Regulation 122 of the CIL Regulations 2010 (as amended) set out the S106 ‘tests’ which state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

5.3.3 Regulation 123 of the CIL Regulations introduces pooling restrictions for S106s. These came into effect on 6 April 2015 when the Council’s CIL Charging Schedule took effect meaning that “no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement, if five or more obligations for that project or type of infrastructure have been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy”.

5.3.4 There is a general expectation that when CIL is introduced, S106s “should be scaled back to those matters that are directly related to a specific site, and are not set out in a R123 List”.

5.3.5 However, “the Government considers there is still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of a particular development can be

79 Replicated exactly in the NPPF paragraph 204, NPPG Planning Obligations paragraph 001
80 NPPG CIL paragraph 099
81 NPPG CIL paragraph 097
mitigated”. Planning obligations are intended to “mitigate the impact of unacceptable development to make it acceptable in planning terms”. The NPPF is clear that S106s should be used “where it is not possible to address unacceptable impacts through a planning condition”. NPPG makes clear that “Policies for seeking planning obligations should be set out in a Local Plan”.

Regional

5.3.6 London Plan Policy 8.2 Planning Obligations states that “Boroughs should set out a clear framework for negotiations on planning obligations in DPDs...”. Policy 3.16 ‘Protection and Enhancement of Social Infrastructure’ states that “Boroughs should ensure that adequate social infrastructure provision is made to support new developments”.

5.3.7 The Mayor of London’s Supplementary Planning Guidance (SPG) on ‘Use of planning obligations in the funding of Crossrail, and the Mayoral CIL’ sets out how S106s should be sought for funding Crossrail for the areas of the Borough which fall within central London. The SPG also provides guidance on the implementation of the Mayor’s and Borough CIL.

5.3.8 The Mayor’s Social Infrastructure SPG sets out a range of categories of social infrastructure which should be considered as part of plan-making and new development, such as: health and social care, education, sports facilities, burial needs and community facilities. The Mayor’s Housing SPG provides some additional broad guidance on social infrastructure needed to support London’s housing growth.

Issue 2: Public art

5.3.9 In March 2014, paragraph 004 of the original version of the NPPG on Planning Obligations stated (emphasis added):

Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms...

5.3.10 However, in March 2015, the NPPG on Planning Obligations was amended to remove the specific reference to public art and now simply states:

Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.

5.3.11 Policy 7.5 ‘Public Realm’ of the London Plan states that “Opportunities for the integration of high quality public art should be considered” as part of decisions on planning applications.

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82 NPPG CIL paragraph 094
83 NPPG Planning Obligations paragraph 001
84 NPPF paragraph 203
85 NPPG Planning Obligations paragraph 003
86 http://planningguidance.communities.gov.uk/revisions/23b/004/
Issue 3: Open space

National

5.3.12 NPPF paragraph 73 states “Access to high quality open spaces... can make an important contribution to the health and well-being of communities”. NPPG on ‘Open space, sports and recreation facilities’ states that “Open space should be taken into account in planning for new development and considering proposals that may affect existing open space” (paragraph 001).

Regional

5.3.13 London Plan Policy 2.18 Green Infrastructure states that “Enhancements to London’s green infrastructure should be sought from development” and Policy 7.18 Protecting Open Space states that “The Mayor supports the creation of new open space in London to ensure satisfactory levels of local provision”.

5.3.14 The Mayor’s All London Green Grid (ALGG) SPG states that “deficiencies in provision... can be reduced through projects that create new public open space, expand or improve the quality of existing sites... improve the links between parks and improve the access to existing sites...” (paragraph 4.11). The SPG also states “The inclusion of the ALGG... in DPDs will provide a basis for potential use of Section 106 agreements for the creation, improvement and management of the ALGG. Boroughs are encouraged to use the S106 mechanism, where appropriate, to remedy explicit on-site issues” (paragraph 3.13).

Issue 4: Infrastructure planning

National

5.3.15 The NPPF states that the “provision of infrastructure” is part of the “economic role” of planning87 and that “Planning policies should recognise and seek to address potential barriers to investment, including... any lack of infrastructure” by identifying “priority areas for... infrastructure provision...”88. A “strategic priority” for Local Plans is “the provision of infrastructure” and they should “plan positively for the development and infrastructure required in the area”89. The NPPF requires Councils to “work with other authorities and providers to... assess the quality and capacity of infrastructure” for a range of infrastructure categories and types90. The NPPF also states:

It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time in the Local Plan (paragraph 177).

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87 NPPF paragraph 7
88 NPPF paragraph 21, see also 160
89 NPPF paragraphs 156-7
90 NPPF paragraph 162
5.3.16 The NPPF requires Councils to “work collaboratively with private sector bodies, utility and infrastructure providers” and Local Plans should “provide the land and infrastructure necessary to support current and projected future levels of development”.91

Regional

5.3.17 London Plan Policy 8.1 ‘Implementation’ states92:

The Mayor will work with boroughs, infrastructure providers, national government, regulators and others involved in infrastructure planning, funding and implementation to ensure the effective development and delivery of the infrastructure needed to support the sustainable management of growth in London and maintain its status as a world city...

5.3.18 The Mayor’s London Planning Statement SPG states that a key role for the London planning system is:

Ensuring a growing city has the infrastructure (including transport, energy and other utilities, health, education and other social and community safety provision, flood management, parks and other green infrastructure) it needs. The London planning system should identify needs and likely gaps in provision, and then help to lever resources to help meet them... The Mayor intends to work with boroughs, developers and others to make a step change improvement in infrastructure planning in London...

(paragraph 5.3)

91 NPPF paragraph 180-1
92 See also London Plan paragraph 8.6B – 8.7
5.3.19 The Mayor’s Social Infrastructure SPG sets out a range of categories of social infrastructure which should be considered as part of plan-making and new development, such as: health and social care, education, sports facilities, burial needs and community facilities.

5.3.20 The Mayor has also published a London Infrastructure Plan 2050 Update which sets out a vision for London to 2050 and considers transport, green infrastructure, digital connectivity, energy, waste/recycling, water and social infrastructure categories.

**Issue 5: S106 thresholds**

5.3.21 A Written Ministerial Statement ‘Small-scale developers’ was made in November 2014\(^\text{93}\) which introduced a ‘vacant building credit’ for affordable housing contributions (affordable housing is considered in section 10 of this consultation document) and a threshold of 1,000m\(^2\) or 10 units for other ‘tariff style’ or pooled ‘pot’ planning contributions. The NPPG on Planning Obligations was updated at the same and further updated in February and March 2015 (paragraph 012-023).

5.3.22 A High Court ruling in July 2015\(^\text{94}\) quashed the Government’s policy although in September, the Government was granted permission to appeal against that ruling.

5.3.23 However, the Housing and Planning Minister, Brandon Lewis MP has been quoted as saying “I’m still very focused on making sure that if we are building ten homes or less [sic] that we make it as accessible for small builders as possible”\(^\text{95}\) and so it may be the case that, depending on the outcome of the appeal, the Government revisits this policy.

**Issue 6: Viability and transparency**

National

5.3.24 The NPPF requires the Council to “work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of... viability” (paragraph 160). The NPPF also states:

> …the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should... provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

(paragraph 173)

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93 [www.gov.uk/government/speeches/small-scale-developers](http://www.gov.uk/government/speeches/small-scale-developers)
5.3.25 The NPPG on Planning Obligations sets out a principle of transparency with regard to viability in stating “Wherever possible, applicants should provide viability evidence through an open book approach to improve the review of evidence submitted and for transparency” (paragraph 007).

5.3.26 The NPPG on Viability provides more detailed guidance on the topic of viability specifically. It states:

Understanding Local Plan viability is critical to the overall assessment of deliverability. Local Plans should present visions for an area in the context on an understanding of local economic conditions and market realities. (paragraph 001)

5.3.27 The NPPG on viability goes on to state “There is no standard answer to questions of viability, nor is there a single approach for assessing viability” (002) and that “Transparency of evidence is encouraged wherever possible” (paragraphs 002 and 004).

Figure 5.6: ‘Glorious Beauty’ 2014, 375 Kensington High Street (Simon Hitchens)
Regional

5.3.28 London Plan Policy 8.2 Planning Obligations states that “the Mayor will take into account... economic viability” when considering planning applications of strategic importance. Paragraph 3.75 of the London Plan states, with regard to viability ‘review mechanisms’:

...boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation. To take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, these provisions may be used to ensure that maximum public benefit is secured over the period of the development

5.3.29 Viability ‘review mechanisms’ are considered further in the Mayor’s Draft Interim Housing SPG as set out below:

Contingent obligations / review mechanisms: are used to maximise affordable housing output by putting in place provisions for re-appraising the viability of schemes or phases prior to implementation in whole or in part. Such provisions are sometimes incorrectly called “overage”.

...Review mechanisms should be considered when a large scheme is built out in phases and the mechanism should specify the scope of a review of viability for each phase. For schemes with a shorter development term, consideration should be given to using S106 clauses to trigger a review of viability, if a scheme is not substantially complete by a specified date.

(paragraphs 4.4.34-35)

5.3.30 The SPG also considers the issue of transparency in stating “A recent judgement has helped clarify the circumstances in which requests for details of such appraisals under freedom of information regimes may be upheld” (paragraph 4.4.33).

Summary

5.3.31 Figure 5.7 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 1990</td>
<td>Town and Country Planning Act 1990 (as amended)</td>
<td>HM Government</td>
</tr>
<tr>
<td>Apr 2010</td>
<td>The Community Infrastructure Levy Regulations 2010 (as amended)</td>
<td>HM Government</td>
</tr>
<tr>
<td>Dec 2014</td>
<td>National Infrastructure Plan 2014 (as amended)</td>
<td>HM Treasury</td>
</tr>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF) (as amended)</td>
<td>DCLG</td>
</tr>
</tbody>
</table>

5.4 Evidence base

5.4.1 Much of the local, regional and national evidence base for infrastructure and planning contributions has been referenced in the previous sections, largely in the form of various infrastructure plans and schedules.

5.4.2 In terms of S106, the amount of S106 financial contributions agreed in each
In terms of viability, the Housing section of this consultation document (section 10) provides more detailed evidence regarding viability, particularly with regard to the viability of affordable housing through on-site provision and payments in lieu.
5.5 Issues and options

**Issue 1: S106 vs CIL categories, standard charges and pooling**

**S106 vs CIL categories**

5.5.1 The Council needs to update its current approach to S106s in Local Plan policies and in the SPD to reflect the fact that, in light of the R123 List, many items of infrastructure can now be funded through CIL and cannot be funded through S106s anymore (see Figure 5.2).

5.5.2 However, the Council needs to be sure that it can continue to seek S106s to fund or provide necessary infrastructure for development which is subject to ‘nil’ (£0/m²) rates in the CIL Charging Schedule, namely:

- Commercial floorspace (subject to a ‘nil’ £0/m² CIL rate); and
- Development in the Earl’s Court and Kensal Gasworks Strategic Sites (Zones G and H respectively, subject to ‘nil’ £0/m² CIL rates).

5.5.3 Whilst Local Plan policy could be updated to reflect the detail of the R123 List, it should be recognised that the R123 List can be changed following just a single “appropriate local consultation”\(^{111}\) in response to local circumstances, whereas Local Plan policy must go through several iterations of consultation and a public examination.

5.5.4 The Council considers there are two options available:

**Option 1**
Local Plan policy should set out high level principles regarding ‘planning contributions’ and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

**Option 2**
Local Plan policy should reflect the detail of the R123 List and precisely require S106s only for those items of infrastructure that can continue to be funded through S106.

**Standard charges and pooling**

5.5.5 As set out in section 5.2, for those items of infrastructure which remain currently capable of being funded by S106s, the Council’s existing Planning Obligations SPD generally adopts a ‘standard charges’ tariff approach to financial contributions. However, in each case, the S106 ‘tests’ as set out in section 5.3 must be demonstrated to be met to ensure the obligations are appropriate.

5.5.6 Legislation (set out in section 5.3) also prevents a S106 planning obligation being sought for a specific infrastructure project or type where five or more S106s have already been entered into since 6 April 2010 for that project or type of

\(^{111}\) NPPG CIL paragraph 098
infrastructure. This essentially restricts ‘pooling’ of S106s, often from ‘standard charges’ or tariffs.

5.5.7 It should be noted that the pooling restrictions only apply to S106s which provide for ‘infrastructure’, which does not include items such as affordable housing and employment and training initiatives, which may continue to be pooled.

**Option 1**
For those items of infrastructure which are still capable of being funded by S106s, the Council should continue with a ‘standard charges’ approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that the S106 ‘tests’ must continue to be met in each case. This may result in less bespoke approaches, but more certainty.

**Option 2**
For those items of infrastructure which are still capable of being funded by S106s, the Council should move away from a ‘standard charges’ approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that S106s should be sought purely on a case-by-case basis. This may result in more bespoke approaches, but less certainty.

**Question 1**
Should the Council continue to seek monitoring costs, programme costs, revenue payments through S106s? Are there any other provisions which should be sought through S106s e.g. enforcement of Construction Traffic Management Plans (CTMPs).

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 2: Public art**

5.5.8 Existing Local Plan Policy (see section 5.2) requires all major development to provide new public art in the external design of the new building or within the public realm. The Council’s Planning Obligations SPD generally adopts a ‘standard charges’ approach to achieve this.

**Option 1**
Local Plan policy should confirm a ‘standard charges’ approach to seeking S106 financial contributions for public art.

**Option 2**
Local Plan policy should seek public art as an integral part of the design and development of sites, rather than through separate S106 financial contributions.

**Option 3**
Local Plan policy should no longer seek public art through the planning system.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
Issue 3: Open space

5.5.9 Existing Local Plan policy (see section 5.2) requires a “S106 contribution... towards improving existing publicly accessible open space” where open space cannot be provided on site as part of a major development. However, the more recent R123 List lists open space as an item intended to be funded by CIL and so can no longer be funded by S106s, except where the R123 list ‘exceptions’ apply (for example, on-site provision as part of strategic sites).

Option 1
Local Plan policy should set out high level principles regarding ‘planning contributions’ for open space and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

Option 2
Local Plan policy should reflect the detail of the R123 List and no longer seek open space through S106s (except where the R123 List exceptions apply).

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Figure 5.10: Avondale Park
### Issue 4: Infrastructure planning

5.5.10 The Council intends to update the existing Infrastructure Delivery Plan from 2014 (see section 5.2) to set out the infrastructure necessary to support the emerging proposals in the Local Plan Partial Review. In particular, the infrastructure requirements of (new and existing) site allocations will need to be considered, as well as the implications of any wider demographic changes in the Borough.

**Question 1**
Do you have any suggestions for an updated Infrastructure Delivery Plan in terms of methodology, categories of infrastructure or specific infrastructure schemes?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 5: S106 thresholds

**Question 1**
Do you have any comments on the existing thresholds for S106s set out in Figure 5.4?

5.5.11 Thresholds for seeking affordable housing as part of residential development proposals are not considered in this section but are instead covered within Issue 5 ‘Affordable housing threshold’ in section 10 ‘Housing’ of this Issues and Options consultation document.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 6: Viability and transparency

5.5.12 Options regarding viability and transparency are covered within Issue 7 ‘Securing the maximum reasonable amount of affordable housing’ in section 10 ‘Housing’ of this Issues and Options consultation document. Transparency issues are considered in Option 1 and viability ‘review’ mechanisms are considered in Option 2.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
6. Shops and centres

6.1 Introduction

6.1.1 This section relates to the Local Plan policies regarding shops and centres, ‘A class’ and other town centre uses. These include shops, banks, building societies and estate agents, restaurants, cafes, pubs and bars and hot food takeaways as well as other leisure uses.

6.1.2 This section does not include consideration of any B class business uses or hotels. These uses are considered in section 7 ‘Business uses and hotels’. Similarly, it does not specifically consider Class A4 public houses, which are subject to policies adopted in 2013 and included within the Consolidated Local Plan (Policies CK2, CL1, CL3).

6.1.3 The purpose of this section is for the Council to consider those issues which relate to non-B class town centre uses and to ask how these issues may be effectively addressed.

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112 A class uses are set out within the Town and Country (Use Classes) (Amendment) (England) Order 2015. They include A1 Shops, A2 Financial and Professional services, A3 Restaurant and Cafes and A5 Hot food takeaways. They also include a number of uses which do not fall into any particular use classes – being sui generis – including betting shops.

113 The main town centre uses are set out within the Annex 2 of the NPPF. These include retail, leisure and entertainment facilities, offices and arts cultural and tourism development.

114 B class uses are set out within the Town and Country (Use Classes) (Amendment) (England) Order 2015. They include B1 (Business uses), B2 (General Industrial Uses) and B8 (Storage or Distribution).
6.1.4 The Council has also published a more technical Shops and Centres Background Paper (available from www.rbkc.gov.uk/planningpolicy) which provides more detail on the possible changes to the boundaries and classification of the centres.

6.2 Existing Local Plan policies

6.2.1 The existing Local Plan policies relating to shops and centres are:

- Policy CP1 Core Policy: Quanta of Development
- Policy CK2 Local Shopping Facilities\(^1\)
- Policy CF1 Location of New Shop Uses
- Policy CF2 Retail Development within Town Centres
- Policy CF3 Diversity of Uses within Town Centres
- Policy CF4 Street Markets

6.2.2 These policies are replicated in their entirety in Appendix B for ease of reference and are discussed in the following paragraphs.

6.2.3 The Local Plan considers how much retail and employment floorspace is expected to be needed over the lifetime of the plan. Given the uncertainty associated with calculations of possible retail need the Local Plan includes a target to 2015 only. This was to provide 26,150 sqm of comparison floorspace in the south of the Borough (Local Plan Policy CP1).

6.2.4 To this end the Council identified a number of edge of centre sites adjoining Knightsbridge, the King's Road, South Kensington and Brompton Cross as being potentially suitable for retail expansion. These sites are theoretically of a size that should be capable of meeting that need that could not be accommodated within the existing centres.

6.2.5 Chapter 31 of the Local Plan, Fostering Vitality, contained a suite of policies which considers how any application concerning town centre uses should be assessed.

6.2.6 Local Plan Policy CF1 considers the appropriate locations for new town centre uses. Its ambition is to “ensure vital and viable town centres through a town centre first approach to new retail floorspace”. To this end, a summary of the policy states the following:

The Council:

a) supports the creation of new floorspace within town centres

b) requires new retail development with a floor area of 400sq.m or more to be located within existing higher order town centres or within sites adjoining Knightsbridge, King's Road (East and West), Fulham Road, Brompton Cross and South Kensington where no suitable sites can be identified within these

\(^1\) This policy is not being considered for review in the emerging Local Plan Partial Review because it has recently been revised and adopted in 2013

\(^{116}\) Comparison floorspace is defined within the Glossary of the Local Plan as, “shops which provide retail goods not obtained on a frequent basis, for example clothes, televisions and furniture”.
Local Plan Policy CF2 considers retail development within town centres. The ambition is to, “promote vital and viable town centres and ensure the character and diversity of the Borough’s town centres is maintained.” The relevant parts of the policy are as follows. To deliver this the Council will:

a) Require the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy;
b) require a range of shop units sizes in new major retail development, and resist the amalgamation of shop units, where the retention of the existing units contributes to achieving the vision for the centre.

The Council also seeks (but does not require) “the provision of affordable shops in new large scale retail development or mixed use development with a significant retail element...” (Policy CF2 c).

Local Plan Policy CF3 states “The Council will secure the success and vitality of our town centres by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by, a range of complementary town centre uses”.

This will be achieved through criteria which set out what the appropriate balance of uses will be in the primary and secondary shopping frontages of the Borough’s larger centres. In essence the policies seek to maintain the highest concentrations of shop uses within the primary shopping frontages (80% of units), with scope for some more diversification in the secondary areas (66% of units being in retail uses).

A different approach is taken within the neighbourhood centres, where all shops will be protected unless change of use is proposed to a social and community use, and where 66% of the frontage remains in a shop use.

Local Plan Policy CF4 considers street markets. It states that “the Council will ensure that the street markets remain a vibrant part of the Borough’s retail offer”.

Local Plan Policy CK2 considers local shopping facilities. It states that “the Council will ensure opportunities exist for convenience shopping ...across the Borough”. To this end, the Council will:

a) Protect individual shops outside of centres;
b) Resist the loss of public houses; and
c) Resist the loss of restaurants and cafés and financial and profession services outside of the higher order town centres.

As Policy CK2 was amended in 2013 it does not form part of this review.
6.3 Legislation, policy and guidance context

National Planning Policy Framework (NPPF)

6.3.1 A central strand of the NPPF\textsuperscript{117} is “contributing to building a strong, responsive and competitive economy” (paragraph 7), with section 2 setting out a range of policies which are intended to support town centres’ “viability and vitality.” Paragraph 23 of the NPPF states that “planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period”.

6.3.2 Paragraph 23 includes a number of bullet points which are relevant in considering town centres and town centre uses. In particular Councils should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres; and
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.

6.3.3 The NPPF also notes that Councils should “define a network and hierarchy of centres that is resilient to anticipated future economic changes”. In the Royal Borough’s case this is based upon the London Plan’s town centre hierarchy.

6.3.4 With regard to new town centre uses, Councils should (paragraph 23):

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre; and

\textsuperscript{117} NPPF, DCLG, March 2012
set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

6.3.5 The NPPF also takes forward the “sequential test” for the main town centre uses that are not within an existing centre and not in accordance with an up-to-date plan. Paragraph 24 notes that Councils “should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.

6.3.6 Paragraph 161 of the NPPF states that Councils “should use this evidence base to assess the needs for land and floorspace... including for retail and leisure development”.

6.3.7 Annex 2 of the NPPF includes definitions of primary and secondary frontages: “primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.”

National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres

6.3.8 The NPPG on Ensuring the Vitality of Town Centres confirms the position set out within the NPPF, reaffirming the need to ensure the vitality of town centres through the sequential and impact tests for new retail development. It also suggests Councils draft town centre strategies to try to meet centres’ development needs. This will include an assessment of whether the town centre can accommodate the scale of the assessed need for the main town centre uses. Strategies should also include identifying changes in the hierarchy of town centres... to encourage an appropriate mix of uses.

Regional

The London Plan

6.3.9 The London Plan sets out the hierarchy of town centres across the capital. The Borough contains centres in each category save a “Metropolitan Centre.” The position of the Borough’s centres within the London Plan’s hierarchy is set out in Figure 6.1 and the location of the larger centres is shown in Figure 6.2.

6.3.10 Policy 4.7 of the London Plan considers retail and town centre development. Relevant parts of the policy are as follows:

In preparing LDFs, boroughs should:

a) identify future levels of retail and other commercial floorspace need... in light of integrated strategic and local assessments;

118 Paragraph 2b-001 and 2 of the NPPG
119 Paragraph 2b-003 of the NPPG
b) undertake regular town centre health checks to inform strategic and local policy and implementation;

c) take a proactive partnership approach to identify capacity and bring forward development within or, where appropriate, on the edge of town centres;

d) firmly resist inappropriate out of centre development;

e) manage existing out of centre retail and leisure development in line with the sequential approach, seeking to reduce car dependency, improve public transport, cycling and walking access and promote more sustainable forms of development.

<table>
<thead>
<tr>
<th>Type of centre</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Centre</td>
<td>Knightsbridge</td>
</tr>
<tr>
<td>Metropolitan Centre</td>
<td>None</td>
</tr>
<tr>
<td>Major Centres</td>
<td>King’s Road (East) Kensington High Street</td>
</tr>
</tbody>
</table>

120 Annex 2, The London Plan
### Type of centre

<table>
<thead>
<tr>
<th>Designation</th>
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</thead>
<tbody>
<tr>
<td>Distributed more widely than Metropolitan and Major Centres, providing convenience goods and services for more local communities and accessible by public transport, walking and cycling. Typically they contain 10,000-50,000 sqm of retail, leisure and service floorspace. Some District Centres have developed specialist shopping functions. The “Special” District designation used by the Council is intended to highlight when a centre has an unusual function and to alter the London Plan designation.</td>
</tr>
<tr>
<td>South Kensington King’s Road (West)</td>
</tr>
<tr>
<td>Notting Hill Gate</td>
</tr>
<tr>
<td>Fulham Road (Fulham Road West in the London Plan)</td>
</tr>
<tr>
<td>Brompton Cross (Fulham Road East in the London Plan)</td>
</tr>
<tr>
<td>The following centres are designated as District Centres within the London Plan but as “Special District Centres” within the Local Plan: Portobello Road Westbourne Grove</td>
</tr>
</tbody>
</table>

### Neighbourhood Centres

Typically serve a localised catchment often most accessible by walking, cycling and include local parades and small clusters of shops mostly for convenience goods and other services. They may include a small supermarket, sub-post office, pharmacy, laundrette and other useful local services. Together with District Centres they can play a key role in addressing areas deficient in local retail and other services.

These smaller centres are not part of the London Plan’s hierarchy.

<table>
<thead>
<tr>
<th>Designation</th>
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<tbody>
<tr>
<td>Barly Road, Ladbroke Grove (North), Golborne Road (North), North Pole Road, St Helen’s Gardens, Ladbroke Grove Station, All Saints Road, Westbourne Park Road, Clarendon Cross, Holland Park Avenue, Holland Road, Napier Road, Kensington High Street (West), Thackery Street, Pembroke Road, Earl’s Court Road, Earl’s Court Road North, Stratford Road, Gloucester Road, Cromwell Road, Air Terminal, Gloucester Road (South), Old Brompton Road (West), Old Brompton Road (East), Ifield Road, The Billings, Fulham Road (Old Church Street), Walton Street, Lowndes Street, Pont Street, Sloane Avenue, Elystan Street, Chelsea Manor Street, Lower Sloane Street, World’s End, and Fulham Road/ Brompton Cemetery.</td>
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6.3.11 London Plan Policy 4.8 considers how to support a successful and diverse retail sector. It states that:

LDFs should take a proactive approach to planning for retailing and related facilities and services and:

- a. bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major Centres;

- b. support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods;

- c. provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that
provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence;

d. identify areas under-served in local convenience shopping and services provision and support additional facilities at an appropriate scale in locations accessible by walking, cycling and public transport to serve existing or new residential communities;

e. support the range of London’s markets, including street, farmers’ and, where relevant, strategic markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres.

6.3.12 London Plan Policy 4.9 considers the provision of small shops, stating that, in LDF preparation, “Boroughs should develop local policies where appropriate to support the provision of small shop units”.

Figure 6.2: Location of Higher Order Town Centres as designated within the Local Plan, 2015

Town Centres Supplementary Planning Guidance (SPG)

6.3.13 One of the key themes of the Town Centre Supplementary Planning Guidance (SPG)\textsuperscript{121} is a need to “support the evolution and diversification of town centres”

\textsuperscript{121} Town Centre Supplementary Planning Guidance, GLA, 2014
(page 10). It notes that retail uses play a vital role in London’s town centres, but
that diversity is required for centres' “future success and prosperity” (paragraph
1.1.1). “To be competitive, promote choice and add vitality and a distinctive offer,
town centres should support a good balance of different types of multiple and
independent retailers providing access to a range of local services” (paragraph
1.1.14).

6.3.14 The SPG also notes that “London's cultural, leisure and tourism offer and night
time activities make a vital contribution to the economy and the vitality and viability
of town centres and should be an important component in the evolving mix of town
centre uses” (paragraph 1.1.1). SPG Implementation Policy 1.2 notes that
Councils should “recognise and support the positive contribution that restaurants,
cafes and other leisure uses can make to the town centre.”

Neighbourhood

St Quintin and Woodlands Neighbourhood Plan

6.3.15 When ‘made’ (adopted), the St Quintin and Woodlands Neighbourhood Plan will
be part of the Development Plan for the Borough. The plan was examined in
Summer / Autumn 2015, and the Council received the examiner’s report in
October 2015. A local referendum and adoption is anticipated in 2016.

6.3.16 The plan contains specific policies relating to uses within the St Helens Gardens,
North Pole Road and Barlby Road neighbourhood shopping parades (centres). In
these parades the plan states that change of use between A1 (shop) / A2
(financial and professional service) / A3 (restaurant and cafe), B1 (business), D1
(non-residential institution) and D2 (assembly and leisure) should be allowed,
subject to amenity considerations.

Summary

6.3.17 Figure 6.3 summarises the main legislation, policy and guidance of particular
relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
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<td>DCLG</td>
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<td></td>
<td>Paragraphs 7, 17, 20, 21 and 23 to 27, 161</td>
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<td>2014</td>
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<td>DCLG</td>
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<tr>
<td>Mar 2015</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
<tr>
<td></td>
<td>Policy 4.7 Retail and town centre development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 4.8 Supporting a successful and diverse</td>
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www.london.gov.uk/sites/default/files/Town%20Centres%20SPG_0.pdf
www.législation.gov.uk/uksi/2015/596/contents/made
www.london.gov.uk/what-we-do/planning/london-plan
6.4 Evidence base

Vacancy rates

6.4.1 The Borough is fortunate in that most of its centres remain successful and well used despite the rapidly changing character of the country’s retail sector. The larger centres continue to attract visitors from across the capital, and indeed, in the case of the King’s Road, Brompton Cross, Knightsbridge and Portobello Road, from across the world. The most telling manifestation of this buoyancy relates to the generally low vacancy rates, which in the summer of 2015 were just 6.9% compared to a London-wide average of 9.8% and a national average for shopping centres closer to 15%.

6.4.2 Low vacancy rates are not just a characteristic of the larger centres, but also the smaller neighbourhood centres which are also generally holding their own. They also continue to enjoy low vacancy levels, and continue to serve the day-to-day needs of local residents.

Diversity

6.4.3 Success can be measured by diversity as well as by vacancy, with the maintenance of a concentration of shops within the centres being an essential element of a successful centre. In 2015 59% of all ground floor units in all centres remained as shops, 14% restaurants and cafes and 8% financial and professional services.

6.4.4 Since 2010 the Council has been monitoring the balance of independent and chain shops. This figure has remained broadly stable at between 33% and 36%. In 2015 the figure was 35%.

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129 Vacancy Report, H1 2015 Summary, Local Data Company (September 2015)
130 RBKC Town Centre Surveys 2015
131 Ibid.
Retail need

6.4.5 Predictions of need for retail are notoriously difficult to pin down and as such have become an industry in themselves. There are benefits associated with capturing the retail need generated by an increased spending power of those living within, or willing to shop within, the Borough. This is not to say that this need will necessarily be met on the ground through the creation of new floorspace. Need will be met through shop owners making better use of the space that they have, or through the bringing of vacant units back into use. This can, however, only go so far. Some net additional retail floorspace will have to be created if the Borough is to keep expenditure “leakage” to a minimum. This will only happen if the development economics stack up, and in this Borough, with the extraordinary residential values, this will not necessarily be the case.

6.4.6 The ongoing review of the Council’s retail policies in the Borough’s various monitoring reports have demonstrated that the mismatch between predicted need and the provision has been significant. The Council’s Retail and Leisure Needs Study132 commissioned in 2008 to inform the then Core Strategy (now Local Plan) suggested that some 25,500 sq m of comparison retail floorspace was needed to 2015. The 2015 Monitoring Report shows that there has actually been a net loss of 3,355 sq m of retail floorspace since 2008. This is set out in Figure 6.4 below.

<table>
<thead>
<tr>
<th>Year</th>
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<tr>
<td>09/10</td>
<td>2,870</td>
</tr>
<tr>
<td>10/11</td>
<td>-1,123</td>
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<td>14/15</td>
<td>-769</td>
</tr>
<tr>
<td>Total</td>
<td>-3,355</td>
</tr>
</tbody>
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Figure 6.4: Net change of retail floorspace (completed) 2009/10 to 2014/15

6.4.7 Whilst these figures do not include increases in floorspace through the filling of voids, the figure in unlikely to be dramatically different given that vacancy rates have remained generally stable over time.

6.4.8 This is not so much a demonstration of a failure in the Council’s approach, but a reflection of the differential in value between residential and other land uses. Where a site does become available, it is normally used for residential purposes, even when retail use might otherwise be appropriate. This includes the expansion of existing buildings within the centres, as well as the development of new uses at the edge of centres.

6.4.9 Whilst the Council does recognise that a retail needs study dating from 2008 is now a little out of date, a further study prepared by Experian on behalf of the Mayor of London133 would indicate that retail need within the Borough continues to increase over the long term. Indeed this Borough will be one of the few Boroughs (and second only to the City of Westminster) with a positive net floorspace requirement to 2026 – at 32,120 sqm.

6.4.10 The Council will commission an update to the original Retail Needs Assessment  

132 RBKC, Retail and Leisure Needs Study, NLP, 2008
133 Consumer Expenditure and Comparison Goods Retail Floorspace Need in London, Experian 2013  

as part of the emerging RDLP to consider both comparison and convenience figures to inform the future policy. This will add a local dimension to the Experian predictions.

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<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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<td>Mar 2014</td>
<td>2013 London Town Centre Health Check</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Jul 2014</td>
<td>Accommodating Growth in Town Centres</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Jun 2010</td>
<td>London Small Shops Study 2010</td>
<td>Roger Tym and Partners for Mayor of London</td>
</tr>
<tr>
<td>Jul 2008</td>
<td>Retail and Leisure Needs Study</td>
<td>Nathaniel Lichfield and Partners for RBKC</td>
</tr>
<tr>
<td>Dec 2015</td>
<td>Shops and Centres Background Paper</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

*Figure 6.5: Summary of principal sources of evidence*

6.5 Issues and options

6.5.1 Whilst the Borough’s centres appear to be holding their own, the Council cannot afford to be complacent. Not all Neighbourhood Centres are thriving, whilst at the other end of the scale some of the higher order centres run the risk of being increasingly homogenised, losing the very character that makes them successful.

6.5.2 In addition recent relaxations to the planning regulations make it more difficult for a Council to have a say on the nature of uses that should be allowed within a centre – i.e. many changes of use do not require planning permission and are ‘permitted development’.

6.5.3 Within this context, three key issues have been identified to inform future policy:

- The Council needs to ensure that the vitality, viability, diversity and character of its centres is maintained. What policies should the Council adopt to ensure this is achieved?

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139 [www.rbkc.gov.uk/pdf/18%20K%26C%20RETAIL%20LEISURE%20STUDY%202008%20MAIN%20REPORT.pdf](http://www.rbkc.gov.uk/pdf/18%20K%26C%20RETAIL%20LEISURE%20STUDY%202008%20MAIN%20REPORT.pdf)

140 [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)
There has been a mismatch between the ‘need’ for new retail floorspace and its provision. Should the Council adopt policies to bring forward new retail floorspace?

The Borough’s centres must be seen in the context of a hierarchy of centres. Do the Borough’s centres lie within their correct position within this hierarchy, and are the boundaries of these centres still correct?

6.5.4 Each question will be considered in turn. The Council has identified a number of possible answers, or options. These may not be exhaustive, and consultees are encouraged to identify others where appropriate. The possible options are not necessarily mutually exclusive. The Shops and Centres Background Paper provides more detail concerning the nature of the Borough’s centres, their position within the hierarchy and their detailed boundaries.

**Issue 1: The Council needs to ensure that the vitality and viability, and the diversity and character of the centres is maintained. What policies should the Council adopt to ensure this is achieved?**

6.5.5 Since the adoption of the Core Strategy in 2010 (now the Local Plan) the Government has made a number of changes to the planning regulations which make it more difficult for a Council to maintain the particular mix of uses which it considers to be appropriate. This reflects an increased desire for flexibility and to “support high streets and retailers”

6.5.6 As such planning permission is no longer required to change the use of a property from a shop to an estate agents, whilst a shop can be used on a temporary two year basis as a cafe before having to revert to its original use. Although the tools at a Council’s disposal may have been reduced, the recent amendments have not diminished the need for a Council to maintain a centre’s vitality. This is still central to the NPPF.

6.5.7 The nature of the retail sector is undergoing a rapid change, with the ever increasing role of the internet, the rise of convenience culture and the consolidation of the larger retailers to a smaller number of larger centres. The latter trend is one of the reasons why there is still such demand for retail floorspace within our larger centres. Whilst this does undoubtedly aid our ambitions to maintain vibrant centres it can also drive the ongoing “cloning” of the Borough’s centres.

**Question 1**
Should the Council continue to take a town centre first approach to new shops and other town centre uses?

6.5.8 Whilst Governments of different hues have changed the policies and the planning regulations relating to town centres and town centre uses, the central strand has remained unchanged, “town centres lie at the heart of their communities”, and
Councils should “pursue policies to support their viability and vitality.” In essence a Council should take the “sequential approach” whereby town centre uses should be directed to town centres. This is not to say that new town centre uses will never be appropriate outside of a designated centre. Such uses can help add life and interest to an area. However, any such changes must always have regard to the requirements of the NPPF and the Mayor’s hierarchy of centres.

6.5.9 Policy CF1 of the Local Plan is concerned with the location of new shop uses. It endorses the town centre first and sequential approaches and in the absence of any compelling evidence is considered to remain appropriate.

**Question 2**
Should the Council continue to set its own size threshold for proposals which require an impact assessment?

6.5.10 The guidance is also clear in that developments should only be permitted outside of a centre when an “impact assessment” is carried out demonstrating that no existing centres will suffer a “significant adverse impact” from the new development. Whilst an indicative figure of 2,500 sqm is given with the NPPF, Councils are given latitude in terms of the scale of the development outside of a centre which will not require an impact assessment. The Council has set its own “locally set floorspace threshold” at 400 sqm (GEA). This equates to a “small shop” in terms of the current Sunday trading laws (280 sqm net).

6.5.11 Unless convincing arguments are made to the contrary, the Council does not intend to amend this threshold. Do you agree?

**Question 3**
Should the Council continue to influence the nature of new shop units being provided within a centre?

6.5.12 A Council cannot use the planning system to promote one occupier, or type of occupier, over another. A change of use from, for example a local hardware shop to a large international clothes retailer does not, and cannot, require planning permission.

6.5.13 A Council can, however, require that new shop units are of a size that will help support the character of a centre. It is the smaller units, often less than 80 sqm, that are most likely to be occupied by the start-up, the independent or by the specialist trader. Should the Council continue the approach that it currently takes within Local Plan Policy C2 of requiring a range of shop sizes in new major retail developments, where this helps maintain the character and diversity of that centre?

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142 Paragraph 23 of the NPPF
143 Paragraph 27 of the NPPF
144 Paragraph 26 of the NPPF
145 A major retail development is currently defined within the Local Plan as one which involves a net increase of retail floor area of 1,000 sqm or more
Question 4
Should the Council continue to seek the provision of affordable shops in new large scale retail developments?

6.5.14 Policy CF2 of the Local Plan includes a provision whereby the Council will “seek” the provision of affordable shops in new large scale major development. This policy has proved ineffective, with no affordable units being provided since its adoption in 2010. This will reflect both the rarity of proposals of a scale that could trigger the policy (just one since adoption) and that there is no element of compulsion.

6.5.15 The Council does question the value of such a policy but would welcome the views of stakeholders.

Question 5
Should the Council continue to use percentage based frontage policies to ensure that a mix of uses exists within centres, amending them to reflect the greater freedom offered by the GPDO?

6.5.16 The Council takes the view that the strength of its centres lies in the diversity of uses taking place within them. This includes a critical mass of shops to encourage shoppers into a centre; supporting social and community uses; banks and building societies to serve the wider needs of those visiting the centre; and supporting a range of restaurants, cafes, pubs and bars encouraging visitors to linger and to help provide activity in the evening. To this end Policy CF3 of the Local Plan sets out what types of use will be appropriate in different parts of a centre. In essence 80% of units within the primary shopping frontages of the higher order centres should remain in shop uses, this dropping to 66% in the secondary areas. A different approach is taken in neighbourhood centres, where all shops will be protected, unless to a social and community use (and where two thirds of the units remain in shop uses).

6.5.17 The Council is not aware of any evidence which would suggest that the current shop/ non-shop mixes are no longer suitable. The policy has not led to long term vacancy or to a decline of the Borough’s larger centres. Units are not standing empty, blighted by an out of date approach. Unless convincing arguments are made to the contrary, the Council does not intend to amend the principle of the approach that it takes in Local Plan Policy CF3.

6.5.18 The Council does, however, recognise that its ability to control this balance has been eroded by the recent change to the GPDO. There is a legislative and policy context of increased, and not less, flexibility. Planning permission is no longer required to use a shop as an estate agent, prior approval replaces conventional planning permission for changes of use amongst the A class uses\(^{146}\), whilst a

\(^{146}\) The prior approval process is set out in Schedule 2, Part 3, Class M of the GPDO. This includes the issues which a Council can consider. These include the impact that the proposal will have on the “adequate provision of the service” or “where the building is located in a key shopping area, on the sustainability of that shopping area.” (M.2(1)(d)(i) and (ii)). The Council is of the opinion that all of our designated centres should be considered to be “key shopping area” and in these cases the existing polices within the Local Plan remain relevant.
Council must merely be notified if an owner wishes to use its shop as a restaurant on a temporary basis.

6.5.19 Existing policies are concerned with proposals that will result in the loss of Class A1 uses. These policies were effective as planning permission would always be required for the loss of an A1 use. This is no longer the case. Freedom to use a shop as an estate agent or other A2 exists within permitted development.

6.5.20 If the Council is to maintain diversity, the policies must be amended to reflect the new legislative landscape that we work within. They should reflect the increased liberalisation yet they may also need to restate the support within the NPPF for percentage-based policies to maintain diversity of uses. They could, for example, be explicit in resisting the loss of an A2 to an A3 use when the previous use was as an A1 shop. Redrafting could also be an opportunity to formalise the matters that the Council currently considers when deciding whether an exception should be made. How long should a property have been vacant before a change of use may be allowed? How long should it have been actively marketed for? What evidence will be required? Careful drafting would be required.

**Question 6**
Should the Council relax its percentage based policies in parts of the South Kensington District Centre to reflect its role in serving those visiting Exhibition Road and the Museums?

6.5.21 South Kensington differs from the Borough’s other centres in that a significant part of its function is to serve the needs of those visiting Exhibition Road and the Museums. These visitors are looking for place to eat and perhaps buy a souvenir. Indeed this role is reflected by the types of operators who have chosen to set up on the northern part of the centre, close to the underground station. The role of Old Brompton Road, Bute Street and the western end of Harrington Road is to serve the needs of those living in this part of the Borough.

6.5.22 In this the Council is aware of the potential conflict between the desires of local residents and community groups and the practicalities of serving the needs of those visiting museums which have existed for well over a century, museums which have made this part of the Borough the exciting place that it is.

6.5.23 The Council could relax its percentage based policies in parts of the centre to reflect its greater ‘service’ role and reinforce the role of the remaining centre as serving the needs of the local populous. Do you agree?
Question 7
Should the Council continue to ensure that street markets remain a vibrant part of the Borough’s retail offer?

6.5.24 The Council values the role that all of its street markets have in serving the needs of both its residents and those visiting the Borough and in adding to the diversity and the distinctiveness of its retail offer. Such value is explicitly recognised with the NPPF\textsuperscript{147} and the London Plan\textsuperscript{148}.

6.5.25 The Council does not intend to amend the approach that it takes in Local Plan CF4 (Street Markets). Do you agree?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

\textsuperscript{147} Paragraph 23, bullet 5 of the NPPF
\textsuperscript{148} Policy 4.8,B (e) of the London Plan
Issue 2: There has been a mismatch between the ‘need’ for new retail floorspace and its provision. Should the Council adopt policies to bring forward new retail floorspace?

6.5.26 The Council recognises that there appears to be a mismatch with the need for new retail floorspace identified in both local and regional studies not being translated into the creation of new floorspace. Whether this is a reflection of over-estimates of need or the differential in value between retail and residential floorspace remains to be seen. This mismatch is, however, not just of academic interest. An ‘inability’ to provide for this need could be seen as a lost opportunity for the Borough to stop retail spending ‘leakage’ as shops, which the studies suggest could thrive within the Borough, have to set up elsewhere.

6.5.27 The Council will always have regard to the guidance within the NPPF when assessing the impact that the creation of new retail floorspace outside of our Borough may have upon the Borough’s centres. It would be simplistic to suggest that historic under provision within Kensington and Chelsea would, in itself, lend support for the creation of new centres, or the expansion of existing, elsewhere.

Question 1
Should the Council prioritise the provision of Class A1 retail and other town centre uses on suitable sites in order to meet an identified need?

6.5.28 In the Local Plan the Council identified sites, outside of existing centres, which would be suitable for new retail floorspace. These equated to some 21,000 sqm of new floorspace. Further to the publishing of an up-to-date retail needs assessment to refine the predicted figures for need, the Council could start the process of seeking to ‘allocate’ these sites for new retail development, whether stand alone or as part of a wider mixed use proposal. ‘Allocation’ rather than ‘identification’ would include a degree of compulsion – were the site to come forward for development in the future.

6.5.29 It should be noted that a Council should only allocate land for a town centre use when it is satisfied that the proposed used is viable, and indeed that there are no suitable sites within a designated centre.149

Question 2
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Class A retail or other town centre uses? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

149 NPPF, Paragraph 23, bullets 6 and 7
Issue 3: The Borough’s centres must be seen in the context of a hierarchy of centres. Do the Borough’s centres lie within their correct position within this hierarchy, and are the boundaries of these centres still correct?

6.5.30 The Local Plan largely repeats the London Plan’s designation of the Higher Order Centres, albeit with some changes to the names of the centres. It also includes the provision of some forty smaller neighbourhood centres.

6.5.31 The boundaries of these centres were last reviewed some 20 years ago to inform the Borough’s first Unitary Development Plan in 1995. It is now timely to consider whether the boundaries remain correct, whether any concentrations of shops no longer merit their designation or whether it would be appropriate to designate any new centres.

Question 1
Should the Council designate the Earl’s Court Road Neighbourhood Centre as a District Centre?

6.5.32 Since 1995 and the adoption of the Council’s Unitary Development Plan, Earl’s Court Road has been considered by the Council to be a Local Centre rather than a District Centre. This approach, and designation as a “Neighbourhood Centre” was confirmed with the adoption of the Core Strategy in 2010. This is the only significant disparity between the Council and the London Plan, which designates Earl’s Court Road as a District Centre.

6.5.33 As a District Centre the centre is included in the wider London Hierarchy of centres and is subject of the regular town centre health checks carried out by the GLA.

6.5.34 The impact of the change of designation will not, in itself, affect the type or scale of new retail development which would be suitable within the town centre. Both the principle and the quantum of new retail floorspace will be similar for a small District and a large Neighbourhood centre. It is the scale of the centre which is significant not its classification. Similarly whilst the Council takes a different approach as to what it sees to be a suitable mix of uses in Neighbourhood and District centres, the difference will largely be theoretical for Earl’s Court Road given the high percentage of non-shop uses which already lie within it.

6.5.35 The Council is minded to amend the designation to reflect that of the London Plan. More detail is provided in paragraphs 4.24 to 4.35 of the Shops and Centres Background Paper. In summary, the main reasons for re-designation are as follows:

- With a floorspace of 12,261 sqm\(^{150}\) of retail and leisure uses, and 12,690 sqm office uses Earls’ Court Road is of a scale which would normally be considered to be a District Centre;
- The centre has a large ‘service element’ of 1,995 sqm. This is better suited to a classification as a District rather than a Neighbourhood Centre; and

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\(^{150}\) Town Centre Heath Check 2013, GLA
Amending the classification to be in line with that within the London Plan adds clarity and conformity.

6.5.36 Designation as a District Centre will require the further defining of primary and secondary shopping frontages. The Council would expect the primary frontages to be characterised as those areas with higher levels of footfall and a higher proportion of shop uses. The possible frontages are shown in Figure 6.7 below.

![Figure 6.7: Possible primary and secondary retail frontages for Earl's Court Road Town Centre](image)

6.5.37 Do you have any views on the future primary and secondary shopping frontages of a newly designated Earl's Court Road District Centre?

**Question 2**
Should the Council de-designate Ifield Road as a Neighbourhood Centre, considering it to be a small concentration of out of centre shops?

6.5.38 Ifield Road is a currently designated as small Neighbourhood Centre which lies on the western side of Finborough Road at the junction with Ifield Road.

6.5.39 Whilst it originally contained ten ‘town centre’ units, the centre now contains just four; nos. 114, 116 and 118 Finborough Road and no. 176 Ifield Road. Whilst of some value as serving, or having the potential to serve, a local day-to-day need it
is no longer appropriate to suggest that they have a critical mass which functions as a centre. As such ‘de-designation’ of the remaining units is recommended. De-designation would not harm the Council’s ability to protect the remaining shops or the theatre and the pub known as the Finborough Arms.

6.5.40 The recently amended planning regulations have replaced the need for planning permission for changes of use of shops to residential with that of prior approval. Where a unit lies outside of a centre, a Council must have regard to the impact that the change of use will have upon, “the adequate provision of services of the sort provided by the building”\(^{151}\). There is no suggestion that there is a presumption in favour of such changes of use. This position is confirmed by Local Plan Policy CK2, which states that, “the Council will protect individual shops outside of designated town centres”.

6.5.41 Local Plan Policy CF7 “protects all land/ and or buildings where the current or last use was an arts or cultural use”. This is irrespective of whether the theatre lies within, or outside of a designated centre. Similarly the protection offered by Local Plan Policy CK2 to public houses is “throughout the borough”.

6.5.42 Further details are provided in paragraphs 4.10 to 4.14 of the Background Paper.

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\(^{151}\) Class M, Part 3, Schedule 3 of the GPDO

Question 3
Should the Council designate the concentration of shops and other town centre uses at the junction of Talbot Road and Powis Mews as a Neighbourhood Centre?

6.5.43 A number of units are clustered around Talbot Road, close to the junction with Powis Mews. These include a number of retail units, including a grocers, as well as a veterinary surgery and a laundrette, uses which directly serve the day-to-day needs of residents and which may contribute to the local ‘walkable neighbourhood.’

6.5.44 These units provide a critical mass of units which are likely to attract visitors and which allow the units to support one another. This would suggest that designation as a Neighbourhood Centre is justified.

6.5.45 Further details are provided in paragraphs 4.15 to 4.17 of the Background Paper.

Figure 6.9: Proposed Talbot Road Neighbourhood Centre
© Crown copyright and database rights 2015. Ordnance Survey 100021668
Question 4
Should the Council designate a new Neighbourhood Centre at Latimer Road, close to the underground station?

6.5.46 A number of retail units run north and south of the Latimer Road London Underground station, including the newly created, but yet to be occupied, retail floorspace on the Silchester Garages site.

6.5.47 The designation of a Neighbourhood Centre will support the ambition articulated within the Local Plan to encourage the provision of additional local retail uses in an area relatively poorly served by shops (Local Plan CF1(d)).

6.5.48 The majority of the units recommended to be included in the centre have existed for some time. The increased protection afforded by a town centre designation may prove valuable given the recently relaxed provisions to the GPDO for retail units lying outside of conservation areas.

6.5.49 Further details are provided in paragraphs 4.18 to 4.21 of the Background Paper.
**Question 5**
Should the Council designate a new Neighbourhood Centre at Kensington High Street close to the junction with Warwick Road?

6.5.50 Historically parades of shops have run along both sides of Kensington High Street close to the junctions with Warwick Road and Holland Road. These are being supplemented by a significant amount of new A class floorspace being provided by the former Charles House site at 375 Kensington High Street and by the Warwick Road sites. Whilst some of these units have yet to have been completed, and none are occupied, they do form part of the major development sites where construction is under way, and indeed nearing completion.

6.5.51 When taken together, the existing units and those which are currently under construction are of both a form and of a volume that would be characteristic of a small Neighbourhood Centre.

6.5.52 Further details are provided in paragraphs 4.22 to 4.23 of the Background Paper.

*Figure 6.11: Proposed Kensington High Street (Warwick Road) Neighbourhood Centre*
© Crown copyright and database rights 2015. Ordnance Survey 100021668
Question 6
Should the Council subsume the properties within the Fulham Road/Brompton Cemetery Neighbourhood Centre into the secondary frontage of the Fulham Road (West) District Centre?

6.5.53 The Council considers that the units running on the north side of Fulham Road between the junction with Redcliffe Gardens and the entrance to the Brompton Cemetery, and on the southern side to the west of Gunter Grove, would be better considered to be secondary retail frontage of the adjacent District Centre than as forming a Neighbourhood Centre in their own right. Many of the units are of a type intended to attract 'higher end' user comparison shops more characteristic of a District than a Neighbourhood Centre.

6.5.54 In addition given that the Neighbourhood Centre immediately adjoins its larger neighbour, it is likely that the two centres will operate as one. Amalgamation of the two centres would reflect this.

6.5.55 Further details are provided in paragraphs 4.36 to 4.39 of the Background Paper.

Figure 6.12: Westward expansion of Fulham Road (West) District Centre
Question 7
Are there any other parades of shops currently lying outside of any centre which are of a scale or nature that should be designated as a Neighbourhood Centre, or any Neighbourhood Centres which no longer function as such?

Question 8
Do you have any comments on the Council’s other proposed changes to the boundaries of existing centres?

6.5.56 The Shops and Centres Background Paper includes proposed minor changes to the boundaries / frontage designations of a number of other centres:

<table>
<thead>
<tr>
<th>Name of Centre</th>
<th>Background Paper paragraphs</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarendon Cross</td>
<td>4.2</td>
<td>Add Nos. 73 and 73a Clarendon Road.</td>
</tr>
<tr>
<td>Cromwell Road Air Terminal</td>
<td>4.3</td>
<td>Extend centre to include the large Sainsbury’s supermarket beneath Point West, 158a Cromwell Road</td>
</tr>
<tr>
<td>Stratford Road</td>
<td>4.4</td>
<td>Add No. 13b Stratford Road</td>
</tr>
<tr>
<td>Ladbroke Grove Station</td>
<td>4.5</td>
<td>Add No. 103 Lancaster Road</td>
</tr>
<tr>
<td>Golborne Road</td>
<td>4.6</td>
<td>Add commercial units within phase one of Wornington Green. Reinstate Nos. 349 to 373 Portobello Road.</td>
</tr>
<tr>
<td>Pont Street</td>
<td>4.8</td>
<td>Add No. 20 Lowndes Street</td>
</tr>
<tr>
<td>Sloane Avenue</td>
<td>4.9</td>
<td>Add Nos. 75 to 81 Sloane Avenue.</td>
</tr>
<tr>
<td>Knightsbridge</td>
<td>4.43</td>
<td>Add Nos. 2 to 8 Yeoman’s row and secondary frontage</td>
</tr>
<tr>
<td>King’s Road (East) Major Centre</td>
<td>4.48</td>
<td>Add units to rear of 127-135 Sloane Street and 237-255 Pavilion Road to secondary frontage.</td>
</tr>
<tr>
<td>King’s Road (West) Major Centre</td>
<td>4.51</td>
<td>Add 61 and 71 Old Church Street to secondary frontage.</td>
</tr>
<tr>
<td>Kensington High Street Major Centre</td>
<td>4.54</td>
<td>Change designation of Lancer Square and Nos. 2 to 28a Kensington Church Street from primary to secondary retail frontage.</td>
</tr>
<tr>
<td>Portobello Road Special District Centre</td>
<td>4.55</td>
<td>Change designation of No 74 Lancaster Road, Nos. 240 to 252 and 253 to 275 Portobello Road from secondary to primary retail frontage.</td>
</tr>
</tbody>
</table>

Figure 6.13: Other proposed changes to the Borough’s centres

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
7. Business uses and hotels

7.1 Introduction

7.1.1 In November 2014 the Council published, and consulted upon, what the Council termed an ‘Enterprise’ Issues and Options paper. This document focused upon the B Class business uses and upon hotel uses. This document can be viewed on the Council’s website152.

7.1.2 The intention had been to consider the responses made at the end of 2014 before publishing draft planning policies in the spring of 2015, with examination later in the year. However, the Council subsequently took the view that considering all the topic areas of the Local Plan Partial Review together would allow a more ‘joined up’ approach. In particular it would allow the Council to consider better the relationship between housing provision and offices across the Borough.

7.1.3 The legislation, policy, guidance and evidence base of the Enterprise Review will not be repeated here, for it remains as relevant today as it did at the end of 2014. Instead, this section summarises the comments received on the 2014 Issues and Options consultation. As such this section differs in structure from the others in this document.

7.1.4 The Council is, however, making a ‘Call for Sites’ to identify further sites which may be suitable for new B class floorspace in the future.

152 https://planningconsult.rbkc.gov.uk/consult.ti/EnterpriselO/consultationHome
7.2 Existing Local Plan policies

7.2.1 For the avoidance of doubt, the existing Local Plan policies which the ‘Enterprise’ Issues and Options considered were:

- Policy CF5 Location of Business Uses
- Policy CF6 Creative and Cultural Businesses
- Policy CF8 Hotels
- Unitary Development Plan Policies E8, E11, E12, E13, E15, E19, E22

7.2.2 These policies are replicated in their entirety in Appendix B for ease of reference.

7.2.3 Since the publication of the initial issues and options in November 2015, the St Quintin and Woodlands Neighbourhood Forum has been preparing a Neighbourhood Plan for an area based around the St Quintin area in the north-west of the Borough. An independent inspector has considered the plan and is of the view that, with some modifications, it meets the basic conditions required.

7.2.4 The plan includes a policy which specifically considers the Latimer Road Employment Zone, north of the Westway. This allows for the introduction of residential uses on the upper floors of the single storey commercial properties, Units1-14 Latimer Road. It also supports the creation of A1/A2/A3/A4, D1 and D2 uses throughout the northern part of the zone (Draft Policy StQW 8).

7.2.5 The Plan will be subject to a local referendum, which will decide whether or not it will be adopted.

7.3 The 2014 issues and options

Business

7.3.1 The Council noted that the differential in value between business and residential uses was the key issue which must be considered when drafting a suite of policies which relate to business uses. It is this differential in value that both drives the pressure on existing business uses and which puts a brake on the provision of any new business floorspace. It could, however, also provide the opportunities for successful mixed use development.

7.3.2 Within this context, the Council identified three key questions within the 2014 Issues and Options to start to inform a future policy for B class uses:

- What planning policies should the Council adopt which will help to bring forward new business development?

- What planning policies should be adopted which will protect the premises used by the business sector and improve the nature of the premises available?

- What, if any, spatial policies should the Council adopt in respect of business use?
The questions from the 2014 consultation are set out below. For the avoidance of doubt, the Council is not seeking responses to these questions as they were consulted on in 2014.

**Issue 1: What planning policies should the Council adopt which will help to bring forward new business development?**

| Option 1: The Council should require business floorspace to be provided as part of new large scale residential developments |
| Option 2: The Council should support the loss of employment floorspace in one building as long it is being re-provided elsewhere in the Borough. |
| Option 3: The Council should be prescriptive and require the provision of those particular types of unit which would meet the specific demands of the Borough's office sector. |

**Issue 2: What planning policies should be adopted which will protect the premises used by the business sector and improve the nature the premises available?**

| Option 1: The Council should take a flexible approach and allow changes of use between the B class uses. |
| Option 2: The Council should seek to protect warehousing within the Borough. |
| Option 3: The Council should support a loss of business floorspace on a site where that which remains is of a better quality, or of a nature better suited to the local market |
| Option 4: The Council should promote the creation of new districts - to attract innovative, creative, and growing businesses. If so, where would they be most appropriate and what policies could enable them? |
| Option 5: The Council should normally resist the replacement of floorspace in basements and other sub-optimal areas. |
| Option 6: The Council should allow the loss of office floorspace when the loss is to a social and community uses and/or to affordable housing, or where the uplift in value is used to gain other significant local benefits. |
| Option 7: The Council should allow the loss of business floorspace when lying within otherwise residential buildings. |
| Option 8: Subject to changes to national legislation proposed by the Government, should the Council seek to require planning permission for changes of use from business uses to residential uses? If so, are there any particular areas or business sectors this should consider? |
**Issue 3: What, if any, spatial policies should the Council adopt in respect of business use?**

Option 1: The Council should take a different approach for business uses within town centres than elsewhere.

Option 2: The Council should take a different approach to the protection of business floorspace in Earl’s Court than that taken elsewhere in the Borough.

Option 3: The Council should continue take a different approach to development within the Employment Zones than elsewhere in the Borough.

Option 4: Should the Council develop policies tailored to the character of each Employment Zone?

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**Hotels**

7.3.4 The issues relating to the Borough’s stock of hotels was less complex. In essence, as with offices, despite high levels of demand, much of the Borough’s hotel stock is under pressure from higher-value residential use.

7.3.5 The questions from the 2014 consultation are set out below. For the avoidance of doubt, the Council is not seeking responses to these questions as they were consulted on in 2014

**Issue 4: Hotels**

Option 1: The Council should support the creation of new hotels and hotel bed spaces, across the Borough, where they can be shown to support the function of that area.

Option 2: The Council should allow the loss of hotels and hotel bed spaces to residential uses.

Option 3: The Council should differentiate between Earl’s Court Ward and the rest of the Borough.

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**7.4 Summary of the representations received**

7.4.1 Comments were received from a total of 31 people or organisations. These included statutory consultees commenting primarily on the Sustainability Appraisal, land owners, agents, residents and residents’ associations, the Kensington and Chelsea Chamber of Commerce, and the St Quintin and Woodlands Neighbourhood Forum.

7.4.2 All the comments received are available to read on the Council’s website\(^\text{153}\). The responses are summarised as follows:

\(^{153}\) [https://planningconsult.rbkc.gov.uk/consult.ti/EnterpriseIO/listRespondents](https://planningconsult.rbkc.gov.uk/consult.ti/EnterpriseIO/listRespondents)
Planning policies to bring forward new business development

7.4.3 There was only very limited support for requiring the provision of new business floorspace within new large scale residential developments. There was concern that such an approach could jeopardise new development through the fragmentation of the ownership of sites and through reductions in viability. Furthermore such an approach was seen by some to be inappropriate given the overwhelming need for new housing across the capital.

7.4.4 Similarly there was only limited support for the Council being prescriptive about the types of units being provided in new development. The market was seen as better placed to decide what would let in any given location.

7.4.5 There was, however, some support, for the Council resisting the loss of employment floorspace in one location where it is being re-provided elsewhere. There was concern that such liberalisation would lead to a reduction in diversity within a given area and a movement of offices to less valuable areas within the north of the Borough. This concern was not shared by land owners seeking to make use of such swaps.

Planning policies to protect existing business premises and to improve the nature of premises available

7.4.6 Whilst not unanimous, the majority of those who responded supported a liberalisation whereby the Council would allow changes of use within (if not outside) the B class uses. Controls should, however, be in place to stop a possible loophole whereby a change to a B8 warehousing use is merely a step towards residential.

7.4.7 A similarly libertarian approach was supported by the majority, whereby business floorspace can be lost where that which remains is of better quality. There was a view that some loss of business floorspace can add value which can help can contribute to the long term and ongoing viability of a business premises. Such flexibility helps promote the provision of high quality, fit for purpose, floorspace. This was the view taken by the majority of those with a particular interest in the northern part of the Latimer Road Employment Zone.

7.4.8 Whilst there was widespread support for the protection of business uses across the Borough some flexibility was sought, particularly when being lost to affordable housing or to a social and community use.

7.4.9 The Council asked whether the Council should promote the creation of new innovation districts to attract new businesses. There was little appetite for such an approach, with a view that such areas should evolve organically. That is not to say there is no opportunity to rebrand existing areas

What spatial policies should the Council adopt?

7.4.10 With regard to Employment Zones, many respondees did not express an opinion. Those that did were divided, but with the majority supporting a suite of policies reflecting the particular characteristics of the Employment Zones.
7.4.11 A number of representations were received from those with a particular interest in the northern part of the Latimer Road Employment Zone. These include those with land holdings in the area as well as from the St Quintin and Woodland Neighbourhood Forum. Many of these supported a less restrictive approach to Latimer Road, with mixed uses, and the introduction of residential use being supported where this can add vitality to the area as well as helping support the long term future of the business uses through cross subsidy.

7.4.12 Representations were received concerning the Lots Road Employment Zone. Whilst the general approach currently taken by the Council was supported, a new policy should emphasise the need to support both the small creative businesses in the area as well as the important antiques sector.

7.4.13 With regard to town centres, of those who expressed an opinion, there was general, if not unanimous, support for recognising the particular value in town centres as locations for office floorspace.

Should the Council require planning permission for changes of use from business uses to residential uses, when the planning regulations change in the future?

7.4.14 In 2013 the Borough sought, and achieved, an exemption from the permitted development rights which would remove the need for planning permission for changes of use of offices to residential. In November 2014 the Council was aware that in all likelihood this exemption would expire at some unspecified time in the future. As such the Council asked stakeholders whether the Council should use an Article 4 direction to retain some control of such changes of use. In October 2015 the Government confirmed its approach and announced that Borough’s exemption would only run to May 2019.  

7.4.15 Perhaps unsurprisingly the responses received which directly addressed this issue largely reflected the nature of the respondee. In general terms landowners sought greater flexibility – and a relaxation of permitted development rights - whilst residents and amenity groups supported the use of Article 4 directions.

7.4.16 Whilst the St Quintin and Woodlands Neighbourhood Forum made no comments as to the appropriateness of an Article 4 direction as a response to the Issues and Options they have since made their position clear. In the NF’s basic conditions statement drafted in preparation for the examination of their own Neighbourhood Plan they stated that they support the use of an Article 4 direction to resist the removal of permitted development rights on changes of use from B1 to residential on the ground and mezzanine floors of commercial buildings. By inference, they do not support an Article 4 direction for the upper floors of commercial properties in the St Quintin and Woodlands area.

154 [Link](https://www.gov.uk/government/news/thousands-more-homes-to-be-developed-in-planning-shake-up)

155 [St Quintin and Woodlands Neighbourhood Plan Basic Conditions Statement, Submission Version, May 2015, paragraph 17.7](https://planningconsult.rbkc.gov.uk/consult.ti/StQW/consultationHome)
Hotels

7.4.17 Few responses were received on this issue. Of those who did respond, the majority supported greater flexibility in terms of the locations suitable for building new hotels. Whilst impact on residential amenity was important, hotels could successfully operate both within and outside of established town centres. There was not, however, widespread support for any relaxation on the protection of existing hotels. Liberalisation could see a significant loss of the Borough’s hotel stock as owners and investors seek to maximise value through changes of use to residential.

7.5 Issues and options

Issue 5: Call for Sites

7.5.1 Macro forecasting carried out for the London Plan\textsuperscript{156}, and fine tuned for this Borough\textsuperscript{157}, concludes that there is a demand for approximately 2,500 sqm of additional office floorspace per year over the plan period, or 50,000 sqm to 2032. This equates to a net increase of some 7\%, with the existing office floorspace estimated to be 718,000 sq m\textsuperscript{158}.

7.5.2 Whilst not a ‘target’ in the way that the London Plan’s housing figures are, the Council recognises that there are considerable benefits associated with the creation of new business floorspace. As such the Council wants to see this demand met as far as is practicable.

7.5.3 Whilst the nature of both the office supply and the demand may change over time, the conclusions of subsequent studies remain consistent. There is not enough supply to accommodate the levels of demand\textsuperscript{159}.

7.5.4 Indeed, despite the passage of time, whilst the sites have changed, the amount of development within the supply chain differs little from that when the Local Plan (then the Core Strategy) was initially drafted in 2008. At that time there was 37,000 sqm of office floorspace in the development pipeline, made up of ‘office permissions under construction’ and ‘outstanding permissions’\textsuperscript{160}. As of April 2015, this figure had dropped slightly to 36,000 sqm. Of this, 18,000 sqm of floorspace comes from outstanding permissions which have yet to have started on site, the remaining 18,000 sqm being under construction.

7.5.5 Some of this floorspace is likely to be met in the future through site allocations (and in particular the 10,000 sqm of office floorspace allocated within the Local Plan in the Kensal Gasworks Site). The Council recognises that additional sites will need to be identified, and/or existing sites intensified if the future identified


\textsuperscript{157} RBKC Commercial Property Study, Peter Brett Associates, 2013

\textsuperscript{158} Office Market Review and Viability in the Royal Borough of Kensington and Chelsea, Frost Meadowcroft, 2014

\textsuperscript{159} ibid

\textsuperscript{160} Paragraph 31.3.33 of the Local Plan
need and the historic under provision since the adoption of the current plan is to be met.

7.5.6 Clearly further liberalisation, be this through a relaxation of the Council’s polices or through a liberalisation of the planning regulations, will make the ability to meet any need very difficult.

**Question 1**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Class B business uses? If so, please complete the Call for Sites section of the Consultation Response Form (*Appendix C*).

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
8. Arts and cultural uses

8.1 Introduction

8.1.1 For the purpose of this section, Arts and Cultural uses include museums, art galleries, exhibition spaces, theatres, cinemas and studios. There are uses which often, but not exclusively, lie within Classes D1 and D2 of the General Permitted Development Order (GPDO)\textsuperscript{161}.

8.1.2 The Borough contains a number of arts and cultural attractions, some local in character but some of national or even international importance. At the local level these attractions help underpin and secure the communities which are central to the residential character of the Borough, creating landmarks and reinforcing neighbourhood identity. At the national level, they greatly add to the cultural life of the capital and help put the Borough on the national stage.

8.1.3 The benefits are economic as well as ephemeral with over eight and a half million visits a year being made to the Natural History Museum, the Victoria and Albert Museum and the Science Museum alone. Many of those visiting our cultural attractions will stay within the Borough and spend in it.

8.2 Existing Local Plan policies

8.2.1 The existing Local Plan policies relating to shops and centres are:

\textsuperscript{161} Class D1: Non residential institutions, include art galleries and museums. Class D2 Assembly include cinemas, music and concert halls
Policy CF7 Arts and Cultural Uses

The Council supports the Borough’s role in both local and world-class arts and culture. The Council will welcome new cultural institutions and facilities across the Borough and protect, nurture and encourage those which already exist. In particular the Council will support proposals which enhance the cultural draw of South Kensington, King’s Road/Sloane Square, the Notting Hill Gate and Portobello Road area and Kensington High Street.

To deliver this, the Council will:

a. protect all land and/or buildings where the current or last use is/was an arts and cultural use unless that use is re-provided to an equivalent or better standard in the immediate vicinity of the site;

b. permit new arts and cultural uses, or the expansion of these uses, which are likely to generate large numbers of visitors in higher order town centres and other areas of the Borough which have a PTAL score of 4 or above, or will achieve this level through improvements to public transport during the lifetime of the plan. Smaller scale arts and cultural uses which are likely to attract fewer visitors will be welcomed throughout the Borough;

c. permit enabling development on land and/or buildings where the current or last use is/was an arts and cultural use, in order to provide alternative arts and cultural uses on site or improve arts and cultural uses elsewhere within the Borough, where it is successfully demonstrated that there is greater benefit to the Borough resulting from this proposal.

Policy CF11 The South Kensington Strategic Cultural Area

The Council will protect and enhance arts and cultural uses in the South Kensington Strategic Cultural Area.
8.3 Legislation, policy and guidance context

**National**

**National Planning Policy Framework (NPPF)**

8.3.1 The NPPF makes a number of references to what it refers to as “cultural well-being” and the need to protect and provide for cultural facilities. Paragraph 7 notes that supporting the community’s cultural well-being is a central part of the “social role” of planning in achieving sustainable development:

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

8.3.2 Paragraph 17 lists a number of core planning principles. One of these is to, “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” This is confirmed by paragraph 70 which concerns the promotion of healthy communities. If a Council is to deliver the cultural facilities which contribute to a healthy community it should, “plan positively for the provision of ... cultural buildings” and, “guard against the unnecessary loss of valued facilities and services”.

8.3.3 Paragraph 20 suggests Councillors should “allocate a range of suitable sites to meet the scale and type of... cultural... development needed in town centres” amongst other uses.

8.3.4 Paragraph 156 considers how Councillors should set out the strategic priorities for the area in the Local Plan. This includes policies to deliver, “the provision of .... cultural infrastructure”.

**National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres**

8.3.5 The NPPG on Ensuring the Vitality of Town Centres considers tourism and the contribution that it can have to a local area. In particular paragraph 26 states that Councillors should, “analyse the opportunities for tourism to support local services, vibrancy and enhance the built environment”. The Borough’s arts and cultural uses contribute to the tourist draw.

**Regional**

The London Plan

8.3.6 The London Plan considers cultural uses in their own right and as an integral part of the function of the Central Activities Zone (CAZ).
8.3.7 Policy 4.6 is explicit in its “support for and enhancement of arts, cultural, sports and entertainment.” It states that:

The Mayor will and boroughs and other stakeholders should support the continued success of London’s diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.

8.3.8 Regarding planning decisions developments should:

a) fulfil the sequential approach and where necessary, complete an impact assessment
b) be located on sites where there is good existing or planned access by public transport
c) be accessible to all sections of the community, including disabled and older people
d) address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.

8.3.9 With regard the preparation of Local Plans, Boroughs should:

a) enhance and protect creative work and performance spaces and related facilities in particular in areas of defined need
b) support the temporary use of vacant buildings for performance and creative work
c) designate and develop cultural quarters to accommodate new arts, cultural and leisure activities, enabling them to contribute more effectively to regeneration
d) promote and develop existing and new cultural and visitor attractions especially in outer London and where they can contribute to regeneration and town centre renewal
e) develop innovative approaches to managing pressures on high volume visitor areas and their environments
f) identify, manage and co-ordinate strategic and more local clusters of evening and night time entertainment activities to
   – address need,
   – provide public transport, policing and environmental services; and
   – minimise impact on other land uses taking account of the cumulative effects of night time uses and saturation levels beyond which they have unacceptable impacts on the environmental standards befitting a world city and quality of life for local residents.
8.3.10 Policy 2.11 is concerned with the Central Activities Zone and the uses within it. It states that:

The Mayor will, and boroughs and other relevant agencies should:
...f. extend the offer and enhance the environment of strategic cultural areas along the South Bank, around the Kensington Museum complex and at the Barbican.

8.3.11 The Mayor of London launched a cultural planning toolkit known as ‘An A-Z of Planning and Culture’ in October 2015 and this will be considered in future iterations of the Local Plan Partial Review.

Town Centres Supplementary Planning Guidance (SPG)

8.3.12 The Town Centre Supplementary Planning Guidance (SPG) implementation policy 1.2 considers, “Arts, Culture, Leisure and the night time economy.” In particular it encourages Boroughs to “identify and define the special characteristics of Strategic Cultural areas and support initiatives to enhance them” (1.2(b)). Boroughs are also encouraged to, “enhance major clusters of visitor attractions and related infrastructure and develop visitor management plans to secure positive outcomes whilst addressing potential negative impacts arising from high visitor volumes (1.2(k))."

Summary

8.3.13 Figure 8.2 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework(^{162}) Paragraphs 7, 17 and 156</td>
<td>DCLG</td>
</tr>
<tr>
<td>2014 (updated)</td>
<td>National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres(^{163})</td>
<td>DCLG</td>
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<tr>
<td>Mar 2015</td>
<td>The London Plan(^{164}) Policy 2.10 Central Activities Zone – Strategic functions</td>
<td>Mayor of London</td>
</tr>
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<td></td>
<td>Policy 4.6 Support for and Enhancement of arts, culture, sport and entertainment</td>
<td></td>
</tr>
<tr>
<td>Jul 2014</td>
<td>Town Centres Supplementary Planning Guidance (SPG)(^{165}) SPG Implementation 1.1</td>
<td>Mayor of London</td>
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<tr>
<td>Oct 2015</td>
<td>An A-Z of Planning and Culture(^{166})</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>


\(^{164}\) [www.london.gov.uk/what-we-do/planning/london-plan](http://www.london.gov.uk/what-we-do/planning/london-plan)

\(^{165}\) [www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/town-centres](http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/town-centres)

8.4 Evidence base

Cultural Placemaking

8.4.1 Since the Core Strategy (now the Local Plan) was adopted in 2010 the Arts and Culture Service of the Council has produced ‘Cultural Placemaking in the Royal Borough of Kensington and Chelsea’\(^{167}\) (2012) which sets out the opportunity for the Council to put cultural placemaking at the heart of the Borough’s plans for regeneration. Working in partnership with developers to plan for culture from the start and throughout all the phases of development, establish a distinctive vision for new development, and provide the creative glue of people and ideas that binds successful urban places together.

8.4.2 The document specifically identified ‘Albertopolis’ as an existing cultural quarter, the relocation of the Design Museum to Kensington High Street as an opportunity to create a new cultural quarter, Portobello Road and Kensal Employment Zones and exciting creative paces and Kensal Gasworks an opportunity for cultural placemaking.

Figure 8.3: Cultural Placemaking (2012)

\(^{167}\) [www.rbkc.gov.uk/networking-and-training-events](http://www.rbkc.gov.uk/networking-and-training-events)
8.4.3 The document concludes with a series of next steps:

To realise the Council’s vision for cultural excellence in the Borough encouraging developers to:

- Explore the heritage and contemporary cultural context of their sites
- Brand and animate their developments via new cultural spaces, cultural partnerships and programming
- Be imaginative and bold in their proposals

The Council will support developers in the generation and realisation of cultural proposals.

It will:

- Offer advice and guidance on the cultural element of developments
- Broker relationships with the cultural organisations that provide content for how cultural spaces and festivals
- Connect new provision into the cultural life of the Borough including through marketing, signage and engagement with residents

Meanwhile cultural organisation may wish to:

- Assess their ability and readiness to work with developers
- Approach developers with the aim of forming partnerships on the new developments.

8.4.4 In July 2015 the Design Museum organised a Cultural Placemaking event. This was Chaired by the Leader of the Council and attended by representatives from cultural institutions, creative businesses, Council departments and the community. This event considered how the Council’s ambitions for cultural placemaking could be delivered through encouraging the creative economy, planning policies, and links to other cultural institutions and the community. It identified a number of actions and resolved to meet again to review progress in 2016. This policy review will form one of the key mechanisms through which the Council will consider how cultural placemaking can be delivered.

Exhibition Road

8.4.5 The Exhibition Road public realm improvement scheme has been delivered, significantly improving the route to the museums and creating a relaxed outdoor dining area at the southern end. Further improvements to the public realm arising from development may need to be considered. Transport for London is developing proposals to increase capacity at South Kensington station, provide step free access and possibly improve the pedestrian tunnel.

8.4.6 A Neighbourhood Plan is being produced for the residential area to the east of Exhibition Road in The City of Westminster. Clearly a consistent and coherent vision needs to be expressed across the Borough boundaries.
Notting Hill Gate

8.4.7 Since the Cultural Placemaking document was produced a Supplementary Planning Document for Notting Hill Gate has also been adopted. During public consultation on this document the opportunity to provide a new cultural attraction as part of development proposals was identified. This idea did not receive much public support and the Coronet Cinema has now been taken over by new owners The Print Room who are refurbishing the building and offering theatrical productions as well as showing films.

Figure 8.4 Notting Hill Gate SPD

Imperial West

8.4.8 The new Imperial West College Campus at White City is now emerging just across the Borough boundary with Hammersmith and Fulham. When complete this innovation hub will have a significant impact on footfall and the nature of employment in the Borough close to the eastern section of the Westway. There will be 12,000 people on the new campus and a further 36,000 in the wider White City area. They will be able to walk or cycle to this Borough via a new subway being constructed as part of the s106 agreement for Imperial West.
8.4.9 Figure 8.5 summarises the principal sources of evidence particularly relevant to this section.

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<thead>
<tr>
<th>Date</th>
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<tr>
<td>May 2012</td>
<td>Cultural Placemaking in the Royal Borough of Kensington and Chelsea</td>
<td>RBKC</td>
</tr>
<tr>
<td>Jun 2015</td>
<td>Notting Hill Gate Supplementary Planning Document (SPD)</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

*Figure 8.5: Summary of principal sources of evidence*

8.5 Issues and options

8.5.1 The Council greatly values the variety of arts and cultural uses. To this end the Council has long resisted the loss of arts and cultural uses and has actively encouraged the creation of new uses.

8.5.2 However, within this context difficult decisions have to made. Is any location within the Borough suitable for a new arts and cultural use or should those which attract larger numbers of visitors be directed to the most accessible areas, the Borough’s larger town centres? Can a particular arts and cultural use be lost in one location as long as the overall provision of similar, across the Borough, improves? How do we support the world class facilities that we have?

**Issue 1: How should the Council ensure that arts and cultural uses continue to be protected and that new uses are supported in appropriate locations.**

**Question 1**
Should the Council continue to support the Borough’s role in both local and world-class arts and culture?

8.5.3 Existing Local Plan Policy CF7 seeks to protect all existing arts and cultural uses and supports the creation of new such uses in suitable areas. A particular use can only be lost where the use is provided elsewhere in the Borough and where there is a greater benefit to the Borough resulting from the proposal.

8.5.4 This approach has proved successful, with the Borough strengthening its role as a vibrant part of a world city. As such the Council does not intend to amend the approach that it takes in Local Plan CF7 (Arts and Cultural Uses). Do you agree?
Question 2
Should the Council continue its existing approach in protecting existing arts and cultural uses and permitting enabling development where the overall provision is maintained?

8.5.5 Local Plan Policy CF7 seeks to protect arts and cultural uses across the Borough. The policy also recognises that, within this context, arts and cultural uses may have to evolve if they are to remain relevant. Sometimes the new requirements can be met in the existing buildings on the existing site. Sometimes they cannot. As such the Council currently allows “enabling development” (often the introduction of higher value residential uses) where “it is successfully demonstrated that there is a greater benefit to the Borough resulting from the proposal.” The Council does recognise that change to a well loved use can cause controversy. The Council must, however, be able to take a long term view.

8.5.6 In the absence of any compelling evidence to the contrary the Council does not intend to alter this position and allow enabling development where the overall provision is maintained.

Question 3
Should the Council continue to take a “town centre first” approach to the location of new arts and cultural uses and direct uses which are likely to generate large numbers of visitors to the larger centres.

8.5.7 A large arts and cultural use has the potential to generate significant numbers of visitors. Perhaps unsurprisingly there can be a conflict with the needs of visitors and the desires of local residents. This conflict can be minimised if larger operations are directed to the larger town centres. Here they can make the best use of available transport links and help sustain the vitality, the viability and the diversity of these centres.

8.5.8 Smaller scale facilities which are likely to attract fewer visitors will be welcomed throughout the Borough.

8.5.9 In the absence of any compelling evidence to the contrary the Council does not intend to alter this position.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
Issue 2: What spatial approach should the Council adopt to support enhancing the cultural draw and promoting the arts and cultural uses across the Borough?

Question 1
Should the Council continue its existing approach in protecting and enhancing cultural uses in the South Kensington Strategic Cultural Area?

8.5.10 In recognition of its outstanding universal value as a visitor destination, the Council designated the South Kensington Museums complex as a Strategic Cultural Area. This designation reflects what the London Plan sees as the function of the CAZ, as an, “area home to many of the capital’s (and the country’s) leading cultural facilities.” The museum quarter, “should be protected and [where] opportunities to enhance or extend [it], to improve the quality of their environments or to develop new quarters in appropriate locations will be considered sympathetically.”

8.5.11 In this area the Local Plan notes that, “any development within the Strategic Cultural Area must be of the highest quality and reflect the historic and architectural interest of the area.”

8.5.12 In the absence of any compelling evidence to the contrary the continued designation of the museums complex as a strategic Cultural Area is considered to remain appropriate.

Question 2
Should the Council specifically support enhancing the cultural draw of the following places?

Those within the existing policy:
- South Kensington Strategic Cultural Area
- King’s Road / Sloane Square
- The Notting Hill Gate and Portobello Road area
- Kensington High Street

Possible new creative industries clusters at:
- Kensal Employment Zone and Kensal Gasworks
- Freston / Latimer Road Employment Zone (linking to Imperial West Innovation Hub)
- Lots Road Employment Zone
- Somewhere else

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

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170 Para 2.51 of the London Plan, Mayor of London, 2015
9. Rail infrastructure

9.1 Introduction

9.1.1 This section relates to the Local Plan policies regarding improvements in railway infrastructure. The primary focus of this is on Crossrail and Crossrail 2.

9.1.2 This section does not include consideration of other transport modes, as covered by Policy CT1, which has only recently been reviewed by the Council (adopted 2014).

9.1.3 The purpose of this section is for the Council to consider those issues which relate to the provision of new and improved railway infrastructure and to ask how these issues may be effectively addressed.

9.2 Existing Local Plan policy

9.2.1 The existing Local Plan policy relating to new and enhanced rail infrastructure is set out below:

Policy CT2 New and enhanced rail infrastructure

The Council will require improved access to existing and planned new rail infrastructure in the borough.

To deliver this the Council will:
a. require developments at the allocated Kensal gas works site to establish a Crossrail Station, subject to approval by Crossrail Limited;

b. promote the creation of a new station on the West London line at North Pole Road;

c. protect the safeguarded route and associated land for Crossrail and the Chelsea Hackney line, including for the latter a station at Sloane Square and near Chelsea Old Town Hall on the King’s Road;

d. promote a station further west, potentially at Imperial Wharf, as part of the Chelsea-Hackney line;

e. require new development to contribute to step-free access at West Brompton Station, measures to increase the capacity of the West London line and improvements to its interchange with the Underground network, particularly at Earl’s Court and, if feasible, as part of the redevelopment of the Earl’s Court Exhibition Centre.

9.2.2 The Local Plan states that the provision of new rail infrastructure in the Borough would greatly aid various key locations in the Borough. The Reasoned Justification of Policy CT2 notes that the south west of the Borough (aided by the Chelsea-Hackney Line (now Crossrail 2) and Imperial Wharf Overground), Kensal Canalside (aided by Crossrail) and the St Quintin area (aided by a West London Line Overground station) all stood to see significant improvements in transport accessibility. This is picked up in Policy CT2 itself.

9.2.3 CT2e concentrates on step-free access but looks specifically to West Brompton and potential links to Earl’s Court. Again, this currently stops short of providing a strategic lead on encouraging improvements to access throughout the Network.

9.2.4 Policy CT2 has been successful in providing the Council with a mandate to seek improvements in rail infrastructure. This much has not changed and in reality, much of the amendments to the policy are likely to reflect minor factual and contextual changes.

9.3 Legislation, policy and guidance context

National

National Planning Policy Framework (NPPF)

9.3.1 With the presumption in favour of sustainable development, the NPPF\(^\text{171}\) sets out a need for the transport system to be “balanced in favour of sustainable transport modes, giving people a real choice about how they travel” (paragraph 29) and goes on to note that “In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport” (paragraph 30). This requires

\(^{171}\) NPPF, DCLG, March 2012
the Council to support the provision of new infrastructure to ensure reliance on cars and taxis is reduced. This is relevant to the Kensal Canalside Strategic Site and the aspirations for a Crossrail Station, as well as at King’s Road. The NPPF also makes clear that Councils “should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice” (paragraph 41).

**National Planning Practice Guidance (NPPG): Transport evidence bases in plan making and decision taking**

9.3.2 This NPPG suggests that transport evidence bases supporting Local Plans “should identify the opportunities for encouraging a shift to more sustainable transport usage, where reasonable to do so” (paragraph 001).

**Crossrail Act 2008 Register of Undertakings and Assurances**

9.3.3 Within the Register of Undertakings and Assurances, Crossrail have provided an Assurance (540) to the House with regard to a possible station at Kensal. This stated: “The Promoter acknowledges the aspiration of the Council for a station in the Ladbroke Grove area and does not intend that the Crossrail track layout proposals in the vicinity should preclude the future provision of station platforms. The Promoter will require the nominated undertaker to provide a plain line section of track where a station could be constructed”. This assurance remains in place and the safeguarding must be protected within the plan.

**Regional**

**The London Plan**

9.3.4 Within the London Plan, the Mayor acknowledges that transport plays a fundamental role in addressing a range of priorities. This strategic approach to new transport links in the capital is crystallised in Policy 6.1b by “seeking to improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand”.

9.3.5 Policy 6.4B continues by stating that “The Mayor will work with strategic partners to improve the public transport system in London, including cross-London and orbital rail links to support future development and regeneration priority areas”. This is clearly of direct relevance to Crossrail at the Kensal Canalside Strategic Site (also an Opportunity Area) but Policy 6.4B(c) also references the development of Crossrail 2, which also remains a vitally important new connection for Chelsea.

**Mayor’s Transport Strategy (MTS) 2010**

9.3.6 The Mayor’s Transport Strategy (MTS) forms part of the Mayor’s strategic policy framework and has relevance to the Borough. In it, the Mayor notes the importance of Crossrail in delivering significant benefits to the economy and supporting the growth of opportunity areas. Regulation 10 of The Town and

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172 Mayor’s Transport Strategy – Spotlight p.114, Mayor of London; 2010
Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires Local Plans to have regard to local transport authority policies\(^{173}\), such as the MTS.

**Neighbourhood**

St Quintin and Woodlands Neighbourhood Plan

9.3.7 The Neighbourhood Plan correctly identifies parts of the North Kensington as suffering from poor public transport accessibility. In paragraph 5.6.4, the Plan proposes that a new station on the Overground network be positioned near the underpass link to Imperial West. Policy StQW 5a of the Plan promotes this case and the Council supports this aspiration, being very close to the North Pole Road identified in Policy CT2.

9.3.8 Following publication of the Draft Neighbourhood Plan, TfL confirmed that a station near North Pole Road or Westway Circus is not feasible and cannot come forward at present.

**Summary**

9.3.9 Figure 9.1 summarises the main legislation, policy and guidance of particular relevance to this section.

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<th>Date</th>
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<td>National Planning Policy Framework (NPPF)(^{174})</td>
<td>DCLG</td>
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<tr>
<td>Oct 2014</td>
<td>National Planning Practice Guidance (NPPG): Transport evidence bases in plan making and decision taking(^{175})</td>
<td>DCLG</td>
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<td>Aug 2011</td>
<td>Crossrail Act 2008 Register of Undertakings and Assurances(^{176})</td>
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<td>Mar 2015</td>
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<td></td>
<td>Policy 6.1 Strategic approach</td>
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<td></td>
<td>Policy 6.2 Providing public transport and safeguarding land for transport</td>
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<td></td>
<td>Policy 6.4 Enhancing London’s transport connectivity</td>
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<td></td>
<td>6.5 Funding Crossrail and other strategically important transport infrastructure</td>
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<tr>
<td>Jul 2014</td>
<td>Land for Industry and Transport Supplementary Planning Guidance (SPG)(^{178}) Chapter 13: Rail</td>
<td>Mayor of London</td>
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\(^{173}\) Transport for London (TfL) is considered a ‘local transport authority’ for the purposes of these regulations and the Transport Act 2000 as it is an “integrated Transport Authority”. Whilst TfL does not produce a Local Transport Plan, the Mayor has published the Mayor’s Transport Strategy


\(^{177}\) [www.london.gov.uk/priorities/planning/london-plan/further-alterations-to-the-london-plan](http://www.london.gov.uk/priorities/planning/london-plan/further-alterations-to-the-london-plan)

\(^{178}\) [www.london.gov.uk/priorities/planning/publications/land-for-industry-and-transport-spg](http://www.london.gov.uk/priorities/planning/publications/land-for-industry-and-transport-spg)
9.4 Evidence base

Public Transport Accessibility Levels (PTALs)

9.4.1 The Council is committed to improving public transport for those in the Borough who currently do not benefit from good public transport accessibility. In calculating these areas, Public Transport Accessibility Levels (PTALS) are used – see Figure 9.2.

9.4.2 PTALs are Transport for London (TfL)’s means of determining relative levels of transport accessibility across London. Broadly, the PTAL scores for the Borough are amongst the highest in London. However, in parts of the north and southwest of the Borough the score is very low.

9.4.3 Using the latest update (2011), Kensal is clearly shown to be between 4 and 0 with the majority falling at 3 or below. Likewise, the PTAL is less than good on many streets in the area around World’s End.

9.4.4 In these areas there is a much higher level of deprivation. For example, the 2010 Index of Multiple Deprivation lists the area around Kensal as being amongst 10% most deprived in the country and the area around World’s End as being in the 20% most deprived.
Figure 9.2: Public Transport Accessibility Level (PTAL) scores

Kensal Portobello Crossrail station

9.4.5 The Borough has conducted a number of research projects to look at the financial value of a station in Kensal Canalside. In 2015, Cushman and Wakefield examined the economic impact and uplift on Kensal and a 1km hinterland.

9.4.6 The results showed that the difference in Gross Development Value was nearly £2bn over and above what could be achieved without Crossrail\textsuperscript{181}.

9.4.7 That is not to say that the site cannot come forward without Crossrail, but it certainly could not come forward at the density which could be delivered with only bus based options.

\textsuperscript{181} Development Uplift and Infrastructure Study for Kensal Opportunity Area, Cushman and Wakefield, 2015
9.4.8 It is clear that significant interventions are required in order to deliver regeneration and vitality.

9.4.9 The Council continues to seek agreement from Crossrail Limited that a station should be sited in Kensal Portobello. Since 2010, the Council has developed a more sophisticated economic and operational argument demonstrating that a station is vital for unlocking regeneration and improving employment prospects in the wider area.

9.4.10 Having examined the impact of other options and having worked with TfL on the alternatives to Crossrail, it is evident that non-rail options simply cannot deliver the scale of development needed to help the Borough to address London’s housing shortage.

9.4.11 When the High Speed Rail 2 (HS2) route with a station at Old Oak Common in Hammersmith and Fulham was announced everything changed and the option for a turn-back station at Kensal vanished. Instead, the Council needed to consider how a skip-stop station could operate and be incorporated into designs.

9.4.12 A whole new district of London will be built at Old Oak Common, right on the Borough boundary but at present, the only direct connection for our residents will be via the Grand Union Canal towpath.

9.4.13 Kensal Portobello Crossrail station must now look west as well as east. The development at Womington Green and allocations at Kensal Canalside and Latimer make this station essential for both new and existing communities within
The Council has petitioned Parliament against certain elements of the HS2 Bill which would have prevented the Kensal Portobello station, including an undertaking similar to the one given in the Crossrail Act. The committee’s report is expected in 2016.

**Crossrail 2**

The proposals for Crossrail 2 (formerly known as the Chelsea Hackney Line) are significant in terms of being able to deliver a new rail station in the Borough.

Since 2010, the safeguarded route has changed to reflect the revised engineering for the route. This engineering has eliminated the provision of a station at Imperial Wharf as the curve in the tunnel from Clapham would be too acute and too costly to deliver.
9.4.17 This was subject to consultation in 2014 when three options were presented by TfL. A station near Cremorne, a station near Chelsea Fire Station and a ‘no station’ option.

9.4.18 Transport for London is currently consulting\(^{182}\) on the details of the station and worksite location and design. This closes in January 2016. The purpose of this consultation is to provide residents and businesses with the opportunity to understand and provide comments on exactly where the King’s Road Station, and in particular the entrance, would be positioned as well as the location of any ventilation shaft required. TfL plan a more detailed consultation in 2016/17 when more engineering information is known.

9.4.19 Crossrail 2 has the potential to bring around 5,000 homes within a 10 minute walk of a rail station for the first time. This has the added benefit of providing around an additional 800,000 new jobs within a 45 minute journey time. However, local people are concerned that a new station may change the character of Chelsea and the Council will strive to ensure that the character is preserved and enhanced.

**West Brompton Station / Earl’s Court**

9.4.20 The provision of step free access and improved capacity at West Brompton is being delivered via the section 106 agreement linked to the planning permission for Earl’s Court. However, delivery of this element is still some time off. As such, inclusion within the Local Plan is appropriate.

**Summary**

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<th>Date</th>
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<th>Organisation</th>
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<tr>
<td>2011</td>
<td>WebCAT Public Transport Accessibility Map(^{183})</td>
<td>Transport for London (TfL)</td>
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<tr>
<td>Jul 2014</td>
<td>North Pole Depot and Kensal Gasworks Valuation Study(^{184})</td>
<td>DTZ</td>
</tr>
<tr>
<td>Sep 2015</td>
<td>Development Uplift and Infrastructure Study for Kensal Opportunity Area(^{185})</td>
<td>Cushman and Wakefield</td>
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*Figure 9.5: Summary of principal sources of evidence*

9.5 **Issues and options**

9.5.1 The desire to get in, out of and around the capital as quickly, sustainably as possible is high on the Mayor’s agenda and the Council must respond accordingly.

9.5.2 Within this context, the Council has identified a number of key questions, or issues, to start to inform a future policy.

9.5.3 Each question will be considered in turn. The Council has identified a number of

\(^{182}\) https://consultations.tfl.gov.uk/crossrail2/october2015/
\(^{183}\) https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat
\(^{184}\) www.rbkc.gov.uk/planningpolicy
\(^{185}\) www.rbkc.gov.uk/planningpolicy
possible answers, or options. These may not be exhaustive, and consultees are encouraged to identify others where appropriate. The possible options are not necessarily mutually exclusive.

**Issue 1: The Council needs to ensure that the Borough is not left behind as public transport links across London and the capital improve. What policies should the Council adopt to ensure that the future needs of our residents, businesses and visitors are met?**

**Option 1**
The Council should continue to encourage new and enhanced rail infrastructure, particularly in poorly connected areas.

9.5.4 In Chelsea, the case is somewhat more implicit. This is the early stages of development for a project initially conceived some 25 years ago. We can see from the impacts of Crossrail 1 already, that the economic benefits of a station are huge. As the Council has put on record, the location around Dovehouse Green is best suited for catering not only to Chelsea’s residents but crucially, its businesses. The unquestionable success of the east end of King’s Road brings thousands of people into the area. Putting a station right in the heart of the King’s Road will give visitors the option of going east or west. Helping to keep the western end of town centre a vibrant and vital place is essential. Without Crossrail 2, there is a palpable risk it begins a period of decline.

9.5.5 With reference to aspirations to an Overground Station at Westway Circus, the Council acknowledges TfL’s position but it is still of the opinion that an additional station would improve accessibility to such an extent it should not be dismissed so swiftly.

9.5.6 Furthermore, it is clear that with London’s growing population, the Mayor should be seeking opportunities to future-proof against overcrowding elsewhere on the network caused by the scale of developments at nearby White City.

9.5.7 In spite of TfL’s objections, the Council considers that in the life of the Local Plan, opportunities may arise that merit its inclusion and consideration as the best means of tackling accessibility in this part of the Borough.

**Option 2**
The Council should seek alternatives to rail-based improvements to address public transport deficiencies in the Borough.

9.5.8 The Council must acknowledge that rail-based improvements are not the only potential solution to improving accessibility.

9.5.9 TfL has been keen to impress on the Council the merit of bus based alternatives in the north of the Borough. However, it is questioned whether the quantum of development envisaged at Kensal Canalside would be realistic by simply extending bus routes.

9.5.10 Cushman and Wakefield’s report evidences what can be achieved and what the market might expect to deliver with just a bus-based alternative and this suggests
that this approach is undesirable.

9.5.11 However, without a committed scheme the Borough must consider the impact of a brand new urban quarter served only by buses. This kind of development would be of a lesser scale, closer to 2,000 dwellings (or less if the single carriage access cannot be improved) and would require significant improvements to cycling and walking to make the journeys to/from the site to a rapid transit link more appealing.

9.5.12 Chelsea is already incredibly well served by buses. However, a journey along the King’s Road from World’s End to Sloane Square can take more than 20 minutes. TfL envisage that a station will take between 5 and 8 years to build and the line itself will not be open until 2030.

9.5.13 Without a station, much of residential Chelsea will continue as it currently does with people using buses and cars and bicycles but around 5,000 households will still be without access to rail-based transport and will, in all likelihood, remain that way for at least another 50 years.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 2: West Brompton station

9.5.14 The Council recognises the importance of improving access to stations from street level. At present, only Earl’s Court is fully step free with step free access at Kensington Olympia only available via the road bridge outside the station.

9.5.15 The Core Strategy currently focuses on improving step free access and capacity increases to West Brompton station as part of the Earl’s Court redevelopment. All other step-free requirements are dealt with in Policy CT1

Option 1
The Council should retain this specific reference to West Brompton station within the policy.

9.5.16 Keeping this reference may seem repetitive but it does stand to make the need for the provision of step free access at West Brompton a key deliverable of the Earl’s Court proposals.

9.5.17 Issues of capacity increases also prove useful in highlighting the importance of the station in the long term as part of the Earl’s Court Strategic Site.

Option 2
The Council should seek step-free access at all its stations as per Policy CT1 and move references to West Brompton into the revised site allocation for Earl’s Court.

9.5.18 This approach would give more balance to the Council’s ambitions for step-free access. This is not to downplay the significance of West Brompton, more to highlight the need for TfL to work with the Borough to develop a strategy for all stations. Of course, engineering solutions and the availability of funding varies for
each station, and so a degree of prioritisation will always be necessary.

9.5.19  Furthermore, issues of increasing station capacity and indeed the provision of an elevator could be included in the Strategic Site Allocation for Earl's Court where it would be directly applicable.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
10. Housing

10.1 Introduction

10.1.1 The delivery of a substantial number of new homes at a price that our residents and people working locally can afford remains the key housing issue in the Borough. As one of the most densely developed areas of the country, the supply of land for housing will continue to be constrained, particularly as we continue to protect existing social and economic uses that make the Borough a vibrant and successful place. The constraints on land availability are inevitably reflected in median house prices which remain the highest in the country, and are equivalent to twelve times median earnings.

10.1.2 This Local Plan Partial Review will need to set out how the Borough will meet its new annual housing target of 733 additional homes through the identification and allocation of new housing development sites, as well as exploring how best to protect and improve the existing stock. It will also seek to continue the current emphasis of ensuring diversity of housing by reviewing the existing policies to take account of the latest evidence on local need, affordability and development viability.

10.1.3 The issues which the Council considers the Local Plan Partial Review needs to address in light of these ongoing challenges are:

- **Issue 1**: Meeting the Borough’s housing targets
- **Issue 2**: Amalgamations and De-conversions
- **Issue 3**: Setting an Affordable Housing Target
• Issue 4: Affordable Housing Tenure Split
• Issue 5: Affordable Housing Threshold
• Issue 6: Calculating Payments in Lieu
• Issue 7: Securing the Maximum Reasonable Amount of Affordable Housing
• Issue 8: Meeting Specific Housing Needs
• Issue 9: Securing a Suitable Mix of Housing
• Issue 10: Housing Estate Regeneration

10.2 Existing policies

10.2.1 The strategic objective of the Local Plan is to have a diversity of housing at a local level, catering for a variety of needs and built to a high quality. The existing Local Plan and UDP policies relating to housing are as follows:

- Policy CH1 Housing Targets
- Policy CH2 Diversity of Housing
- Policy CH3 Protection of Residential Uses
- Policy CH4 Estate Renewal
- UDP Policy H4 Resist encroachment into residential areas of commercial activities
- UDP Policy H8 Require appropriate social and community facilities in major developments
- UDP Policy H17 Resist loss of small self-contained flats

10.2.2 The policies are set out in full in Appendix B and referenced as relevant under each issue.

10.3 Legislation, policy and guidance context

National

National Planning Policy Framework (NPPF)

10.3.1 Paragraph 47 of the NPPF seeks to ‘boost significantly the supply of housing’ by requiring Councils to meet the ‘full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this framework’. To demonstrate housing targets will be met, the NPPF requires Local Plans to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing target plus an additional 5% to ensure choice and competition in the market for land, or 20% where there is a record of persistent under delivery. A supply of specific, developable sites or broad locations for growth for the next 6 to 15 years must also be identified within the Local Plan. To ensure supply is maintained in the future, the housing supply list must also be updated on an annual basis outside of the plan making process.

10.3.2 Paragraph 50 requires Councils to plan for a mix of housing based on current and future demographic and market trends, as well as the needs of specific groups within the community. The size, type, tenure and range of housing required should
also be identified. Where a need for affordable housing has been identified, policies should be set for meeting this need.

10.3.3 In order to have a clear understanding of the housing needs in their area, paragraph 159 states that Councils should prepare a Strategic Housing Market Assessment to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. In terms of housing supply paragraph 159 also sets out the need to prepare a Strategic Housing Land Availability Assessment to establish the availability, suitability and likely economic viability of land to meet the identified need for housing over the plan period.

10.3.4 Paragraph 173 of the NPPF sets out that where planning policies such as those on affordable housing are likely to have an impact on development viability, they should be sufficiently flexible to allow a development to provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In most cases this will require the impact of the policy to be tested through a development viability appraisal.

National Planning Practice Guidance (NPPG)

10.3.5 The NPPG sets out detailed guidance in relation to undertaking Strategic Housing Market and Land Availability Assessments as part of the evidence for the revised Local Plan.

10.3.6 The NPPG also includes broad guidance on the assessing the impact on development viability of planning policies such as a requirement for affordable housing together with guidance on assessing viability in planning decision making.

10.3.7 It is also important to highlight that the NPPG also refers to the Government’s Starter Homes initiative which are aimed at meeting the needs of first time buyers under the age of 40. Starter Homes should be offered for sale at a minimum of 20% below open market value up to a maximum of £450,000 in London. The Housing and Planning Bill currently progressing through Parliament proposes further obligations on local planning authorities in relation to Starter Homes which will need to be taken into account once the Housing and Planning Bill passes into law as an Act of Parliament.

Regional

The London Plan

10.3.8 Through Chapter 3 of the London Plan, the Mayor recognises the pressing need for new housing across London to promote opportunity and real choice for Londoners. To help boost significantly the supply of housing the London Plan sets out the average annual minimum housing supply targets for each Borough until 2025. These targets are informed by the need for housing as evidence in the GLA’s 2013 Strategic Housing Market Assessment (SHMA) and London’s housing land capacity identified through the 2013 Strategic Housing Land Availability Assessment (SHLAA). This approach recognises that though there are difference in the type, quality and cost of housing across London, the complex linkages extend between them mean that for planning purposes, London should be treated
as a single housing market.

10.3.9 It is estimated that London will require between 49,000 and 62,000 more homes a year to meet need. On the supply side, it is recognised that the availability of land is the main long term constraint. However, potential capacity for at least 420,000 additional homes over the next 10 years has been identified. Based on this evidence, Policy 3.3 and Table 3.1 of the London Plan set out minimum annual housing targets for each Borough, with minimum annual target for Kensington and Chelsea set at 733 net additional dwellings. Boroughs are required to identify housing sites to achieve, and where possible exceed their target in view of the strategic gap that existing between housing need and supply.

10.3.10 Ensuring housing choice is another key Mayoral priority. Policy 3.8 specifically addresses the needs of different communities by requiring Boroughs to undertake their own assessment of local housing needs to ensure that new developments offer a range of housing choices in terms of mix, housing sizes and taking account of the needs of different groups. At the London-wide level, significant need for affordable family homes, as well as homes which meet more specialist needs such as those of London’s growing numbers of older people are identified. Other types of non-conventional housing including student accommodation and purpose built rented accommodation are also supported by the Mayor as a way of further boosting London’s housing supply.

10.3.11 The Mayor also gives particular priority to the provision of new affordable homes to meet London’s pressing needs. The London SHMA demonstrates that high cost of market housing in London makes affordable housing particularly important in meeting housing needs. A strategic supply target for affordable homes of 17,000 per annum is set out Policy 3.11 together with percentage targets for the proportion of affordable provision that should be social/affordable rent (60%) and intermediate rent or sale (40%). At the local level, the policy requires Boroughs to set an overall target in the Local Plans for the amount of affordable housing provision needed together with separate targets for the different types of affordable tenures. Such targets may be expressed in absolute or percentage terms. In terms of thresholds, Policy 3.13 states that Boroughs should normally require affordable housing provision on a site with capacity to provide 10 or more units, but to seek a lower threshold where this can be locally justified. In accordance with NPPF, the assumption is that affordable housing provision should be made on-site with off-site provision or payments in lieu accepted only in exception circumstances. Policy 3.12 is also clear that when negotiating affordable housing on individual sites, the maximum reasonable should be sought having regard to local requirements, affordable housing targets, the need to promote mixed communities and development viability.

10.3.12 Finally, in addition to making provision for new homes, the overwhelming need for additional housing across London makes it essential to consider the potential of the Borough’s existing housing stock to address housing needs and sustain existing neighbourhoods. This is reflected in London Plan Policy 3.14B-C which requires Boroughs to resist the net loss of housing provision unless it is to be replaced at existing or higher densities with at least equivalent floorspace.
Mayor’s Housing Supplementary Planning Guidance (Nov 2012) and Draft Interim Housing Supplementary Planning Guidance (May 2015)

10.3.13 The Mayor’s Supplementary Planning Guidance (SPG) is a material consideration in planning decisions and provides additional advice on the on the implementation of the London Plan’s policies. The guidance in both the adopted and draft SPG in relation to housing choice, affordable housing provision and the existing housing stock have been referenced in the formulation of the issues and options.

Summary

10.3.14 Figure 10.1 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework(^{186}) Paragraphs 47, 50, 159 and 173</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2014</td>
<td>National Planning Practice Guidance(^{187/}) Housing and Economic Needs Assessment and Housing and Economic Land Availability Assessment</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>The London Plan(^{188}) 3.3 Increasing housing supply 3.8 Housing choice 3.11 Affordable housing targets 3.12 Negotiating affordable housing on individual private residential and mixed use schemes 3.13 Affordable housing thresholds 3.14 Existing housing</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Nov 2012</td>
<td>Housing Supplementary Planning Guidance (SPG)(^{189})</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>May 2015</td>
<td>Draft Interim Housing Supplementary Planning Guidance (SPG)(^{190})</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>

Figure 10.1: Summary of legislation, policy and guidance

10.4 Evidence base

Dwelling stock

10.4.1 The most recent Government data indicates that there were 85,550 dwellings in the Borough in 2014. This total has been growing, but at a relatively slow rate when compared to its inner London neighbours, with only a 1% increase the last six years as shown in Figure 10.2 below.


\(^{188}\) [www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan](http://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan)

\(^{189}\) [www.london.gov.uk/priorities/planning/publications/housing-supplementary-planning-guidance](http://www.london.gov.uk/priorities/planning/publications/housing-supplementary-planning-guidance)

\(^{190}\) [www.london.gov.uk/priorities/planning/consultations/draft-interim-housing-supplementary-guidance](http://www.london.gov.uk/priorities/planning/consultations/draft-interim-housing-supplementary-guidance)
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<tr>
<th>Dwelling stock</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>K&amp;C</td>
<td>84,550</td>
<td>84,760</td>
<td>84,800</td>
<td>84,900</td>
<td>84,960</td>
<td>85,550</td>
</tr>
<tr>
<td>H&amp;F</td>
<td>80,990</td>
<td>81,900</td>
<td>82,390</td>
<td>82,860</td>
<td>83,280</td>
<td>83,910</td>
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<td>Westminster</td>
<td>115,050</td>
<td>116,640</td>
<td>118,320</td>
<td>119,250</td>
<td>119,840</td>
<td>120,370</td>
</tr>
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<td>London</td>
<td>3,308,000</td>
<td>3,336,360</td>
<td>3,358,180</td>
<td>3,383,030</td>
<td>3,404,070</td>
<td>3,427,650</td>
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<tr>
<td>England</td>
<td>22,694,000</td>
<td>22,839,000</td>
<td>22,976,000</td>
<td>23,111,000</td>
<td>23,236,000</td>
<td>23,372,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% addition to dwelling stock per annum</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2009-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>K&amp;C</td>
<td>0.25%</td>
<td>0.05%</td>
<td>0.12%</td>
<td>0.07%</td>
<td>0.69%</td>
<td>1.18%</td>
</tr>
<tr>
<td>H&amp;F</td>
<td>1.12%</td>
<td>0.60%</td>
<td>0.57%</td>
<td>0.51%</td>
<td>0.76%</td>
<td>3.61%</td>
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<tr>
<td>Westminster</td>
<td>1.38%</td>
<td>1.44%</td>
<td>0.79%</td>
<td>0.49%</td>
<td>0.44%</td>
<td>4.62%</td>
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<tr>
<td>London</td>
<td>0.86%</td>
<td>0.65%</td>
<td>0.74%</td>
<td>0.62%</td>
<td>0.69%</td>
<td>3.62%</td>
</tr>
<tr>
<td>England</td>
<td>0.64%</td>
<td>0.60%</td>
<td>0.59%</td>
<td>0.54%</td>
<td>0.59%</td>
<td>2.99%</td>
</tr>
</tbody>
</table>

Figure 10.2: Changes to dwelling stock (DCLG Live Tables 100, 122,125)

10.4.2 The make-up of the dwelling stock in terms of type shows that in comparison with neighbouring authorities the Borough has a low proportion of houses (17%) with the majority of the stock made up of purpose built and converted flats (79%). This is higher than both the Inner London and London-wide averages.

Figure 10.3: Property Types (Source: Census 2011 Table QS402EW)

10.4.3 Figure 10.4 compares the proportion of different dwellings types in RBKC from the 2001 and 2011 Census. The major feature of change is the growth in the proportion of purpose built flats, accompanied by a reduction in the number of other types of flats i.e. those in converted houses and self-contained bedsits.

10.4.4 In terms of tenure, the 2011 Census showed that the private rented sector has just
overtaken owner-occupation as the largest single tenure in RBKC, with both housing 36% of households. The social rented sector accounts for a further 25% and shared ownership less than 1%. The growth of the private rented sector is a pattern reflected across London although the level in RBKC is greater than the inner London (31%) and London-wide averages (25%). By contrast the proportion of social rented stock is below the inner London average of 35%.

Figure 10.4: Changes in property type over between 2001 and 2011 Census

10.4.5 The final characteristic of the Borough’s housing stock to highlight is that of dwelling size. As Figure 10.5 shows, the Borough has a greater proportion of smaller homes than the inner London and London average. Nearly three quarters (72%) of the current stock are one and two bedrooms compared to 66% for inner London and 54% for the whole of London. Proportionally however, there is also a reasonable proportion of large homes (four bed plus) at 11% which is equivalent to the inner London average. The Census also highlights that there are differences in dwelling size by tenure. For example 40% of the owner occupied stock has three beds or more compared to only 20% in each of the social rented and private sector rented stock. Approximately half the social rented (47%) and private rented (45%) stock is one bed implying a restricted range of household sizes that these tenures can potentially house.

Figure 10.5: Dwelling Size
**Vacant dwellings and second homes**

10.4.6 Across London as a whole, residential vacancy rates are generally low as a result of the significant demand for housing. Vacancy rates in Kensington and Chelsea as in neighbouring inner London Boroughs have fallen as a proportion of total stock over the last five years as shown in Figure 10.6. This overall figure does mask a slight increase in vacancy levels in the social rented sector however, this can be ascribed to active estate regeneration programmes and should fall as new units are completed and occupied.

10.4.7 In relation to second homes, the 2014 Council Tax Base assesses the number and proportion of homes classified as ‘second homes’. The figures for the Royal Borough for 2014 showed 8,330 second homes, equivalent to 9.5% of the total housing stock. This compares to only 2.4% in Hammersmith and Fulham and 4.9% in Westminster. Kensington and Chelsea is almost the highest ranked Borough in terms of both the number and proportion of second homes with only the City of London (at a proportion of 27%) and Cornwall (overall numbers) in higher positions.

![Figure 10.6: All vacant dwellings 2004-2014](image)

**Houses in Multiple Occupation (HMOs)**

10.4.8 There are currently estimated to be a nearly 4,500 HMOs in the Borough, amounting to nearly 16% of the private rented stock. Whilst this proportion is significant, it is a lower proportion than neighbouring Boroughs with Westminster at 19% and Hammersmith and Fulham at 39%.

**House prices**

10.4.9 Kensington and Chelsea occupies a distinctive position within the overall London
housing market. Median house prices in the Borough have increased at the highest rate in the country since the Local Plan was first adopted (as the Core Strategy) in 2010 (60%) leading to highest median house price in England of £1.2 million in 2014. As Figure 10.7 below shows, this pattern of increase is exceptional even when compared to other inner London Boroughs.

Figure 10.7: Median sale house prices in London in 2014

10.4.10 The Borough’s high house prices are primarily driven by a lack of supply with the availability of land acting as the main constraint. The 2011 Census shows that the Borough has the second highest population density in England and Wales. Consequently, land for development is highly sought and the high prices paid are reflected in the subsequent value of new homes. The Borough’s existing stock of large, character properties, together with the central location, high quality amenities also makes the Borough popular with international buyers who further drive up prices competing for the limited stock.

Housing need

10.4.11 As set out in section 10.3 above, the NPPF requires local planning authorities to identify their full objectively assessed needs for market and affordable housing. The OAN is an assessment of the amount of additional housing stock required to cater for future household growth. Evidence set out in the Borough’s 2015 SHMA (available from www.rbkc.gov.uk/planningpolicy) identifies an objectively assessed need (OAN) of 11,291 dwellings over the period 2015-2035, or 575 dwellings per annum. These figures are based on the GLA’s long-term migration household projections plus an allowance for vacant dwellings and second homes. This is the highest projection in relation to the other potential scenarios of household growth.
set out in the SHMA (based on the DCLG 2012 household projections and the GLA short term migration scenario) but are assessed as the most realistic for using the longer term migration trend data determined at London-level.

10.4.12 An additional factor to be taken into account when determining the OAN is market signals such as prices, affordability and overcrowding which could indicate additional demand. It has already been shown above that the Borough’s house prices are the highest in the country by some margin, with rents also high to generate the returns which property owners require. Affordability ratios comparing median sale prices and median earnings have increase from 2.5 times the national average in 2003 to five times that average in 2013. In terms of overcrowding, despite the high prices and rents, there is less overcrowding in Kensington and Chelsea than in neighbouring authorities and only marginally more than the England average. Furthermore, there are also indications of under occupation within the owner occupied stock.

10.4.13 The key message from these signals is that the housing market in the Borough is unique with house process so far detached from local income levels that it is evidence that a significant proportion of the market is being driven by investors. The SHMA concludes that this suggests the demand for housing which is driving price increases is of a nature and order which is unlikely to respond to any practicable increase in supply. This is not to suggest that there should be no additional supply in the Borough in response to market signals, but rather that it is necessary to accept that the level of supply will be constrained by the availability of sites and the greater importance should be place on the type and affordability of new housing in order to have the maximum impact on need.

10.4.14 The need for affordable housing differs from the overall objectively assessed need for housing (OAN). The OAN is the net addition to the housing stock of all tenures required to cater for future household growth. The affordable housing requirement estimates the total amount of affordable housing required to meet the need of households which cannot afford to access market housing. It assesses the ability to afford housing across newly forming households, not simply the net addition to household numbers, adds in any current backlog and offsets this against the supply of affordable housing likely to come available in the current stock to produce an estimate of how much additional affordable housing is required. To illustrate the difference further, it would theoretically be possible for affordable housing need to be met through a transfer of existing market housing to affordable housing without adding to the existing stock.

10.4.15 The process for calculating the Borough’s overall affordable housing need is set out in Figure 10.8 below. This shows an annual need figure of 1,171 affordable homes, which can be broken down by tenure as follows:

- Social rented sector: 209 (18%)
- Affordable rented sector: 523 (45%)
- Intermediate sector: 437 (37%)

10.4.16 It is important to note that paragraph 4.7 of the NPPF references meeting such need “as far as is consistent with the policies set out in” the NPPF.
10.5 Issues and options

**Issue 1: Meeting the Borough’s housing target**

10.5.1 The Borough’s housing target of 300 units per annum rising to 600 as set out in Policy CH1 of the Local Plan has been superseded by the Further Alterations to the London Plan (2015) which have raised the Borough’s target 733. This target is above the objectively assessed need for housing identified by the Borough’s SHMA of 575 new homes each year.

10.5.2 In accordance with national and regional guidance, the Council must demonstrate that it is able to identify a supply of specific development and/or deliverable sites sufficient to meet the Borough’s housing target plus an additional 20% buffer for...
the first five years due to a record of persistent under delivery. The cumulative housing delivery target for the remainder of the plan period to 2027/28 is therefore a minimum of 11,728 units.

10.5.3 Since the Local Plan was adopted (as the Core Strategy) in 2010, 1,588 new homes have been built equating to 58% of the 2,750 target for the same period. Whilst this is an under delivery, it must be placed in the context of the number of new homes approved by the Council in the same period, for which the Borough has performed significantly above the target with 3,897 approvals, equivalent to 1.4 times the target. At present, however, national and regional policy assesses performance in terms of completions, the rate of which cannot be influenced by the Council. Assessing housing supply on completions since the Local Plan was adopted leaves a backlog of completions for the first five year period of the Plan of 1,162 dwellings.

<table>
<thead>
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<th></th>
<th>10/11</th>
<th>11/12</th>
<th>12/13</th>
<th>13/14</th>
<th>14/15</th>
<th>Total</th>
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<td><strong>Housing Supply Target</strong></td>
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<tr>
<td>Net residential completions</td>
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<td>65</td>
<td>264</td>
<td>982</td>
<td>1,588</td>
</tr>
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<td>New residential approvals</td>
<td>783</td>
<td>860</td>
<td>244</td>
<td>1292</td>
<td>718</td>
<td>3,897</td>
</tr>
</tbody>
</table>

*Figure 10.9: Housing supply target, completions and approvals*

10.5.4 In terms of the existing site allocations intended to deliver the Borough’s supply requirements, the Local Plan identifies a small set of strategic allocations which would deliver a minimum of 5,300 dwellings. It was anticipated that the remainder of the units would come from windfall sites as had historically been the case. Most of these allocated sites have come forward for planning permission since the Plan was first adopted in 2010 as shown in Figure 10.10 below.

10.5.5 The actual number of units now anticipated or delivered on these sites has increased by approximately 1,000 units since 2010 to 6,500. A large proportion of these units are still due to be completed and will therefore continue to be a key element of future housing supply contributing approximate 5,700 units (50%) towards the 11,728 target for the remainder of the plan period. However, this leaves half the target remaining for which sites must be identified. The Local Plan Partial Review will therefore need to identify additional housing capacity to meet our increased target. It will also be important to address the existing shortfall from the first five years of the plan period.

10.5.6 The Borough’s updated housing trajectory currently shows a total development pipeline of 10,734 net additional units for the 15 year period 2015/16 to 2029/30 (see Figure 10.11 below). The housing trajectory is based on a combination of the capacity from strategic sites, the development pipeline of planning permissions, those sites where pre-application responses have identified a potential for housing development, assumptions on windfall from small sites and vacant buildings.
returning to use. It is estimated that just under 4,500 of these units will delivered within the first five year period enabling the Borough to demonstrate a five year housing land supply plus an additional 20% to account for under-delivering in earlier years. Overall however, the total capacity is 994 units below the Borough target for the same period.

<table>
<thead>
<tr>
<th>Strategic Allocation</th>
<th>Minimum number of dwellings required in existing Local Plan</th>
<th>Current Status</th>
<th>Potential number of dwellings (net)</th>
<th>Units Completed (net)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kensal</td>
<td>2,500</td>
<td>Further Alterations to the London Plan in 2015 increased the capacity of the site to 3,500 homes.</td>
<td>3,500</td>
<td>0</td>
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<tr>
<td>Wornington Green Phases 1-2</td>
<td>688</td>
<td>Planning permission granted</td>
<td>462</td>
<td>324</td>
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<tr>
<td>Land Adjacent to Trellick Tower</td>
<td>60</td>
<td>Supplementary Planning Document prepared for site</td>
<td>100</td>
<td>0</td>
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<tr>
<td>Charles House Site</td>
<td>500</td>
<td>Planning permission granted – scheme under construction</td>
<td>506</td>
<td>506</td>
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<tr>
<td>Former Territorial Army site</td>
<td>250</td>
<td>Planning permission granted</td>
<td>281</td>
<td>0</td>
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<tr>
<td>Empress Telephone Exchange</td>
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<td>Planning permission granted – scheme under construction</td>
<td>158</td>
<td>0</td>
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<td>Homebase Site</td>
<td>300</td>
<td>Planning permission granted – scheme under construction</td>
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<td>100 West Cromwell Road</td>
<td>350</td>
<td>Planning permission expired</td>
<td>350</td>
<td>0</td>
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<tr>
<td>Earls Court (part)</td>
<td>500</td>
<td>Planning permission granted</td>
<td>930</td>
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<tr>
<td>Total number of dwellings</td>
<td>5,298</td>
<td></td>
<td>6,538</td>
<td>830</td>
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</table>

*Figure 10.10: Status update of the Local Plan Strategic Site Allocations including residential uses*
Figure 10.11: Housing Trajectory
Given the gap between the Borough’s target and supply, and that the London Plan requires Boroughs to seek to augment their housing supply to close the strategic gap between identified need and supply, it is necessary to consider further sources of housing supply in the form of potential new strategic and non-strategic site allocations for inclusion in the revised Local Plan. The starting point for the identification of these sites will be those identified through the London-wide Strategic Housing Land Availability Assessment (SHLAA) in 2013. To inform the Local Plan Partial Review moving forward, the Council will review the housing potential of all of the Borough’s sites identified through the London SHLAA (2013). To supplement this process, this Issues and Options consultation includes a call for potential housing sites which will be assessed for their potential using existing planning policies and the London SHLAA methodology.

**Question 1**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for housing? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

**Issue 2: Amalgamations and de-conversions**

Current Local Plan Policy CH2(f) resists development which results in the net loss of five or more residential units on the basis that an appropriate balance should be struck between the loss of residential units and the need for larger family homes. In addition, Policy CH3 seeks to ensure a net increase in residential accommodation by protecting market residential floorspace except in a defined set of circumstances and resisting the net loss of affordable housing floorspace and units outright (Policy CH3). It should also be noted the Borough has required planning permission for proposals which involve the net loss of one or more residential units since August 2014. The previous trigger for a planning application had been the loss of five or more units.

The Council has seen a significant number of existing flats being joined together to create a smaller number of larger units. Whilst the newly created large units will serve a need, the level of loss has implications on the ability of the Council to meet its increased housing targets and is often contrary to London Plan Policy 3.14 as set out above. The Council has collated evidence to demonstrate the impact of amalgamations on the overall housing supply. Quantifying the total loss of units that has occurred through amalgamations is difficult given that planning permission was not required for schemes resulting in the loss of less than five units prior to August 2014. Lawful development certificates are one measure, although it is worth stressing that as there is no compulsion to submit a certificate this does not give the whole picture. The table below sets out the number of units lost through amalgamations where a lawful development certificate has been issued.
<table>
<thead>
<tr>
<th></th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
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<tbody>
<tr>
<td>Net residential losses</td>
<td>-47</td>
<td>-58</td>
<td>-72</td>
<td>-80</td>
<td>-34</td>
</tr>
</tbody>
</table>

*Figure 10.12: Net residential losses*

10.5.10 Further evidence for the 2014/15 financial year has also been sourced from Council tax records which indicate a further 93 units were lost through amalgamations. Together this adds up to nearly 400 dwellings, which is equivalent to the Borough’s combined net completions for the last three financial years.

10.5.11 The combination of the significant loss of smaller units resulting from amalgamations, the Borough’s increased housing target, residential completions at levels consistent below target, and the need to be in general conformity with the requirements of London Plan Policy 3.14 which protects existing residential densities, have highlighted a need to reconsider the Borough’s planning policies in relation to amalgamations.

**Option 1**
Maintain a planning policy approach that permits amalgamations of existing units up to a defined threshold of units and/or floorspace.

10.5.12 The Council has received a legal opinion that the impact of amalgamations in reducing the number of residential units across the Borough has planning consequences that can render them a material change of use. Consequently, the Council is of the view that all such proposals should be subject to planning permission so that impacts of the proposed change of use can be assessed against all of the development plan policies. An exemption for units up to a defined threshold would prevent such an assessment from being made.

**Option 2**
Introduce a presumption against the loss of residential units subject to specific exemptions. Possible exemptions include:

- Restoration of a house to its original use as a single dwelling subject to a maximum of two dwellings being combined and an overall floorspace limit.

- Where the existing accommodation is substandard in terms of floorspace standards, daylight and layout which could only be remedied through an amalgamation.

Are there any other criteria or exemptions which the Council should consider?

10.5.13 Given the evidence demonstrating the impact of amalgamations on the Borough’s housing supply, the Council believes a presumption against the loss of residential units can be justified. However, there may be specific circumstances where the benefits of an amalgamation will outweigh the need for housing, and these would be set out within any revised policy to provide guidance to applicants.
Option 3
Resist the loss of all residential units unless it can be demonstrated that the deconversion is required to create a decent standard of accommodation.

10.5.14 The overwhelming need for additional homes across the Borough and London and as whole, planning policies should resist the loss of existing homes unless the quality of accommodation to be replaced is providing a significantly substandard level of accommodation. Such an approach gives significant weight to housing need but incorporates a degree of flexibility where there would otherwise be a detrimental impact on the quality of the Borough’s housing stock.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 3: Setting an affordable housing target

10.5.15 With the highest median house prices in the country, the issue of providing new affordable homes for those on low and moderate incomes who wish to live in Kensington and Chelsea is a key matter for the Local Plan Partial Review. With significant reductions in the availability of public funds to subsidise the building of affordable homes over the last few years, the majority of provision is made through Section 106 planning obligations cross funded by the sale of private market housing.

10.5.16 The Borough’s current affordable housing target of 50% on schemes with a residential floorspace in excess of 800sqm (Policy CH2) was set taking into account viability but also the very high need identified for affordable housing in the 2009 SHMA. A large number of planning permissions granted since the Local Plan was first adopted (as the Core Strategy in 2010) have not achieved the 50% floorspace target. Evidence from the London Development Database shown in Table 5.4 below shows the percentage of affordable housing as a total of all residential planning permissions in each of the last four financial years since the target was adopted. This table shows the highest overall percentage of 31% was achieve in 2010/11, dropping to just 12% of net approvals in 2013/14. It should however be noted that these figures are a percentage of all residential approvals including those below the 1,200sqm affordable housing threshold. Taken as proportion of units only within qualifying schemes, the overall percentage of affordable housing would be slightly higher. Such figures also do not show where a payment in lieu of affordable housing has been secured contributing to the Council’s affordable housing fund.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Net Market</th>
<th>Net Affordable</th>
<th>Net Total (all tenures)</th>
<th>Percentage Affordable</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/12</td>
<td>726</td>
<td>330</td>
<td>1056</td>
<td>31%</td>
</tr>
<tr>
<td>2012/13</td>
<td>417</td>
<td>143</td>
<td>560</td>
<td>26%</td>
</tr>
<tr>
<td>2013/14</td>
<td>1,140</td>
<td>156</td>
<td>1296</td>
<td>12%</td>
</tr>
<tr>
<td>2014/15</td>
<td>1,017</td>
<td>286</td>
<td>1303</td>
<td>22%</td>
</tr>
</tbody>
</table>

Figure 10.13: Percentage of affordable housing granted planning permissions

10.5.17 The Council’s recently published SHMA addresses the requirements of the NPPF
to identify the full objectively assessed need for affordable housing, and to set policies for meeting that need. The Borough’s SHMA estimates that the overall net annual need for affordable housing is 1,171 units per annum. This requirement figure is around twice as large as the objectively assessed need (OAN) figure of 575 dwellings per annum. It should be noted that there is little relationship between the two figures, with the OAN is based on projected net growth in households and the affordable housing requirement based on working through the backlog of existing affordable housing need as explained in Section 4 above.

10.5.18 Despite the distinction in methodology, a comparison of the two figures makes it clear that the need for affordable housing is the overwhelming policy requirement. The primary objective of the revised affordable housing target therefore becomes ensuring that the Council achieves the maximum reasonable level of affordable housing in all instances.

10.5.19 In order to set a planning policy target that achieves the maximum reasonable amount of affordable housing, the Council must take account of need but also the deliverability. Firstly, in terms of supply there is already a gap between overall housing supply the Borough’s fifteen year target as set out under Issue 1. Furthermore, even if the Borough’s entire housing requirement for the next fifteen years were to be delivered as affordable homes, the cumulative affordable need figure for the same period could still not be met. The second issue that must be taken into account is the economic viability of delivering affordable housing. Paragraph 173 of the NPPF requires that new developments should not be subject to such a scale of obligations and policy burdens that their ability to be viably developed is threatened. It is recognised that there have been some changes in the costs on development since the Borough’s current affordable housing policy target of 50% was adopted in 2010. These include the introduction of the Mayoral and Borough CIL and a reduction in public grants for affordable housing. At present, the impacts of these changes can only be addressed through site specific financial appraisals which allows developers to demonstrate that the viable level of affordable housing is below the current policy target. The emerging Local Plan Partial Review provides an opportunity to re-assess viability at a strategic level and set a target that should be achievable on the vast majority of development sites.

10.5.20 Viability evidence newly commissioned by the Council demonstrates that a proportion of affordable housing is viable in all residential developments, and all mixed use developments with 30% of commercial floor space. However, the level of viability varies significantly. The range for a generally viable affordable housing target is shown to be between 30% and 35% in the majority of the Borough, but rises significantly to 60% in Knightsbridge because of this area’s very high sales values. In order to determine the most appropriate affordable target, the Council will need to balance this viability evidence with the overwhelming need for affordable housing set out above. The viability evidence presented above also raises the issue of whether the Council should continue with a Borough wide affordable housing target or opt for a split rate which allows for a greater proportion of affordable housing to be secured in the highest value area.
**Option 1**
Adopt a Borough wide affordable housing target of between 30-35%.

10.5.21 A single Borough wide target provides a consistent standard for both development and monitoring purposes which is simpler to implement. The setting of a single target will necessarily need to be at the lower end of the viability range to ensure that the majority of sites remain viable. This could mean that the potential to secure increased levels of affordable housing in the higher value parts of the Borough will be forfeited. However, given the relatively small size of the high value area (Knightsbridge) together with the density of existing development, it is likely that only a small number of housing developments will come forward in this area, reducing the potential value of a split target.

**Option 2**
Adopt a split affordable housing target to enable a higher percentage target in the highest value areas.

10.5.22 The split target approach allows account to be taken of differences in viability between different parts of the Borough. However, in general a single Borough affordable target is simpler to set and implement as drawing the boundaries between the different areas of the Borough can be a contentious process. The evidence must therefore indicate that there is significant amount of additional affordable housing to be gained from taking a differential approach.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

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**Issue 4: Affordable housing tenure split**

10.5.23 Affordable housing provision currently consists of three different types of tenure which meet the requirements of households whose needs are not met by the market. Eligibility for each type of housing is primarily determined with regards to income.

10.5.24 Social rented housing is rented housing owned and managed by the Council or private registered providers (also known as housing associations), for which guideline target rents are determined through a national rent regime. This type of affordable housing typically meets the needs of those on the lowest incomes.

10.5.25 Affordable rented housing is the second type of affordable tenure. Such housing can also only be let through Councils or private registered providers to those groups that would also be eligible for social rented housing. The rents are also subject to rent controls that require a rent of no more than 80% of market rent. Within the Borough, the Council has an adopted housing policy for new affordable rent tenancies to ensure that they remain affordable to those in housing need. As shown in Figure 10.14 below, the Borough’s basic formula is based on a percentage uplift of the rents charged for social rented units (known as target rents) which reduces as the size of unit increases.
<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Percentage Uplift under interim housing policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>Average RP Target Rent plus 30%</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>Average RP Target Rent plus 25%</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>Average RP Target Rent plus 12%</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>Average RP Target Rent plus 5%</td>
</tr>
<tr>
<td>5 bedroom</td>
<td>Average RP Target Rent plus 5%</td>
</tr>
</tbody>
</table>

*Figure 10.14: Basic formula for determining RBKC Affordable Rent levels*

10.5.26 The third type of affordable housing tenure is intermediate housing which can be housing for sale or rent at a cost above social rent but below market levels. These can include shared ownership and other low cost homes for sale or rent but no affordable rented housing. To qualify for intermediate housing, the London Plan has set household income levels of £18,100-£66,000, with the upper limit extend to £80,000 for homes with more than two bedrooms. These income thresholds will be updated annually through the London Plan Annual Monitoring Report.

10.5.27 Lastly, it is important to highlight that the Government has proposed a further type of low cost housing known as ‘Starter Homes’. Starter homes are homes that will be available to purchase by first time buyers under the age 40 with at least a 20% discount. In London it is proposed to cap the price of a Starter Home at £450,000. The legislation regarding the delivery of ‘Starter Homes’ is currently making its way through Parliament as part of the Housing and Planning Bill. It is likely that the Bill will be passed into law as the Housing and Planning Act in early 2016 and future consultations on the Local Plan Partial Review will seek to address the implications on affordable housing delivery once more information is available.

10.5.28 In terms of the existing three affordable housing tenure types, the London Plan requires that the Council sets a separate target for the provision of social/affordable rented housing and intermediate housing. Policy 3.11 ‘Affordable Housing Targets’ of the London Plan proposes a strategic target of 60% of affordable housing provision as social/affordable rent and 40% for intermediate rent or sale. The current Local Plan Policy CH1 sets a Borough-wide target of 85% social rented housing and 15% intermediate housing.

10.5.29 The updated evidence on the need for each type of tenure is set out in the Borough’s SHMA. The level of need for each tenure is determined by the affordability threshold which is calculated as the entry level monthly cost. Figure 10.15 below shows that the lowest cost market tenures start at £1,712 for a one bed which is equivalent to a gross household income of £68,480 (assuming 30% of gross income is spent on housing costs) rising to £95,320 for a two bed unit. Given that the median average wage of a Borough resident is just under £40,000\(^{191}\) this indicates that market housing will be unaffordable to significant proportion of Borough residents.

\(^{191}\) [www.nomisweb.co.uk/reports/lmp/la/1946157252/report.aspx](http://www.nomisweb.co.uk/reports/lmp/la/1946157252/report.aspx)
10.5.30 The SHMA puts forward three scenarios in terms of identifying the need for each type of affordable housing tenure. To allow comparison, the intermediate rent levels are shown in Table 10.16 below as a percentage of open market rents.

10.5.31 Scenario A sets the intermediate threshold as a percentage of the market entry level that a household falling within the Mayor's intermediate housing income bands could afford. Scenario B is based on the entry level intermediate rents set out in the Council's intermediate rent policy. Given the large difference in the percentage of market rents used in Scenarios A and B, Scenario C uses an intermediate rent set at a mid-point between the two. It is also important to note that Government guidance points to the use of actual intermediate rents charged as a starting point for determining affordability however, there are so few of these units in the Borough it has not been possible to use this data in the SHMA.

<table>
<thead>
<tr>
<th>Dwelling size</th>
<th>Scenario A: Intermediate threshold as % of market rent</th>
<th>Scenario B: RBKC Intermediate Rent Policy</th>
<th>Scenario C: Mid-point Intermediate Rents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>80%</td>
<td>32%</td>
<td>67%</td>
</tr>
<tr>
<td>2 bed</td>
<td>74%</td>
<td>34%</td>
<td>54%</td>
</tr>
<tr>
<td>3 bed</td>
<td>65%</td>
<td>35%</td>
<td>50%</td>
</tr>
<tr>
<td>4+ bed</td>
<td>49%</td>
<td>35%</td>
<td>50%</td>
</tr>
</tbody>
</table>

10.5.32 Using the three scenarios set out above, the net annual need for affordable housing is estimated as follows:

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Scenario A Absolute</th>
<th>Scenario A %</th>
<th>Scenario B Absolute</th>
<th>Scenario B %</th>
<th>Scenario C Absolute</th>
<th>Scenario C %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social and Affordable Rent</td>
<td>838</td>
<td>72%</td>
<td>196</td>
<td>17%</td>
<td>652</td>
<td>56%</td>
</tr>
<tr>
<td>Intermediate Sector</td>
<td>332</td>
<td>28%</td>
<td>966</td>
<td>83%</td>
<td>510</td>
<td>44%</td>
</tr>
</tbody>
</table>

10.5.33 The tenure split generated by the three scenarios is significantly differently with the lower intermediate housing threshold set out in Scenario B creating a much higher requirement for intermediate housing. This is due to the lower intermediate rents meeting the needs of a larger number of households who would not be able
to afford the higher intermediate rents used in Scenarios A and C. It is therefore clear that the affordability threshold in terms of the cost of intermediate housing plays a key role in determining the overall level of need and the appropriate affordability level will need to be determined through the plan making process.

**Option 1**
Set a Borough wide target of 72% social/affordable rented housing and 28% intermediate housing to take specific account of the findings of the SHMA.

10.5.34 This option is based on the intermediate threshold as percentage of the market entry threshold used in SHMA Scenario A and generates higher requirements for social rented / affordable housing than the current London Plan target due to the high market rents within the Borough making intermediate products less affordable. The SHMA scenario underpinning this option is based on the rents that would be affordable for those who would fall within the Mayor’s intermediate income range of up to £66,000 for 1 and 2 bed units and £85,000 for 3 bed plus units. It is recognised that given the high prices in the Borough, there is a risk that intermediate units will be priced so that only those households earning close to the top of these thresholds will be able to afford them. This could limit the Plan’s ability to meet the full range of intermediate housing need. This would be especially true for larger sized family units.

**Option 2**
Set a Borough wide target of 17% social/affordable rented housing and 83% intermediate housing based on the Council’s adopted Intermediate Rent Policy.

10.5.35 The affordable housing tenure split set out in this option is based on Scenario B which uses the intermediate rent levels set out in the Council’s recently adopted Intermediate Rent Policy. The rents in the policy are based on spending 40% of net household incomes on rent, and cover annual incomes of £20,000 to £85,000. The affordability of these rents significantly increases the range of households who would be able to afford intermediate housing. However, there is also significant crossover with the rent levels for social/affordable rented housing, with in some instances the proposed intermediate rents being lower, and therefore lowers the overall need for this type of housing. This overlap may need to be considered further to ensure that there is no impact on development viability that reduces the overall ability of the Council to secure affordable homes.

**Option 3**
Set a Borough wide target of 56% social/affordable rented housing and 44% intermediate housing based on the mid-point intermediate rents set out in the SHMA.

10.5.36 Options 1 and 2 are based on the scenarios which give the top and bottom of the intermediate rented affordability range and consequently there are significant differences in the percentage of market rents which are used to determine affordability. Both scenarios raise potential issues with the intermediate provision modelled under Scenario A only being affordable to those at the top of the Mayor’s affordability income threshold. The cost of some of the intermediate provision under Scenario B makes it more affordable than social / affordable
rented housing. A third Scenario C was therefore modelled at the mid-point of the intermediate housing range to provide an alternative option.

**Option 4**
Set a Borough wide target that takes account of the three scenarios (set out under the first three options) together with further information collated from Registered Providers and developers on the viability of delivering intermediate rent units.

10.5.37 The three scenarios presented in the SHMA do not take account of the impact of different ratios on the deliverability of affordable housing. The current affordable housing viability work is based on the existing Local Plan tenure split of 85% social/affordable rent and 15% intermediate. It may therefore be necessary to test the viability of the different scenarios to ensure that the Local Plan strikes the appropriate balance between meeting need and ensuring development viability.

_Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 5: Affordable housing threshold**

10.5.38 The current Local Plan threshold set out in Policy CH2 is based on floorspace rather than unit numbers. This is due to the concern that schemes with a total quantum of floorspace which would elsewhere generate affordable housing requirement, might not do so in the Royal Borough with a target based on dwelling numbers, because of the large size of some individual units aimed at the prime and super-prime market. The current affordable housing policy therefore operates with three thresholds:

- No affordable housing requirements below 800 sqm.
- Commuted sums in lieu of affordable housing floorspace in excess of 800 sqm but less than 1,200 sqm.
- On-site provision only in developments of 1,200 sqm and above.

10.5.39 The Council calculated the adopted floorspace threshold of 800sqm based on then development plan floorspace standards for the Council’s preferred mix for nine market homes (five 1-2 bed units at 57sqm and four 3-4 bed units of 98sqm), turning the net internal figure of 677sqm to a gross figure of 778.5 (allowing for 15% gross) which was then rounded to 800sqm for administrative convenience. A scheme in excess of the 800sqm is assumed to be equivalent to 10 or more units. The 1,200sqm threshold for on site provision is based on the addition of one house to schemes in excess of 800sqm. Thus a commuted sum is only sought on schemes between 800sqm and 1,200sqm GEA. Such an approach is intended to take account of the difficulty of delivering affordable housing on site at this local level but recognising that a financial contribution is appropriate subject to viability considerations.

10.5.40 The three tiered approach to the affordable housing threshold has, however, created some irregularities in the application of the affordable housing target. The first is the exclusion of the first 800sqm GEA of development floorspace from the calculation which has effectively reduced any affordable housing obligations
from appropriate schemes. This has left the Council unable to secure the maximum reasonable amount of affordable housing on sites above the affordable housing threshold. Secondly, the automatic use of commuted sums for schemes between 800sqm and 1,200sqm, prevents due consideration of whether an on-site offer could be made on smaller sites. Finally, given the continually rising residential sales values, the policy revisions provide an opportunity to consider whether affordable housing could be viable on sites below the 800sqm threshold. The options presented below seek to consider options for addressing the issues outlined above.

**Option 1**
Maintain the existing approach with affordable housing (contributions or floorspace) sought on schemes with in excess of 800sqm of residential floorspace, with payments in lieu of affordable housing floorspace for schemes only between a minimum of 800sqm and 1,200sqm.

10.5.41 Maintaining this approach would not allow for the assessment of new evidence in relation to whether a lower threshold should be considered or whether payments in lieu secure the maximum reasonable amount of affordable housing and are in general conformity with national and regional planning guidance.

**Option 2**
Broadly maintain the existing policy but with an amendment to ensure that once the 800sqm threshold is met, all net floorspace is liable for an affordable housing contribution, i.e. the first 800sqm will no longer discounted.

10.5.42 Such an amendment to the existing policy would allow for increased contributions to be secured from developments in line with London Plan policy to secure the maximum reasonable amount of affordable housing subject to viability considerations where required.

**Option 3**
Consider a revised minimum threshold for the provision of affordable housing in light of local viability evidence demonstrating that small schemes could deliver a proportion of affordable housing. It is anticipated the threshold would continue to be expressed as floorspace to ensure that sites providing a small number of larger units are not exempt from the requirement for affordable housing.

10.5.43 The Council has commissioned a specialist report to look at the viability of affordable housing within the Borough. The report looks at the viability of different development typologies in different parts of the Borough based on benchmark land values and development costs. The report concludes that schemes of either five flats or five houses would be able to provide between 22% and 46% affordable housing. It therefore seems likely that a lower affordable housing threshold could be justified, although further detailed evidence will be required to determine the precise threshold.
Option 4
Consider the removal of the fixed range for payments in lieu between 800sqm and 1,200sqm GEA floorspace and instead apply the general policy provisions for when off-site or payments in lieu may be considered appropriate.

10.5.44 National and regional planning guidance make clear that affordable housing should be provided on-site as part of a sustainable, mixed tenure development. In addition, the Council’s most recent viability evidence on the delivery of affordable housing has shown that small schemes across the Borough are able to support a proportion of on-site affordable housing. However, given the complexities of the viability evidence required to identify the individual level of payments in lieu, a fixed tariff approach may be more suitable for residential schemes close to the affordable housing threshold.

Option 5
Consider thresholds for on-site / off-site provision of affordable housing.

10.5.45 If the Council increased the threshold for payments in lieu, the Council would need to be confident in ensuring it could spend the money to provide more units. Should the Council raise the target for on-site or be more flexible so it can accept money when it is demonstrated that this approach could deliver significantly more units? Should the Council change its existing policy and allow off-site provision of affordable housing anywhere as long as it is part of a mixed tenure scheme?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 6: Calculating payments in lieu

10.5.46 Where schemes meet the affordable housing threshold, national guidance states that policies should require on-site provision unless off-site provision or a financial payment can be robustly justified. At present Policy CH2 of the Local Plan seeks payments in lieu of affordable housing on smaller developments (at present between 800sqm and 1,200sqm GEA additional residential floorspace) rather than the on-site provision of units. Such an approach may also be appropriate on larger schemes where this can be justified in relation to site-specific circumstances.

10.5.47 The Council’s current approach to payments in lieu for affordable housing is set out in the Planning Obligations SPD adopted in 2010. There is an existing per square metre charge of £2,500 on developments between 800sqm and 1,200sqm (GEA). The value of the charge is based on the then Housing Corporation’s Total Cost Indicator for building a larger family home (£218,000) divided by the average floorspace of such a unit (87.5sqm). The primary concern with this current approach is that because it is based on build costs, it does not take into account land costs, and consequently the contributions are not sufficient to deliver the affordable housing needed. The contribution has also not been increased in over five years which has further reduced its value in terms of the affordable housing that can be delivered. Finally, there are also additional concerns about whether the charge is in accordance with national guidance and the CIL Regulations in terms of taking account of viability and its failure to capture the uplift in value of a
scheme with no onsite affordable housing provision.

10.5.48 The Council commissioned a specialist report from BNP Paribas to explore and recommend an alternative approach for calculating the value of payments in lieu for affordable housing taking into account difference in sale values and build costs across the Borough. The approach put forward is based on the principle that replacing onsite affordable housing provision with a payment in lieu should be financially neutral for the developer. To achieve this an alternative option for calculating the payment in lieu sum is proposed which is calculated by deducting the residual land value of a scheme that incorporates a viable percentage of affordable housing onsite from a scheme that assumes 100% private housing i.e. the difference in residual land value between the two schemes is the value of the payment in lieu. BNP Paribas highlight that such an approach is already in operation in other London Boroughs including Wandsworth and Richmond upon Thames. The Council has number of options for implementing this approach:

**Option 1**
Calculate all payments in lieu for affordable housing by comparing residual land values on a site-by-site basis by requesting two viability assessments – one reflecting policy compliant affordable housing provision on-site and the second with 100% private housing.

10.5.49 This approach allows for the most accurate assessment of the value of the payment lieu based on the principle of the provision of off-site affordable housing being a financially neutral option for the developer as set out above. It will, however, require the submission of detailed viability assessments from smaller developers who have previous been exempt from such a requirement and could make the application process more complex.

**Option 2**
Introduce zonal payment in lieu charges based on the adopted CIL Charging Zones using benchmark land values and development types to compare residual land values for schemes with and without on-site affordable housing.

10.5.50 In the viability report prepared for the Council by BNP Paribas assessed the of introducing standardised payment in lieu charges based on the Borough’s six CIL charging zones to take account of the significant differences in land and sales values across the Borough. The charges are calculated using benchmark land values and developments types mostly like within in each CIL charging zone (taking account of a the viable quantum of affordable housing in each case). The indicative charges for each zone are shown below and show a difference of £10,500 between the highest value and lowest value areas of the Borough.

10.5.51 Adopting a zonal approach, whilst more accurately reflecting values, is more complex to implement and would need to be reviewed on a regular basis to take account of any changes in values across the different areas.
<table>
<thead>
<tr>
<th>CIL zone</th>
<th>Viable quantum of affordable housing</th>
<th>Indicative per square metre payment in lieu</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Knightsbridge SW1X)</td>
<td>50%</td>
<td>£12,409</td>
</tr>
<tr>
<td>B (Chelsea, South Ken)</td>
<td>50%</td>
<td>£6,397</td>
</tr>
<tr>
<td>C (Notting Hill Gate, HS Ken)</td>
<td>50%</td>
<td>£6,166</td>
</tr>
<tr>
<td>D (Earls Court and West Brompton)</td>
<td>47%</td>
<td>£3,067</td>
</tr>
<tr>
<td>E (Olympia)</td>
<td>37%</td>
<td>£2,521</td>
</tr>
<tr>
<td>F (North Kensington)</td>
<td>42%</td>
<td>£1,932</td>
</tr>
</tbody>
</table>

Figure 10.15: Indicative payment in lieu charges for zones across the Borough

### Option 3

Adopt a Borough-wide standardised charge based on benchmark land values and development types to compare residual land values for schemes with and without on-site affordable housing.

10.5.52 The option would provide the simplest approach to securing payments in lieu for affordable housing and would provide developers with certainty on the value of the payment in lieu. However, given the wide range in land and sales values, it is likely that the charge would need to be at the lower end of the range to ensure that it was viable in all parts of the Borough. This could result in the Council losing out on the possibility of higher payments in the highest value areas.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 7: Securing the maximum reasonable amount of affordable housing

10.5.53 Current Local Plan Policy CH2(p)(i) states that where the affordable housing target will not be met developers are required to submit a viability assessment using the toolkit provided by the GLA or an agreed alternative. Additional guidance on the process is provided in the Planning Obligations Supplementary Planning Document (2010). This states that verification of viability assessments (including open book appraisals where required) will be carried out on a strictly confidential basis by an independent third party of the Council’s choice with the costs associated paid for by developers (chapter 6). Guidance is also provided stating that valuations should be done on a residual value basis as this allows account to be taken of planning policies, and that provisions maybe put in place for re-appraising the viability of schemes prior to implementation to take account of economic uncertainties (paragraphs 6.5-6.6). Such an approach is also supported by policies and guidance set out in the London Plan which in requiring the maximum reasonable amount of affordable housing supports the use of the residual value approach. Further existing Local Plan policy and the wider legislative, policy and guidance context is considered in section 5 ‘Infrastructure and planning contributions’ of this document.

10.5.54 The Council has seen an increasing reliance on the use of viability assessments due to non-compliance with development plan policies and in particular the target for affordable housing. Whilst the target itself is also being reviewed in terms of viability, it is clear from the evidence in the SHMA that there remains an
overwhelming need for new affordable housing within the Borough. Given the significant level of need, it is essential that the Council ensures that it is securing the maximum reasonable level of affordable housing on all schemes. It is therefore proposed to consider how the Council’s planning policies can best support the delivery of affordable housing on all qualifying sites, whilst remaining flexible in view of changing market circumstances.

**Option 1**

Require an open book financial viability assessment and any supporting evidence to demonstrate the maximum provision of onsite affordable housing is being proposed on sites which are above the policy threshold and do not meet the revised target for affordable housing.

10.5.55 The Council must ensure that its planning decisions are based on robust and consistent evidence. To achieve this, viability appraisals should be submitted in an open book format so that the Council can test and vary assumptions and observe the impacts on overall scheme viability. In addition, recent Information Commissioner’s Office and First Tier Tribunal decisions on requests to release financial appraisals, submitted as part of planning applications under the Environmental Impact Regulations 2004, have been upheld.

**Option 2**

Introduce a policy presumption for the use of review mechanisms upon partial or full completion of a development when financial viability assessments demonstrate that current market conditions will only support levels of affordable housing below the policy target.

10.5.56 Given the significant changes to land and residential sales values in the Borough in recent years, it is likely that there will continue to be changes in market conditions. As the period between the granting of planning permission and development being completed is a minimum of two to three years, it is likely that such changes over time will have an impact on the viability of a development. Consequently, for schemes anticipated to deliver levels of affordable housing below the policy target at the point at which planning permission is granted, the Council could introduce a requirement for a further financial viability assessment of a scheme upon partial or full completion based upon the actual finances of the scheme. Such an approach would be in accordance with paragraphs 50 and 205 of the NPPF which require flexibility to take account of changes in market conditions.

**Option 3**

Provide additional guidance on the information required in financial appraisals to avoid delays in determining planning applications. This could include the creation of the Council’s own model for assessing development viability as proposed in the evidence on payments in lieu of affordable housing prepared for the Council by consultants, BNP Paribas.

10.5.57 The Council proposes introducing detailed guidance in terms of the information and assumptions which should be included within financial appraisals to speed up the consideration of viability issues as part of the planning application process.
This guidance will be subject to a separate statutory consultation process.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 8: Meeting specific housing needs**

**Older people’s housing**

10.5.58 Given that nationally and regionally the projected increase in the number of households aged over 65 will account for over half of all new households, meeting the needs of an ageing population is a key theme of the both National Planning Practice Guidance and the London Plan. The first requirement is to assess local need through the Council’s SHMA and then identify the size, location and quality of dwellings needed in the future for older people. The guidance requires that account is taken of the full range of need including general housing, sheltered accommodation, extra care housing and registered care homes broken down by tenure.

10.5.59 The Further Alterations to the London Plan identifies growing and changing requirements for housing older people in London anticipating a 64% increase in the number of over 65s between 2011 and 2036. In Kensington and Chelsea adults aged over 65 is the fastest growing household group with the share of those aged 65 and over increasing from 14% in 2012 to 23% in 2037, a rise from 10,900 to 20,000 in absolute terms. Whilst an ageing population is a national issue, it is notable that the projected proportion in Kensington and Chelsea is notably higher than the London projected average of 14%. This growth has implications in terms a reduction in the economically active population, as well as increasing health, care and housing support needs. In terms of households, the SHMA shows a projected increase of 55% from 16,750 over 65 households in 2014 to 25,938 in 2035. However, the most important trend in terms of needs is the anticipated accelerated increase in over 85 households who are most likely to need specialist accommodation. It is recognised that the majority older people will prefer to remain in their own home and support for this is provided in relation to new housing through requirements to meet the revised Part M Building Regulations for accessible and adaptable dwellings. However, evidence in the London and Borough SHMA also suggest that a proportion of older Londoners are interested in a move to specialist housing where this is made available.

10.5.60 Annex 5 of the London Plan also provides indicative benchmarks on the amount of specialist accommodation needed each year for older people over the next 10 years. The benchmark for the Borough is set at 100 units of specialist older people provision per annum, with the majority (60%) provided for private sale. The need forecasts for specialist older people’s housing set out in the Borough’s SHMA, and also shown in Figure 10.16 below, are slightly lower than the London Plan benchmarks at 87 units per annum over the next ten years.
<table>
<thead>
<tr>
<th></th>
<th>Private Sale</th>
<th>Intermediate Sale</th>
<th>Affordable Rent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicative Borough</td>
<td>60</td>
<td>20</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>benchmark 2015-2025</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>from London Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHMA need figures</td>
<td></td>
<td></td>
<td>87</td>
<td></td>
</tr>
<tr>
<td>(based on the SHOP tool)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Figure 10.16: Indicative Borough benchmark figures for specialist accommodation for older people*

10.5.61 Within the Borough there are already various types of older people’s housing: extra care housing, sheltered housing and designated older people’s housing. The Borough’s SHMA estimates current supply of specialist elderly accommodation in the Borough is 1,350 units incorporating both sheltered and extra care housing. There are also residential and nursing cares homes which provide care services for older people. In 2013 the Council published its ‘Modernising Older People’s Housing and Accommodation with Care Services Strategy’ which outlined the vision to improve the quality, quantity and choice of housing and accommodation with care services for older people. The evidence underpinning the strategy identifies that there is currently a lack of choice in terms of extra care and sheltered housing which is likely to lead to ongoing demand for expensive care home services. The Council’s housing and adult social care services therefore supports an increase in the capacity of specialist provision by encouraging the development of new extra care housing. Extra care housing can meet the needs of a range of older people who are able to be diverted away from residential and nursing care, and retains a degree of independent living. Alongside the delivery of new extra care housing provision, the Borough also needs good quality, accessible housing for older people in which care can be delivered if required, but not by on-site services. This so-called ‘sheltered’ or ‘retirement’ housing supports independent living but also meets aspirations to live in safe and secure communities.

**Option 1**

In light of the need identified for older people’s housing the Council should introduce policy support for the provision of new extra care and sheltered housing where this will meet identified local needs, and resist the loss of existing accommodation subject to criteria such as need and the quality of the provision.

10.5.62 This option provides in principle support for increasing the provision of older people’s housing across the Borough to meet the need identified. Specialist housing increases the opportunity for independent living and promotes the well-being of the Borough’s increasing proportion of elderly residents.
10.5.63 In view of the identified need, the Council should identify specific sites across the Borough where scope exists to provide specialist housing for older people. In particular, a gap in current provision has been identified in the south of the Borough.

**Extra care and retirement housing**

10.5.64 The level of care provided within older people’s house can influence the way in which planning permissions are assessed particularly in terms of their planning use class. Aside from nursing and care homes which clearly fall within the C2 use class (residential institutions), there are two other main types of housing for older people: extra care housing and retirement housing. The key difference between these latter two types is the level of on-site care and communal facilities with extra care provide higher levels which can cater for a wider range of physical, sensory or mental health needs. Footnote 21 of Chapter 35 (Diversity of Housing) the existing Local Plan states that “The Council regards extra care housing as falling within Use Class C2: Residential Institutions” and does not seek affordable housing from such proposals. An issue for the Local Plan Partial Review is the characteristics that determine whether extra care housing is being provided as C2 (residential institutions) or C3 (dwelling houses), as the classification as the former could exclude such provision from the requirement to meet the Borough’s affordable housing targets. In either case, it is important to note that the provision of extra care housing will contribute to meeting the Borough’s annual housing supply target.

**Option 1**

The Mayor’s Housing Supplementary Planning Guidance to the London Plan takes the view that extra care provision generally falls within the C3 use class and should be subject to policy requirements for affordable housing. It would however be important to apply such guidance flexibly to allow account to be taken of the specific characteristics of individual sites.

**Option 2**

The Council should set out the essential characteristics for schemes to be classed as extra care or sheltered housing at a local level.

10.5.66 This option would seek to make use of the Council’s Housing department recently adopted an ‘Older People’s Housing Design Guide’ which for planning purposes seeks to set out the characteristics which distinguish sheltered/retirement housing and extra care housing with the latter to be regarded use Class C2 due to the additional levels of care provided.
**Supported housing**

10.5.67 In addition to the meeting the needs of the Borough’s growing elderly population the NPPF requires the Local Plan to meet the needs of other groups with specialist needs within the community. The groups identified by the SHMA include households with disabilities and wheelchair requirements, families, students and service personnel. The type of housing that may be suitable for these groups includes sheltered accommodation, supported housing, refuges and hostels.

10.5.68 The Council will support the provision of housing to meet specialist needs where the proposed accommodation would meet an identified need as set out in the SHMA i.e. accommodation for homeless families, victims of domestic violence, and other identified groups.

**Question 1**

Should the Council resist the loss of existing supported housing which meets identified community needs?

**Self build and custom build**

10.5.69 The Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking proactive steps to stimulate the growth of the self-build market. Paragraph 50 of the NPPF sets out how councils should plan for the needs of different groups in the community including those who wish to build their own homes. The Government also introduced a Community Infrastructure Levy exemption for new build / custom build housing in July 2014. Policy 3.8 (Housing Choice) of the London Plan also requires Boroughs to make appropriate provision for custom build housing having regard to local need.

10.5.70 The density of existing development and the need to protect and enhance the historic townscape, together with very high land values throughout the Borough will significantly limit the opportunities available for self build. However, the Council recognises that such proposals will contribute to increasing the overall housing supply and if designed to a high quality can have a positive impact on the overall townscape.

**Option 1**

Provide only in-principle support to the self/custom build housing.

10.5.71 Self-build homes have the potential to make a small contribution to increasing the supply of housing in the Borough, often coming forward on small sites which would not be of interest to developers. The Council would therefore offer in principal support to such proposals where they are meeting local housing need subject to meeting the requirements of the development plan as a whole.

**Option 2**

Identify sites which may be appropriate for self/custom build proposals.

10.5.72 As part of the ‘Call for Sites’ the Council welcomes the submission of any sites
which may be appropriate for self build and may consider the promotion of self build on suitable site allocations across the Borough.

**Question 1**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for self/custom build housing? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

**Option 3**
Consider introducing a requirement for large schemes over a specific size threshold to make a proportion of units available as custom build.

10.5.73 This approach would require developers to make provision for custom build homes which could either include the development of serviced plots or the provision of partially completed homes requiring final fit-out.

**Overall**

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 9: Securing a Suitable mix of housing**

**Dwelling size requirements**

10.5.74 The current Local Plan policy on housing mix is set out in Policy CH2(a) which requires new housing developments to reflect needs, taking into account current evidence. The evidence presented in paragraph 35.3.10 of the adopted Local Plan is for the majority of units in the market sector to be provided as three and four beds homes; whereas the greater need in the affordable sector is for smaller one and two bed units.

10.5.75 In accordance with the NPPF, the Borough has updated its evidence base on local housing requirements through the 2015 SHMA. This is shown as a breakdown by bedroom size of the objectively assessed need (OAN) for all types of housing. The evidence as presented in Figure 10.17 is of a 50/50 split between smaller (1-2 bedrooms) and larger (3-4+ bedroom) units.

<table>
<thead>
<tr>
<th>Dwelling Size</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
<td>23%</td>
</tr>
<tr>
<td>2 Bed</td>
<td>29%</td>
</tr>
<tr>
<td>3 Bed</td>
<td>30%</td>
</tr>
<tr>
<td>4+ Beds</td>
<td>18%</td>
</tr>
</tbody>
</table>

*Figure 10.17: Summary of Dwelling Size Requirements taken for SHMA*

10.5.76 The SHMA also identifies the specific needs for those in need of affordable housing by tenure as shown in Figure 10.18 below.
<table>
<thead>
<tr>
<th>Dwelling Size</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
<td>576</td>
<td>49%</td>
</tr>
<tr>
<td>2 Bed</td>
<td>240</td>
<td>21%</td>
</tr>
<tr>
<td>3 Bed</td>
<td>184</td>
<td>15.5%</td>
</tr>
<tr>
<td>4+ Beds</td>
<td>170</td>
<td>14.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,170</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*Figure 10.18: Summary of Dwelling Size Requirements for Affordable Homes*

10.5.77 The need for different size homes varies within the affordable sector varies greatly from general housing needs with a significant requirement for 1 and 2 bed homes at 70% of the total need with the remainder split between 3 and 4 beds.

10.5.78 The SHMA highlights that as a trend based projection, these figures do have some limitations such as assuming current patterns of occupation continue. However, even with these assumptions aside, they provide an up-to-date evidence base for considering the following revised policy options.

**Option 1**
Continue with current policy CH2(a) which requires residential developments to take account of local needs as set out in the Council’s evidence.

10.5.79 This approach allows for the policy to reflect changes in the evidence of the need for different dwelling types over time. However, the absence of specific targets in the policy may make the Council’s requirements less clear to developers as the detailed information is provided outside of the policy and potentially the Plan.

**Option 2**
Set out specific targets for housing mix within a revised planning policy.

10.5.80 Introducing specific targets within a policy makes clear the Council’s requirements and demonstrates to developers the Council’s expectations in terms of overall unit mix. However, the policy would also have to allow for flexibility to enable site specific circumstances (such as conversions) which could limit the potential mix. In addition, as the evidence on need is likely to change over time, including specific targets within the policy would limit the council’s ability to update information if evidence of need were to change during the remaining plan period.

*Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?*

**Prime and super prime housing**

10.5.81 In recent years the Borough has seen an increase in planning applications for ‘super-prime’ developments. These are luxury, high-end, high-specification developments with multi-million pound sales values known as prime and super prime housing. There is no fixed definition of prime or super prime housing. The Borough’s SHMA concludes that super prime properties are those valued at more than £10 million and prime properties between £2 million and £10 million. This approach is supported by research prepared by central London estate agents with the prime residential market identified as that for properties priced over £2 million but slightly different from a recent report prepared by Westminster City
Council which identified super prime properties as those over £5 million.

10.5.82 In terms of new build housing within the Borough, for properties to achieve these prime and super prime values, the Council has seen an increase in the number of very large residential units coming forward for development which are significantly above the Nationally Described Minimum Space Standards.

10.5.83 The provision of these larger units has an impact on the ability of the Borough to meet its housing supply targets as the sites for these developments are often capable of accommodating a much larger number of smaller units. Given the increase in the Borough’s housing supply target to 733 units per annum in the 2015 London Plan, the Borough is under increasing pressure to ensure that the delivery of new housing is optimised on all sites. It is therefore vital that the Council considers whether there is a need to limit the provision of these larger units as part of the wider Local Plan objective for diversity of housing and meeting local needs.

10.5.84 There are clear aspirations at the regional level that London retains and extends its role as a global city and this includes continuing to attract significant overseas investment in London’s economy and infrastructure. Providing high quality places to live a key part of attracting new businesses and investment into the capital as set out in Policy 2.1 of the London Plan. The vision for the Borough as set out in the adopted Local Plan also seeks to ‘enhance the reputation of our national and international destinations’. Whilst this is focused more on the unique retail and cultural offer of the Borough there is an argument that different London Boroughs should fulfil different roles and that the prime residential market is important for encouraging economic growth and making London an attractive city in which to invest. On this basis it could be argued that it is appropriate for the Borough to contribute to this niche role. In this context, prime units may provide an important function for London as a global city.

**Option 1**
Continue to assess applications for low density super-prime units on their own merits.

10.5.85 It can be argued that very large super-prime units are part of the overall housing mix that the Council should be providing for, particularly having regard to the recognised global importance of London and the unique role of Kensington and Chelsea with its high quality townscape and significant cultural and leisure offer. This would have to be done as part of seeking an overall mix of units within any new development with new units catering for the needs of different households as identified in the SHMA. Such an approach may continue to have the impact of reducing the overall number of residential units delivered on certain sites.

**Option 2**
Introduce a policy that restricts very large units in new residential developments where the potential housing capacity of sites is not being optimised.

10.5.86 In view of the significant to boost the Borough’s housing supply, the Council should seek to optimise the number of residential units delivered on a site taking into account the relevant range within the London Plan Density Matrix. In
additional the provision of new very large units to meet the requirements of prime and super prime buyers will not contribute to meeting local housing needs as identified through the Borough’s SHMA. Such an approach may reduce the opportunities within the Borough for catering to the market for international investors although opportunities will remain within the second-hand market. The Council could seek to strike a balance between very large units and smaller units as part of any proposal.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Buy to leave

10.5.87 The 60% increase in median house prices in the Borough since the Local Plan was first adopted in 2010 (as the Core Strategy) has led to the highest median house price in the country of £1.2 million. There has been some evidence that this significant growth in the value of residential properties, has led to a phenomenon of homes in the Borough being bought purely as investments with the intention of leaving them unoccupied – so-called ‘buy to leave’ housing.

10.5.88 The 2011 Census shows that Kensington and Chelsea is second only to the City of London in terms of the level of second home ownership (i.e. those living in the Borough also owning homes elsewhere) at 18%. The Census also shows that nearly 9,000 homes in the Borough are second homes (i.e. the owners have primary dwellings elsewhere) which equates to 59 homes per thousand. Together, these figures indicate that almost a quarter of our housing stock could be empty at times, either when owners are using their second home elsewhere or when non-residents are dwelling in their primary home outside of the Borough. Additionally, the Census shows that despite an increase in the Borough’s housing stock between 2001 and 2011, there has been a reduction in the number of households living here, showing a falling residential population. A decline in the resident population of the Borough could have negative implications for the viability of local services and businesses.

10.5.89 As highlighted in a recent report for the Council in October 2015, it is important to maintain the distinction between buy to leave, which is essentially leaving homes empty and second homes which are occupied, but this relates to the intensity of housing occupation. The concern in relation to buy to leave is that our housing stock is being left empty and used as an asset, rather than a home. However, it must also be recognised that under-occupation of homes may be an issue which falls within the consideration of ‘second homes’ rather than ‘buy to leave’. It is important to draw a distinction between the two.

10.5.90 Having reviewed evidence from council tax records, the electoral register, census data, empty homes data and information on the usages of utilities, the Council report on buy to leave does find evidence that there are empty homes or they are seldom occupied, especially in the south eastern corner of the Borough. The Council is concerned about the impact that large numbers of empty properties will have on the sense of community in these areas and the ability of local businesses and services to survive when the number of potential customers is in decline.
10.5.91 Should the Council choose to develop a policy response to address the impacts of buy to leave on local communities, there are a limited number of planning policy options which could be explored further, although it must be recognised that the planning system can only have an influence on new build properties or those where a change of use is proposed, thus limiting the overall impact of any such approach to very small proportion of the Borough’s housing stock.

Option 1
The Council should not seek to introduce any restrictions on the period of occupation for new residential properties through planning policies.

10.5.92 Given the evidence on the nature and extent of buy to leave housing is limited in the absence of any official records, the Council considers it may be difficult to justify a restrictive policy approach within the Local Plan. In addition, it is considered that the impact of any such restrictions would be very limited given the relatively small proportion of new build housing each year where such restrictions could be applied. It should be borne in consideration that enforcing a minimum period of occupation may have a potential effect on second home owners.

Option 2
The Council should consider introducing a policy limiting the period during which residential properties can be left vacant to prevent new homes from being used as ‘buy to leave’ assets. This would be enforced through planning obligations.

10.5.93 Subject to there being evidence which demonstrates that buy to leave is a genuine issue in the Borough, a policy seeking to restrict the incidence of the phenomenon in Kensington and Chelsea could be lawful. However, regard must also be had to the impact of such a restriction on the provision of housing within the Borough. Evidence may suggest that this sector provides a premium on the values that can be achieved by developers which if restricted could have knock-on effects on viability, and in particular the delivery of affordable housing. There is also likely to be a significant challenge for the Council in enforcing such a policy given the nature and level of evidence that would be required to prove that the occupation requirements had not been met.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 10: Housing estate regeneration

10.5.94 The Borough contains some of the most affluent areas in the country, but also deprived neighbourhoods, particularly in the north of the Borough. These areas often contain a high concentration of social housing either owned by the Council or housing associations. Across the Borough, the Council owns approximately 7,000 homes let at social rents representing 8 per cent of the total housing stock with a further 13,200 or 15.5 per cent owned by housing associations (Source: 2011 Census). Together this type of housing makes up over a quarter of the Borough’s total housing stock showing its significance as part of the overall housing mix. The need for such housing also remains high, with approximately 3,000 people currently accepted onto the Council’s waiting list as being in priority need. In addition to those on the waiting list, there are also a large number of low
to moderate income households who do not qualify for social housing but cannot afford to privately rent or buy within the Borough.

10.5.95 In 2011, the Council concluded a Housing Stock Options Review to consider the future funding of its housing stock and services. This process identified a number of opportunities for estate renewal with the objectives of improving the quality of Council homes, providing new affordable homes for those on low and moderate incomes, and delivering wider public realm improvements. This would be achieved through a programme of comprehensive estate renewal. A number of housing associations within the Borough have similarly sought to take opportunities for improving the overall quality of their housing stock through large-scale renewal programmes.

10.5.96 The existing Local Plan Policy on estate regeneration (CH4) recognises that redevelopment proposals of large areas of social housing have specific characteristics which require a different policy approach to general housing. Firstly, the primary source of funding for delivering these regeneration programmes is from the sale of new private housing provided alongside replacement social housing, the opportunity for which is created by re-building to higher densities. Consequently it is recognised that the mix of tenures will need to differ from conventional housing applications in order for some cross-subsidising to take place. The introduction of market and intermediate housing could also have the beneficial effect of introducing a broader social mix of households in terms of tenure and household size in areas with high concentrations of social housing.

10.5.97 Secondly the policy recognises the need to ensure no net loss of social rented housing, requiring that all existing tenants have an opportunity to a home that meets their needs with those wishing to stay in the neighbourhood able to do so. The mix of new housing provided should also be built to meet the needs of existing tenants and wider needs of the Borough. Thirdly, the policy highlights that whilst the outcome of such regeneration projects will be beneficial in the long term, as they cause significant uncertainty for disruption for existing residents whilst development works are completed, a compelling case for regeneration which outweighs these issues must be demonstrated.

10.5.98 The Council currently has three estate regeneration projects at differing stages of development for Barby / Treverton, Edenham and Pembroke Road. Consultation on options for each of these estates is ongoing. In terms of housing associations, Catalyst Housing Group has nearly completed the first phase of their redevelopment of the Wornington Green off Ladbroke Grove, and proposals for the William Sutton Estate in Chelsea have recently been submitted by Affinity Sutton. Whilst only the Wornington Green scheme has been granted planning permission, the number of schemes coming forward does show that estate regeneration is likely to be a significant source of new housing during the remaining lifetime of the Local Plan. It is therefore important that the Council continues to have a robust policy in place to both maximise the benefits, and minimise the impacts on existing tenants.

10.5.99 The existing policy focuses primarily on the housing issues in terms of re-provision, tenure mix and viability which it is proposed to retain and refresh.
Question 1
Should the Council retain all elements of the existing policy including the requirement for no net loss of social housing provision? Should the policy be changed in any way?

10.5.100 The existing policy sets out minimum requirements for estate regeneration proposals in terms of meeting the Council’s legal duties towards existing tenants, meeting housing needs and the provision of financial appraisals to support proposals for cross subsidy through private housing or commercial development. The Council considers that the existing policy is appropriate in its current form. However, can the policy be amended or supplemented in any way as the Council continues work on estate regeneration?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
11. Gypsy and Traveller accommodation

11.1 Introduction

11.1.1 The Council is responsible for the traveller site at Stable Way which is jointly managed by the Council and the London Borough of Hammersmith and Fulham (LBHF). The site’s freehold is owned by Transport for London with a lease to the Council. The Stable Way site is a permanent site and currently comprises a total of 20 pitches, of which 1 is taken up by ‘the hut’ centre, resulting in 19 available authorised pitches, which have been on site for at least 22 years. The site was in LBHF until a boundary change approximately ten years ago and it is now within the jurisdiction of this Council. The site was previously managed by Hammersmith and Fulham Homes, as an Arm’s Length Management Organisation (ALMO). Before that it was managed by LBHF. It is now managed by the Kensington and Chelsea Tenant Management Organisation (KC TMO).

11.1.2 Due to the Stable Way site’s location in the Borough, which is directly adjacent to the boundary with LBHF, and the fact that it is jointly owned, a Draft Gypsy and Traveller Accommodation Needs Assessment (GTANA) has been undertaken jointly with LBHF (see section 4 for evidence base). This has identified that there is a need between the two Boroughs of approximately 10 additional pitches over the next 10 years.

11.1.3 A map of the existing site at Stable Way and the LBHF/RBKC Borough boundary is provided as Figure 11.1 below:
Figure 11.1: The existing site at Stable Way and the LBHF/RBKC Borough boundary
11.2 Existing Local Plan policy

11.2.1 The existing Local Plan policy relating to Gypsy and Traveller accommodation is set out below.

11.2.2 The Council’s commitment in the Policy to prepare a Gypsy and Traveller ‘Development Plan Document’ (DPD) is now being followed up as part of this Local Plan Partial Review consultation, rather than have a separate ‘DPD’. The Council currently intends to update the evidence base on need and supply as part of the wider Local Plan Partial Review.

Policy CH2(s) Housing Diversity: Gypsies and Travellers

Protect the existing Westway Travellers’ site which the Council jointly manages with the London Borough of Hammersmith and Fulham. Additional sites for temporary or permanent use will be identified in the forthcoming Gypsy and Traveller DPD and should meet the following criteria:

- the site can provide for a satisfactory arrangement of pitches, permanent buildings and open space;
- use of the site would have no significant detrimental effect on the amenity of occupiers of adjoining land;
- use of the site would be acceptable in terms of the visual amenity;
- the use could be supported by adequate physical and social infrastructure in the locality

11.2.3 The Council also has an adopted Westway Supplementary Planning Document (SPD) (December 2012) which provides site specific planning guidance for the future development of the land under and adjacent to the Westway Flyover. This partly includes the Gypsy and Traveller site at Stable Way. Paragraph 4.1.4 of the SPD states that one of the issues identified for the area includes: “Access into and through the area via Stable Way could be significantly enhanced, together with pedestrian and vehicular access to the Traveller’s site”.

London Borough of Hammersmith and Fulham (LBHF)

11.2.4 It is also appropriate to reference LBHF’s existing Core Strategy (October 2011)\(^2\) policy on Gypsies and Travellers which refers to the Stable Way site:

Borough Wide Strategic Policy H5 Gypsy and Traveller Accommodation

The council will work closely with RBKC to protect and improve the existing Gypsy and Traveller site at Westway which is located in Kensington & Chelsea.

Any additional site to accommodate the specific needs of Gypsies and Travellers in this borough should:

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• meet local need;
• take account of suitable vehicular access and satisfactory parking, turning and servicing;
• be within close proximity of local facilities and services such as a primary school, local shops and a GP; and
• be designed in such a way that it is compatible with existing and planned uses, fit for the occupants and at the same time does not impact on residential amenity.

11.2.5 LBHF published a revised Draft Local Plan\textsuperscript{193} for consultation in January 2015 to ultimately supersede its existing Core Strategy. In the Draft Local Plan, LBHF proposed to replace Strategic Policy H5 (above) with a new Policy HO10:

\textbf{Borough-wide Policy HO10 Gypsy and Traveller accommodation}

The council will work closely with the Royal Borough of Kensington and Chelsea to protect, improve and, if necessary, increase the capacity of the existing Gypsy and Traveller site at Westway.

11.2.6 Alongside this, LBHF published a series of ‘Alternative Options’ for consultation. The Royal Borough responded to the Draft Local Plan consultation, maintaining the view that rejecting the alternative option of LBHF identifying sites in its own Borough to meet the need for additional pitches was premature in advance of the joint GTANA being completed.

11.3 Legislation, policy and guidance context

\textbf{National}

\textit{Housing Act 2004 and the Housing and Planning Bill 2015}

11.3.1 Section 225 of the Housing Act 2004 requires each local housing authority when undertaking a review of housing needs in their districts (under section 8 of the Housing Act 1985) to carry out an assessment of the accommodation needs of Gypsies and Travellers residing or resorting to their district. The Act also requires local housing authorities to include the needs of Gypsies and Travellers in any housing strategy they produce in line with section 87 of the Local Government Act 2003 and to take any such strategy into account in exercising their functions.


11.3.2 It should be noted, however, that section 84 of the recently-published Housing and Planning Bill (October 2015) proposes to omit sections 225 and 226 of the Housing Act 2004. This would effectively remove the above requirements and the associated secondary legislation and guidance (particularly the GTANAG 2007 -

\textsuperscript{193} www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/Planning_policy/181500_Local_Plan_Review.asp
see below).

**Equality Act 2010**

11.3.3 The Equality Act does not define race. However, case law has established that Roma Gypsies and Irish Travellers are covered by the protected characteristic of race for the purposes of the Act. Local authorities therefore also have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

**National Planning Policy Framework (NPPF)**

11.3.4 The National Planning Policy Framework (NPPF) states that Councils should set out their strategic priorities for the area in the Local Plan, including the strategic policies to deliver the homes and jobs needed in the area and allocate sites to promote development.

11.3.5 The NPPF also requires each Council to ensure that the production of its Local Plan and decision making is based on “adequate, up-to-date and relevant evidence” (paragraph 158).

11.3.6 A Technical Adjustment to the NPPF was made in July 2015 following the Wemmen v Secretary of State High Court judgement. The two amended paragraphs are:

From today, those persons who fall within the definition of ‘Traveller’ under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable Traveller sites considered in accordance with Planning Policy for Traveller Sites. (Paragraph 49)

Planning Policy for Traveller Sites sets out how ‘Travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. This does not form part of the changes to planning policy for Travellers, on which the Government consulted in 2014, and to which this Government intends to respond shortly. (Paragraph 159)

**Planning Policy for Traveller Sites (PPTS)**

11.3.7 At the same time as the NPPF publication (March 2012) the Government published the Planning Policy for Traveller Sites (PPTS). This was updated in August 2015 to include a new definition within Annex 1 as:

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194 This policy replaces ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople
1. For the purposes of this planning policy “Gypsies and Travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

2. In determining whether persons are “Gypsies and Travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

11.3.8 The PPTS must be taken into account in the preparation of development plans, and is a material consideration in planning application decisions (paragraph 2). The policy advises that Councils preparing plans for and taking planning application decisions on Traveller sites, should also have regard to the policies in the NPPF so far as relevant. The PPTS contains a number of policies which are listed below:

Policy A: Using evidence to plan positively and manage development
Policy B: Planning for Traveller sites
Policy C: Sites in rural areas and the countryside
Policy D: Rural exception sites
Policy E: Traveller sites in Green Belt
Policy F: Mixed planning use Traveller sites
Policy G: Major development projects
Policy H: Determining planning applications for Traveller sites
Policy I: Implementation

11.3.9 One of the Government’s aims in the PPTS in respect of Traveller sites is that Councils should “make their own assessment of need for the purposes of planning” (paragraph 4). The Council has followed the PPTS in preparing the evidence base (see section 4).

Gypsy and Traveller Accommodation Needs Assessment Guidance (GTANAG)

11.3.10 This document provides guidance to Councils on how to undertake a Gypsy and Traveller Accommodation Needs Assessment (GTANA) for planning purposes. As noted above, the Housing and Planning Bill 2015 proposes to omit the legislation which underpins this Guidance and effectively cancelling it. The statute, however, has not yet changed and the Council has used the GTANAG in preparing the evidence base (see section 4) in the absence of any other guidance.
Regional

The London Plan

11.3.11 Policy 3.8 Housing Choice of the London Plan states that Councils “should work with the Mayor and local communities to... ensure that... the accommodation requirements of Gypsies and Travellers... are identified and addressed, with sites identified in line with national policy, in coordination with neighbouring boroughs... as appropriate” (subsection i).

Housing Supplementary Planning Guidance (SPG)

11.3.12 Paragraph 3.1.65 of the Housing SPG (November 2012) states that “Where there are issues over cross border coordination of provision, the Mayor will provide support to address these if requested by relevant authorities in circumstances where strategic action will ‘add value’ to the process”. This text is retained in paragraph 3.1.100 of the emerging revised Draft Interim Housing SPG published in May 2015.

Summary

11.3.13 Figure 11.2 summarises the main legislation, policy and guidance of particular relevance to this section:

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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</thead>
<tbody>
<tr>
<td>Oct 2015</td>
<td>Housing and Planning Bill 2015[^198] Section 84</td>
<td>HM Government</td>
</tr>
<tr>
<td>Mar 2012 adjusted Jul 2015</td>
<td>National Planning Policy Framework (NPPF)[^200] Paragraph 4, 49 and 159 See also Technical Adjustment[^201]</td>
<td>DCLG</td>
</tr>
<tr>
<td>Aug 2015</td>
<td>Planning Policy for Travellers Sites (PPTS)[^202]</td>
<td>DCLG</td>
</tr>
</tbody>
</table>

[^196]: www.legislation.gov.uk/uksi/2006/3190/contents/made
[^197]: www.legislation.gov.uk/ukpga/2010/15/contents
[^198]: http://services.parliament.uk/bills/2015-16/housingandplanning.html
[^200]: http://planningguidance.planningportal.gov.uk/blog/policy/
[^202]: www.gov.uk/government/publications/planning-policy-for-traveller-sites
11.4 Evidence base


11.4.1 A London-wide Gypsy and Traveller Accommodation Needs Assessment was undertaken for the Mayor of London in 2008. Whilst considered out of date, the Council has had regard to the conclusions of the report for this Borough.

Joint evidence base with the London Borough of Hammersmith and Fulham (LBHF)

11.4.2 The main evidence base is the Draft Gypsy and Traveller Accommodation Needs Assessment (GTANA), which has been prepared jointly with LBHF.

11.4.3 The purpose of the Draft GTANA is to provide robust up-to-date evidence on accommodation need that complies fully with current legislative, policy and guidance context so as to usefully inform the emerging planning policy. The Draft GTANA has been carried out in line with the 2007 GTANAG as set out above using both primary and secondary data sources. The Draft GTANA is available to download from www.rbkc.gov.uk/planningpolicy. The Draft GTANA identifies a need for an additional 10 pitches over 10 years.

Duty to cooperate

11.4.4 The joint working with LBHF on the Draft GTANA is a reflection of the Council actively carrying out the duty to cooperate.

11.4.5 Section 110 of the Localism Act 2011 inserted section 33A into the Planning and Compulsory Purchase Act 2004 which requires Councils to cooperate with other prescribed bodies. The duty requires, in particular, a duty to “engage constructively, actively and on an ongoing basis” in relation to “maximising the effectiveness” of, and having “regard to”, activities concerned with supporting or preparing planning policies “so far as relating to a strategic matter”.

11.4.6 A strategic matter is defined as “sustainable development or use of land that has

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**Date** | **Document** | **Organisation**
--- | --- | ---
Mar 2015 | The London Plan Policy 3.8 Housing Choice | Mayor of London
Nov 2012 | Housing Supplementary Planning Guidance (SPG) Paragraph 3.1.65 | Mayor of London
May 2015 | Draft Interim Housing Supplementary Planning Guidance (SPG) Paragraph 3.1.100 | Mayor of London

*Figure 11.2: Summary of legislation, policy and guidance*
or would have a significant impact on at least two planning areas” (section 33A(4)). Clearly, Gypsy and Traveller accommodation is a strategic matter for the purposes of the duty.

**Summary**

11.4.7 A summary of existing Gypsy and Traveller evidence base documents is provided in Figure 11.3.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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<tr>
<td>Dec 2015</td>
<td>Draft Gypsy and Traveller Accommodation Needs Assessment (GTANA)</td>
<td>RBKC, LBHF</td>
</tr>
</tbody>
</table>

*Figure 11.3 Summary of principal sources of evidence*

### 11.5 Issues and options

**Issue 1: Need**

**Question 1**
Do you have any comments on the Draft GTANA methodology, data and conclusions?

**Question 2**
Despite the change in definition of Gypsies and Travellers in the PPTS to exclude those Travellers who no longer travel (and emerging changes in the Housing and Planning Bill), should the Council continue to assess the needs of Gypsies and Travellers separately to general housing need?

**Issue 2: Supply**

**Question 1**
In advance of the Draft GTANA being completed in light of comments received as part of this consultation, do you have any suggestions for how the Council (and LBHF) should seek to meet any identified unmet need?

**Question 2**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Gypsy and Traveller Accommodation? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

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206 [http://legacy.london.gov.uk/mayor/housing/gtana/index.jsp](http://legacy.london.gov.uk/mayor/housing/gtana/index.jsp)

207 [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)
11.5.1 Regarding identifying site allocations, section 11 of the PPTS states:

Local planning authorities should ensure that Traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) Promote peaceful and integrated co-existence between the site and the local community
b) Promote, in collaboration with commissioners of health services, access to appropriate health services
c) Ensure that children can attend school on a regular basis
d) Provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
e) Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any Travellers that may locate there or on others as a result of new development
f) Avoid placing undue pressure on local infrastructure and services
g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
h) Reflect the extent to which traditional lifestyles (whereby some Travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
12. Access and space housing standards

12.1 Introduction

12.1.1 The Government has taken steps to rationalise housing standards to simplify regulatory costs and burdens on development as part of a package of measures to help boost house building, known as the national ‘Housing Standards Review’. The Government published a Written Ministerial Statement (WMS) in March 2015 which outlined policy and announced that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings over and above the national ones.

12.1.2 The Government has withdrawn the Lifetime Homes standard and replaced this with a new approach that introduces ‘optional’ building regulations requirements for access. A nationally described space standard has also been introduced which can be implemented through the planning system rather than the building control system.

12.1.3 These national changes affect criterion (b) of Policy CH2: Housing Diversity which deals with housing space standards, life time homes and disabled access.

12.1.4 The Mayor of London has commenced Minor Alterations to the London Plan (MALP) to update London Plan policies in light of the national Housing Standards Review. Once adopted these changes to the London Plan will become part of the Council’s development plan. The MALP have been submitted for examination and hearings took place in late October 2015. It is anticipated that if the MALP are found ‘sound’ by the Planning Inspector they will be adopted in early 2016.
12.2 Existing Local Plan policy

12.2.1 The existing Local Plan policy relating to access and space standards is set out below:

**Policy CH2 (b) Housing Diversity**

b. require new residential developments, including conversions, amalgamations and changes of use, to be designed to as a minimum achieve all the following standards:

i. lifetime homes;
ii. floorspace and floor to ceiling heights;
iii. wheelchair accessibility for a minimum of 10% of dwellings;

where compliance with the above standards is not possible because of other policy requirements, to require new residential developments to demonstrate that all reasonable measures to meet them have been taken;

12.2.2 The Council also has an adopted Access Design Guide Supplementary Planning Document (SPD) from 2010\(^\text{208}\) within which Chapter 2 deals with “Accessible Housing” standards.

12.3 Legislation, policy and guidance context

12.3.1 Figure 12.1 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)(^\text{209})</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>Deregulation Act 2015(^\text{210}) S42 Optional building requirements</td>
<td>HM Government</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>Written Ministerial Statement(^\text{211})</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>Technical housing standards – nationally described space standard(^\text{212})</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2015</td>
<td>National Planning Practice Guidance (NPPG): Housing – Option Technical Standards(^\text{213})</td>
<td>DCLG</td>
</tr>
</tbody>
</table>

12.4 Evidence base

12.4.1 As stated earlier the Government has withdrawn the Lifetime Homes standard and replaced this with new ‘optional requirements’ in Building Regulations in relation to access. New nationally described space standards have also been introduced. These ‘optional requirements’ for access and the housing space standards can only be required if they are adopted in local policies based on evidenced local needs and consideration of viability.

12.4.2 The Mayor of London has commenced changes to reflect the new housing standards in the Minor Alterations to the London Plan (MALP). The MALP include the new ‘optional requirements’ in relation to access as set out in Building Regulations and the new nationally described space standards. These changes to London Plan policies are supported by evidence of need and a viability assessment. These documents also inform the Council’s policies on ‘optional requirements’ for access and housing space standards.

12.4.3 Paragraph 007 of the National Planning Practice Guidance (NPPG) provides guidance on how local authorities should assess the need to set these optional standards.

12.4.4 The Council has published a Strategic Housing Market Assessment (SHMA) which is available from www.rbkc.gov.uk/planningpolicy which helps inform the proportion of housing that should meet the optional Building Regulations for accessibility. Table 9.7 of the SHMA indicates that there were 12 households which required wheelchair accessible housing throughout. Given that MALP

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216 www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf
proposes 90% ‘accessible and adaptable dwellings’ and 10% ‘wheelchair user dwellings’, it would seem that the Borough’s needs are likely to be met.

12.5 Issues and options

**Issue 1: Access standards**

12.5.1 MALP Policy 3.8: Housing Choice proposes 90% of new housing meets Building Regulation requirement M4 (2) ‘accessible and adaptable dwellings’ and 10% of new housing meets Building Regulation requirement M4 (3) ‘wheelchair user dwellings’, i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. However, paragraph 3.49A of MALP highlights that:

Part M4 (3) of the Building Regulations regarding ‘wheelchair user dwellings’ distinguishes between ‘wheelchair accessible’ (a home readily useable by a wheelchair user at the point of completion) and ‘wheelchair adaptable’ (a home that can be easily adapted to meet the needs of a household including wheelchair users). The Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Boroughs should therefore specifically assess the level of need for wheelchair accessible dwellings and identify this in their LDF policies.

12.5.2 In terms of Local Plan policy, a policy requiring 90% of all new dwellings to be M4(2) ‘accessible and adaptable dwellings' and 10% M4(3) ‘wheelchair user dwellings’ may seem to be a reasonable option. This is because this approach is similar to the Council’s existing policy. The Building Regulations compliance can only be assessed against a single requirement i.e. M4(2) or M4(3), therefore the 90% and 10% split ensure continuation of the existing policy which was adopted in 2010 and was based on evidence.

12.5.3 As stated above a fully ‘wheelchair accessible’ dwelling can only be required where the Council is responsible for allocating or nominating a person to live in that dwelling. It is unlikely that local authority nomination rights would be known at the planning application stage for most schemes. Therefore requiring 10% of all dwellings to be ‘wheelchair adaptable’ M4 (3) (2)(a) would be more realistic in most cases. Where there is an identified need, on a case-by-case basis a proportion of affordable units can be ‘wheelchair accessible’ M4 (3) (2) (b).

12.5.4 M4 (2) of Building Regulations is seen as an equivalent of ‘Lifetime Homes’ standard. However, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entry storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that units accessed above or below the entry storey in buildings of four storeys or less have step-free access. However, this requirement may be subject to development-specific viability assessments and consideration should be given to ongoing maintenance costs. Guidance on this aspect is provided in the NPPG.
12.5.5 The Council is closely monitoring the progress of MALP. The adoption of MALP and the findings of the SHMA will help inform the policy as it develops.

**Question 1**
Do you agree that the optional elements of Building Regulation M4(2) and M4(3) should be included in the policy?

**Option 1**
The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% and M4(3) - 10% with a provision that generally the 10% M4(3) will be M4(3) (2) (a) ‘wheelchair adaptable’ but on a case-by-case basis where it is known that the local authority has nomination rights and there is a known need for a fully wheelchair accessible dwelling the Council will condition a proportion of the dwellings to be M4(3) (2) (b)?

**Option 2**
The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% with M4(3) ‘wheelchair user dwellings’ to be 10%?

12.5.6 Further clarity on the separation in M4(3) - (2) (a) and (b) ‘wheelchair adaptable’ and ‘wheelchair accessible’ will emerge once the examination of MALP has taken place and the Council has published its SHMA.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 2: Space standards**

12.5.7 The Government has published a new nationally described space standard. This cannot automatically be used by Councils but needs to be included in a local policy taking account of need and viability. The Council cannot produce its own space standards that are different to the national ones. The Council’s existing reasoned justification to Policy CH2: Housing Diversity refers to the space standards in the London Plan.

12.5.8 The nationally described space standards are very similar to the ones in the London Plan but have a reduced minimum floor to ceiling height of 2.3m for 75% of the gross internal area rather than the 2.5m in the existing London Plan.

12.5.9 The MALP propose to adopt the Nationally Described Space Standards (paragraph 3.36, MALP). The MALP further state in the notes to Table 3.3 that:

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

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12.5.10 The Government has responded to the changes proposed in the MALP. The letter to the Mayor of London signed by the Secretary of State for Communities and Local Government states in relation to ceiling heights that:

...it is noted that the minor alteration to the London Plan “strongly encourages” a ceiling height of 2.5m. The Government’s new, rationalised optional space standard sets out a standard for ceiling heights in new housing of 2.3m for 75% of the gross internal area. Furthermore, this national standard was proposed only as an optional standard, subject to a local needs justification and where there would be no adverse impact on local development viability.

12.5.11 Clearly these are issues that will be considered as part of the examination. At present it is unclear if the changes proposed in MALP will be adopted given the issues raised by the Government. If the MALP is adopted with or without the modifications in relation to ceiling heights, it is considered that the Council can continue to refer to the London Plan in relation to space standards for new housing.

**Option 1**
The Council should **continue** to refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

**Option 2**
The Council should **not** refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

12.5.12 As stated above the Council cannot set any requirements that are different from the Nationally Described Space Standards.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
13. Climate change: energy and water housing standards

13.1 Introduction

13.1.1 The Government has taken steps to rationalise housing standards to simplify regulatory costs and burdens on development as part of a package of measures to help boost house building, known as the national ‘Housing Standards Review’. The Government published a Written Ministerial Statement (WMS) in March 2015 which outlined policy and announced that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings over and above the national ones. In the WMS the Government also announced that the Code for Sustainable Homes had been withdrawn.

13.1.2 These national changes affect those criteria of Policy CE1 Climate Change which set standards for housing. This section sets out the options for relevant elements of Policy CE1 which are affected by these national changes.

13.1.3 The Mayor of London has commenced Minor Alterations to the London Plan (MALP) to update London Plan policies in light of the national Housing Standards Review. Once adopted these changes to the London Plan will become part of the Council’s development plan. The MALP have been submitted for examination and hearings took place in late October 2015. It is anticipated that if the MALP are found ‘sound’ by the Planning Inspector they will be adopted in early 2016.
13.2 Existing Local Plan policy

13.2.1 The existing Local Plan policy relating to energy and water consumption (and other) requirements for new dwellings is set out below:

**Policy CE1 Climate Change**

The Council recognises the Government's targets to reduce national carbon dioxide emissions by 26% against 1990 levels by 2020 in order to meet a 60% reduction by 2050 and will require development to make a significant contribution towards this target. To deliver this the Council will:

- require an assessment to demonstrate that all new buildings and extensions of 800m² or more residential development or 1,000m² or more non-residential achieve the following Code for Sustainable Homes / BREEAM standards:
  - i. Residential Development should meet Code for Sustainable Homes Level 4.
  - ii. Non Residential Development should meet BREEAM very good with 60% of the unweighted credits available in the energy, water and materials sections.

- require an assessment to demonstrate that conversions and refurbishments of 800m² or more residential development or 1,000m² or more non-residential achieve the following relevant BREEAM standards:
  - i. Residential Development: BREEAM excellent for Domestic Refurbishment including the following minimum standards:
    - the minimum standards of excellent for Energy;
    - 80% or more of the un-weighted credits in the waste category
  - ii. Non Residential Development should achieve BREEAM very good rating.

- require that carbon dioxide and other greenhouse gas emissions are reduced to meet the Code for Sustainable Homes and BREEAM standards in accordance with the following hierarchy:
  - energy efficient building design, construction and materials, including the use of passive design, natural heating and natural ventilation;
  - decentralised heating, cooling and energy supply, through Combined Cooling Heat and Power (CCHP) or similar, whilst ensuring that heat and energy production does not result in unacceptable levels of air pollution;
  - on-site renewable and low-carbon energy sources;
  - require the provision of a Combined Cooling, Heat and Power plant, or similar, which is of a suitable size to service the planned development and contribute as part of a district heat and energy network for:
    - i. strategic site allocations at Kensal, Wornington Green, Kensington Leisure
Centre and Earl’s Court; and

ii. significant redevelopment and regeneration proposals at Notting Hill Gate and Latimer as set out in the places section of this document;

- require all CCHP plant or similar to connect to, or be able to connect to, other existing or planned CCHP plant or similar to form a district heat and energy network;

- require development to connect into any existing district heat and energy network, where the necessary service or utility infrastructure is accessible to that development;

- require development to incorporate measures that will contribute to on-site sustainable food production commensurate with the scale of development;

- require, in due course, development to further reduce carbon dioxide emissions and mitigate or adapt to climate change, especially from the existing building stock, through financial contributions, planning conditions and extending or raising the Code for Sustainable Homes and BREEAM standards for other types of development.

13.3 Legislation, policy and guidance context

13.3.1 Figure 13.1 summarises the main legislation, policy and guidance of particular relevance to this section.

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<thead>
<tr>
<th>Date</th>
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<th>Organisation</th>
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<td>Nov 2008</td>
<td>Planning and Energy Act 2008(^{220})</td>
<td>HM Government</td>
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<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)(^{221}) Paragraphs 95, 174 and 177</td>
<td>DCLG</td>
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<tr>
<td>Mar 2015</td>
<td>Deregulation Act 2015(^{222}) S43 amends the Planning and Energy Act 2008. The amendment when commenced will take away Councils’ powers to introduce policies in Local Plans that require energy efficiency standards that exceed the energy requirements of Building Regulations in relation to construction or adaptation of buildings to provide dwellings or the carrying out of any work on dwellings. This provision is expected to commence in late 2016</td>
<td>HM Government</td>
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<tr>
<td>Mar 2015</td>
<td>Written Ministerial Statement: Planning Update(^{223})</td>
<td>DCLG</td>
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<tr>
<td>Mar 2015</td>
<td>National Planning Practice Guidance (NPPG): Climate Change(^{224})</td>
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\(^{220}\) [www.legislation.gov.uk/ukpga/2008/21/section/1](http://www.legislation.gov.uk/ukpga/2008/21/section/1)

\(^{221}\) [http://planningguidance.planningportal.gov.uk/blog/policy/](http://planningguidance.planningportal.gov.uk/blog/policy/)

\(^{222}\) [www.legislation.gov.uk/ukpga/2015/20/contents/enacted/data.htm](http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted/data.htm)


### 13.4 Evidence base

13.4.1 The key evidence for taking the proposed approach is the national policy as set out in the WMS and the documents listed above.

13.4.2 It should be noted that the Mayor of London had commenced changes in relation to energy in the Minor Alterations to the London Plan (MALP). This was before the Government published the ‘Productivity Plan’ Fixing the foundations: Creating a more prosperous nation (July 2015) which announced that the Government does not intend to introduce Zero Carbon Homes. The emerging MALP policy previously included a ‘stepping stone’ to zero carbon but in light of the changes in Government policy the Mayor of London has withdrawn any changes to the policies on energy. Nevertheless the ‘viability’ evidence produced by the Mayor of London in support of the ‘stepping stone’ and zero carbon homes may be relevant in the future, once the Government clarifies its policy on this aspect. This evidence is in any case relevant to the MALP’s emerging policy on water consumption.

### Table: Summary of legislation, policy and guidance

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<th>Date</th>
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<td>Mayor of London</td>
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<tr>
<td>Jul 2015</td>
<td>Fixing the foundations: Creating a more prosperous nation</td>
<td>HM Treasury</td>
</tr>
</tbody>
</table>

Figure 13.1: Summary of legislation, policy and guidance

### Table: Summary of principal sources of evidence

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
</table>

Figure 13.2: Summary of principal sources of evidence

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225 [www.planningportal.gov.uk/buildingregulations/approveddocuments/partg/approved](www.planningportal.gov.uk/buildingregulations/approveddocuments/partg/approved)
228 The Government had previously intended to introduce ‘Zero Carbon Homes’ from late 2016 as a national requirement. This was to work alongside ‘Allowable Solutions’ where carbon emissions which cannot be cost-effectively reduced on-site can, once a minimum on-site carbon performance standard has been reached, be tackled through off-site measures
229 [www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf](www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf)
13.5 Issues and options

**Issue 1: Energy**

13.5.1 Given the Government policy in terms of withdrawing the Code for Sustainable Homes and national policy that Councils should not be setting standards that are more onerous than Building Regulations, it seems the only option available to the Council is to delete references to the Code and BREEAM for housing from Local Plan Policy CE1. The Council will monitor any further announcements from the Government in this regard and incorporate the latest policy guidance within emerging policy. It is possible that this element will be fully covered by Building Regulations in the future. Using any other standard will be contrary to national policy and therefore is not an option.

13.5.2 As a transitional measure the Government advice is that Councils can continue to ask for energy standards that are the equivalent of Code for Sustainable Homes Level 4. This approach can be followed until commencement of amendments to the Planning and Energy Act 2008 introduced in the Deregulation Act 2015. This is expected in late 2016.

13.5.3 As explained above there is only one option available at the present time in relation to energy. This is to delete references to the Code and any other standard such as BREEAM related to residential development from Local Plan Policy CE1 and closely monitor emerging Government policy/guidance on this aspect and make corresponding local planning policy changes if needed.

**Option 1**
The Council should delete references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development from Local Plan policy.

**Option 2**
The Council should keep references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development in Local Plan policy.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

**Issue 2: Water**

13.5.4 The Code for Sustainable Homes covered a number of other elements in addition to energy including water consumption. The Government has introduced an 'optional' housing standard related to water consumption in Building Regulations Part G which requires the consumption of wholesome water in a new dwelling not to exceed 110 litres per person per day. The Council has been requiring this level of water consumption by using the Code for Sustainable Homes Level 4.

13.5.5 This level of water consumption is also proposed in the emerging MALP to be part of the London Plan, Policy 5.15 B. b. in a footnote. Policy 5.15 in MALP states:
...designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day.\textsuperscript{24}

Footnote 24: Excluding an allowance of 5 litres or less per head per day for external water consumption

13.5.6 Paragraph 5.61 of the MALP refers to the ‘optional requirements’ set out in part G of the Building Regulations. It cites the evidence for this:

As all water companies that serve London are located in areas classified as seriously water stressed\textsuperscript{27}, the ‘optional requirement’ should be applied across London. A fittings-based approach should be used to determine the water consumption of a development\textsuperscript{28}. This approach is transparent and compatible with developers’ procurement and the emerging Water Label, which Government and the water companies serving London are supporting.

13.5.7 Once adopted, the MALP will become part of the development plan for the Borough. Given the national Housing Standards Review there are no options available for water consumption other than those incorporated within MALP. There may be no benefit in duplicating MALP, therefore the Council does not propose to include a specific policy on water consumption in new dwellings within the Local Plan Partial Review. The Council will be including a standard condition based on the adopted MALP to trigger the ‘optional’ Building Regulations requirement.

13.5.8 In summary, the Council will be using MALP (when adopted) as this will become part of the Council’s development plan to condition the optional Building Regulations requiring a maximum of 110 litres of water consumption per person per day. As such there will be no specific policy within the Local Plan Partial Review on water consumption for new dwellings.

**Option 1**
The Council should not include a specific policy on water consumption in new dwellings in the Local Plan.

**Option 2**
The Council should include a specific policy on water consumption in new dwellings in the Local Plan.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
14. Flooding and drainage

14.1 Introduction

14.1.1 The Borough is a densely populated inner / central London Borough. It is characterised for its urban built environment with over 70% of its land designated within a Conservation Area. It has important local and national infrastructure and over 30 parks.

14.1.2 The Borough’s topography is low-lying in the south but steeper in the central and northern parts. The elevation ranges from 0 meters above ordnance datum (mAOD) close to the River Thames, to 40 mAOD in Holland Park.

14.1.3 The River Thames forms the southern boundary of the Borough and is the only exposed watercourse. There are two historic watercourses, the Westbourne River and Counters Creek, which are known as ‘lost rivers’. These have been culverted to become part of the local sewerage system. The main trunk sewer runs along the boundary with the London Borough of Hammersmith and Fulham (LBHF). The closest water reservoirs are the Serpentine and the Round Pond in Kensington Gardens. The Serpentine was formed as a result of damming the Westbourne ‘lost river’ which runs through Hyde Park. The Grand Union Canal runs close to the northern boundary of the Borough.
The Strategic Flood Risk Assessment identifies the most significant sources of flood risk within the Borough as:

- a breach or overtopping of the Thames tidal defences;
- flooding from surface water; and
- sewer flooding due to lack of capacity in the sewerage system.

It is important to note the interaction of rainfall and the combined sewer system which takes both surface and foul water. Under heavy rainfall events the sewer system can become overwhelmed and discharge water into the lower parts of properties such as basement areas. This is known as sewer water flooding events. In addition to these main sources of flood risk, there is a risk that a rise in groundwater levels may lead to localised groundwater flooding. Groundwater flooding could be seasonal or happen as a result of periods of heavy rain. Flooding can also occur as a result of the Serpentine’s reservoir walls.
or the Grand Union Canal being breached. This is considered unlikely.

Figure 14.2: Flood Zones and defence locations within the Borough (Source: RBKC Surface Water Management Plan, 2014)

14.1.6 There have been several episodes of flooding in the Borough. The main reason for flooding is the inability of the sewers to cope with the fast intake of surface water run-off, adding to the foul water in the sewers during intense storm events. The Borough is located at the lower end of the sewer system’s catchment area which means surface and foul water from other Boroughs such as Camden and Brent are already in the sewer system reducing its capacity. Other causes that can lead to an increase in surface water and sewer flooding include:

- an increase in population and pressure for development which can lead to an increase in foul water discharge;
- an increase of impermeable surfaces as a result of actions such as paving gardens and building more houses and roads. As a result, rainfall does not soak away into the soil - it drains directly into an already close-to-capacity sewer system.
14.2 Existing Local Plan policies

14.2.1 The existing Local Plan policy relating to flooding and drainage is set out below:

**Policy CE2 Flooding**

The Council will require development to adapt to fluvial flooding and mitigate the effects of, and adapt to, surface water and sewer flooding. To deliver this the Council will:

a. resist vulnerable development, including self-contained basement dwellings, in Flood Risk Zone 3 as defined in the Strategic Flood Risk Assessment;
b. require a site-specific Flood Risk Assessment, including an ‘Exception Test’ for all development in Flood Risk Zone 2 and 3 as defined in the Strategic Flood Risk Assessment, for sites in areas with critical drainage problems and for all sites greater than one hectare;
c. where required undertake the ‘Sequential Test’ for planning applications within Flood Risk Zones 2 and 3, and for sites in areas with critical drainage problems;
d. require development at risk from flooding in Flood Risk Zones 2 and 3, in areas with critical drainage problems, or sites greater than 1ha\(^{232}\) to incorporate suitable flood defence or flood mitigation measures in accordance with the recommendations of the site-specific Flood Risk Assessment;
e. require sustainable urban drainage (SUDs), or other measures, to reduce both the volume and the speed of water run-off to the drainage system ensuring that surface water run-off is managed as close to its source as possible in line with the hierarchy in the London Plan. In particular, major development must make a significant reduction in the current volume and speed of water run-off to the drainage system;
f. resist impermeable surfaces in front gardens;
g. require development adjacent to the Thames to be set back from the Thames flood defence to enable the sustainable and cost effective upgrade of flood defences over the next 50 to 100 years;
h. require works associated with the construction of the Thames Tideway Tunnel to:

i. preserve or enhance the character or appearance of the Cheyne, Royal Hospital and Thames Conservation areas;
ii. preserve listed buildings and their settings, and Parks and Gardens of Special Historic Interest (i.e. the Royal Hospital grounds);
iii. not adversely impact on amenity;
iv. not compromise the future of Cremorne Wharf which is a Safeguarded Wharf.

14.2.2 Policy CL7 of the Local Plan states that the Council will require all basement development to:

i. include a sustainable drainage system (SuDS), to be retained thereafter;

\(^{232}\) ha = hectare. 1ha = 10,000m\(^2\)
j. include a minimum of one metre of soil above any part of the basement beneath a garden;

n. be protected from sewer flooding through the installation of a suitable pumped device.

14.2.3 Policy CL7 is not up for review as part of the Local Plan Partial Review as it was recently adopted in 2015.

14.3 Legislation, policy and guidance context

14.3.1 Since the Council last reviewed the flooding Local Plan policy as part of the Core Strategy (2010) there have been numerous changes in the legislative and policy framework at national, regional and local levels which are explained in the following paragraphs.

Council duties as a Lead Local Flood Authority

14.3.2 The Flood and Water Management Act 2010\(^233\) and the Flood Risk Regulations 2009\(^234\) placed new duties on Councils. As a Lead Local Flood Authority (LLFA), the Council has a responsibility for leading the co-ordination of local flood risk management within the Borough. This includes ensuring that flood risks from local sources, including surface water runoff, groundwater and ordinary watercourses and their interactions, are identified and managed. The Council has the duty, under Section 9 of the Flood and Water Management Act 2010, to put in place a Local Flood Risk Management Strategy\(^235\) (LFRMS) to manage all sources of flood risks consistent with a risk management approach. The Council adopted the LFRMS in July 2015. The review of the current flooding policy needs to consider the Council’s responsibilities as an LLFA and the objectives of the LFRMS.

Provision of sustainable drainage systems (SuDS) and the LLFA statutory consultee role

14.3.3 On the 18th December 2014, the Government published a written statement to Parliament\(^236\) explaining changes to the planning system which took effect on the 6\(^{th}\) April 2015. The written statement represents Government planning policy with similar weight to the National Planning Policy Framework (NPPF)\(^237\) and so is capable of being a significant material consideration in determining planning applications.

14.3.4 The statement explains that local planning policies and decisions on planning applications relating to major development (developments of 10 homes or more and to major commercial development) should ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless


\(^{237}\) [http://planningguidance.planningportal.gov.uk/blog/policy/](http://planningguidance.planningportal.gov.uk/blog/policy/)
demonstrated to be inappropriate.

14.3.5 Local planning authorities should consult the lead local flood authority (LLFA) on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate. The LLFA became a statutory consultee on planning applications in April 2015.

**National**

**National Planning Policy Framework (NPPF)**

14.3.6 The National Planning Policy Framework explains that Councils should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations (paragraph 94). It also states that sustainable development should not increase flood risk elsewhere and gives priority of the use of sustainable drainage systems (paragraph 103).

**National Planning Practice Guidance (NPPG): Flood Risk and Coastal Change**

14.3.7 The National Planning Practice Guidance on Flood Risk and Coastal Change has been updated (March 2015) to include information about involving the LLFA (chapter 16) and the importance of SuDS (chapter 21). Table 2 of the guidance shows the classification of land uses in relation to flood risk vulnerability as essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible development. Table 3 explains the relation between land uses vulnerability and their compatibility with flood zones. This could be taken into consideration when addressing flood risk in the Council’s designated Critical Drainage Areas.

**English Inshore and Offshore Waters Plan**

14.3.8 The English Inshore and Offshore Waters Plan explains how marine plans apply to the marine sector and highlights policies that apply to the area. The Marine Management Organisation's guidance explains marine planning, compares land-use and marine planning and aims to inform plans and strategies in understanding the important links across the land and sea.

**The CIRIA SuDS Manual**

14.3.9 The Construction Industry Research and Information Association (CIRIA) SuDS
Manual\textsuperscript{243} gives detailed advice regarding SuDS, the need for SuDS and provision in different environments and the process to follow to ensure successful implementation. Chapter 10, Designing for urban areas is particularly relevant for this Borough.

**Regional**

**The London Plan**

14.3.10 Policy 5.13 of the London Plan states that:

Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

1. Store rainwater for later use
2. Use infiltration techniques, such as porous surfaces in non-clay areas
3. Attenuate rainwater in ponds or open water features for gradual release
4. Attenuate rainwater by storing in tanks or sealed water features for gradual release
5. Discharge rainwater direct to a watercourse
6. Discharge rainwater to a surface water sewer/drain
7. Discharge rainwater to the combined sewer

Drainage should be designed and implemented in ways that deliver other policy objectives of the Plan including water use efficiency and quality, biodiversity, amenity and recreation.

14.3.11 Other London Plan policies relevant to flood risk and drainage are: Policy 5.10 Urban greening, Policy 5.11 Green roofs and development site environs, Policy 5.12 Flood risk management, Policy 5.13 Sustainable drainage, Policy 5.14 Water quality and wastewater, and infrastructure, and Policy 5.15 Water use and supplies.

**Sustainable Design and Construction Supplementary Planning Guidance (SPG)**

14.3.12 The Mayor of London’s Sustainable Design and Construction SPG (April 2014)\textsuperscript{244} aims to maximise the opportunities to achieve greenfield run-off rates in development proposals.

**Thames Estuary 2100 Plan**

14.3.13 The Thames Estuary 2100 Plan\textsuperscript{245} sets out recommendations for flood risk management for London and the Thames estuary through to the end of the century and beyond.

\textsuperscript{243} www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx
\textsuperscript{244} www.london.gov.uk/priorities/planning/consultations/draft-sustainable-design-and-construction
### Summary

14.3.14 Figure 14.3 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Makes provision about water and the management of risks in connection with flooding and coastal erosion</td>
<td></td>
</tr>
<tr>
<td>Dec 2009</td>
<td>The Flood Risk Regulations 2009[^247]</td>
<td>HM Government</td>
</tr>
<tr>
<td></td>
<td>Places duties on the Environment Agency and Councils to prepare flood risk assessments, flood risk maps and flood risk management plans</td>
<td></td>
</tr>
<tr>
<td>Dec 2014</td>
<td>Written statement to parliament: Sustainable drainage systems[^248]</td>
<td>DCLG</td>
</tr>
<tr>
<td></td>
<td>The provision of SuDS in major developments and the statutory role of the LLFA</td>
<td></td>
</tr>
<tr>
<td>Mar 2014</td>
<td>National Planning Policy Framework (NPPF)[^249]</td>
<td>DCLG</td>
</tr>
<tr>
<td></td>
<td>Paragraphs 94 (flood risk) and 103 (SuDS)</td>
<td></td>
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<tr>
<td></td>
<td>LLFA (chapter 16) and SuDS (chapter 21)</td>
<td></td>
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<tr>
<td>November 2015</td>
<td>The CIRIA SuDS Manual[^251] Particularly chapter 10, Designing for urban areas</td>
<td>CIRIA</td>
</tr>
<tr>
<td>Jun 2014</td>
<td>The English Inshore and Offshore Waters Plan[^253]Includes policies for the different sectors</td>
<td>Marine Management Organisation</td>
</tr>
<tr>
<td>Jun 2014</td>
<td>East Inshore and East Offshore marine plan areas[^254] Highlights policies that apply to a chosen area to inform strategies and plans</td>
<td>Marine Management Organisation</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2015</td>
<td>The London Plan&lt;sup&gt;255&lt;/sup&gt;</td>
<td>Mayor of London</td>
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<tr>
<td></td>
<td>Policy 5.10 Urban greening</td>
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<td></td>
<td>Policy 5.11 Green roofs and development site environs</td>
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<td></td>
<td>Policy 5.12 Flood risk management</td>
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<td></td>
<td>Policy 5.13 Sustainable drainage</td>
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<tr>
<td></td>
<td>Policy 5.14 Water quality and wastewater, and infrastructure</td>
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<td></td>
<td>Policy 5.15 Water use and supplies</td>
<td></td>
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<tr>
<td>Apr 2014</td>
<td>Sustainable Design and Construction SPG&lt;sup&gt;256&lt;/sup&gt;</td>
<td>Mayor of London</td>
</tr>
<tr>
<td></td>
<td>Aims to maximise the opportunities to achieve greenfield run-off rates</td>
<td></td>
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<tr>
<td></td>
<td>in developments</td>
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*Figure 14.3: Summary of legislation, policy and guidance*

![Map](http://example.com/map.png)

*Figure 14.4: Map of properties where sewer flooding reported to Thames Water since 2007 (Source: Counters Creek Storm Relief Sewer Consultation – Phase 1; Thames Water, 2014<sup>257</sup>)*

<sup>255</sup> [www.london.gov.uk/priorities/planning/london-plan](http://www.london.gov.uk/priorities/planning/london-plan)
<sup>256</sup> [www.london.gov.uk/priorities/planning/consultations/draft-sustainable-design-and-construction](http://www.london.gov.uk/priorities/planning/consultations/draft-sustainable-design-and-construction)
<sup>257</sup> [www.thameswater.co.uk/counterscreek/Customer_consultation_document.pdf](http://www.thameswater.co.uk/counterscreek/Customer_consultation_document.pdf)
14.4 Evidence base

14.4.1 The evidence base documents give information on flood risk in the Borough and also update information since 2010 and explain how the Council and other partners are addressing flood risk.

14.4.2 Information goes from site specific (Sequential Test) to Borough wide (Strategic Flood Risk Assessment, Surface Water Management Plan, Air Quality and Climate Change Action Plan). Critical Drainage Areas\(^\text{258}\) have been identified in the Borough (as per paragraph 36.6.19 of the existing Local Plan). They are North Kensington CDA Holland Park CDA, Kensington CDA and Sloane Square CDA. This means that development proposals in these areas need to be supported by Flood Risk Assessments.

14.4.3 The evidence base also includes work done within different Council departments and external bodies (Local Flood Risk Management Strategy) and what to do in emergency situations (Multiagency flood plan and Thames breach flood plan). There is also information regarding a very specific type of development, basements, which are particularly vulnerable to flooding (Residential Basement Study Report).

14.4.4 A summary of the principal evidence base documents is provided in Figure 14.5

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>Mar 2014</td>
<td>Strategic Flood Risk Assessment(^\text{259})</td>
<td>RBKC</td>
</tr>
<tr>
<td>Mar 2014</td>
<td>Surface Water Management Plan(^\text{260})</td>
<td>RBKC</td>
</tr>
<tr>
<td>Jul 2015</td>
<td>Local Flood Risk Management Strategy(^\text{262})</td>
<td>RBKC</td>
</tr>
<tr>
<td>Jun 2011</td>
<td>Preliminary Flood Risk Assessment(^\text{263})</td>
<td>RBKC</td>
</tr>
<tr>
<td>Feb 2013</td>
<td>Multiagency flood plan(^\text{264})</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

\(^{258}\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/critical-drainage-areas
\(^{260}\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/lead-flood-authority/surface-water-management
\(^{261}\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/critical-drainage-areas
\(^{263}\) www.rbkc.gov.uk/sites/default/files/atoms/files/Preliminary%20Flood%20Risk%20Assessment.pdf
<table>
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<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 2013</td>
<td>Thames breach flood plan&lt;sup&gt;265&lt;/sup&gt; Provides a co-ordinated multi-agency response framework to mitigate the impact of a large scale Thames breach / overtopping flooding incident</td>
<td>RBKC</td>
</tr>
<tr>
<td>Dec 2012</td>
<td>Residential Basement Study Report&lt;sup&gt;266&lt;/sup&gt; Describes what needs to be considered as part of the planning process when basements are proposed</td>
<td>RBKC</td>
</tr>
<tr>
<td>Oct 2015</td>
<td>Air Quality and Climate Change Action Plan 2016 - 2021&lt;sup&gt;267&lt;/sup&gt; Sets out the Council’s objectives for the period 2008 to 2015. It advocates a range of measures for cutting emissions and reducing our energy bills</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

*Figure 14.5: Summary of principal sources of evidence*

**Infrastructure projects**

**Thames Tideway Tunnel**

14.4.5 The Thames Tideway Tunnel<sup>268</sup> is referred to in Policy CE2h of the Local Plan. The Thames Tideway Tunnel was granted a Development Consent Order in September 2014 by the relevant Secretaries of State. The Thames Tideway Tunnel will be built by a company called Bazalgette Tunnel Limited – the ‘infrastructure provider’ and applications to discharge requirements (similar to conditions) will be submitted to the Council for approval throughout the construction phase (which is likely to last until 2022).

*Figure 14.6: Visualisation of the Thames Tideway Tunnel site in Chelsea Embankment (Source: RBKC Local Impact Report, 2013<sup>269</sup>)*

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<sup>266</sup> www.rbkc.gov.uk/wamdocs/Baxters%20Basement%20Report%20Final.pdf  
<sup>267</sup> www.rbkc.gov.uk/subsites/greenerborough/climatechange/climatechangestrategy.aspx  
<sup>268</sup> www.rbkc.gov.uk/planning-and-building-control/planning-policy/emerging-site-specific/thames-tideway-tunnel-project  
<sup>269</sup> www.rbkc.gov.uk/wamdocs/RBKC%20Local%20Impact%20Report.pdf
Counters Creek Storm Relief Sewer

14.4.6 Thames Water has recently been consulting on a project to increase the capacity of the Counters Creek sewer system\(^{270}\). Thames Water’s proposal includes four elements:

- A new storm relief sewer to increase the sewer capacity;
- Sustainable drainage systems to reduce surface water run-off entering the sewers (a pilot study is proposed for Arundel Gardens);
- Anti-flooding (‘FLIP’) devices to stop the sewers surcharging into lower properties; and,
- Local sewer improvements.

14.4.7 The new storm relief sewer must go through several rounds of public consultation to ascertain the suitability of the proposed sites and to engage and inform residents. Once the public consultations on site options are finalised, Thames Water are expected to submit planning applications in early 2016 to the affected Boroughs (RBKC and LBHF). If consent is granted, Thames Water aims to start construction in 2017 and finalise the scheme in 2020.

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\(^{270}\) www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/counters-creek-project
14.5  Issues and options

**Issue 1: Flood risk**

**Critical Drainage Areas (CDA)**

14.5.1 Critical Drainage Areas (CDAs) are those which show a complex interaction of surface and sewer water flooding. The Council identified the Council’s CDAs in the Surface Water Management Plan and the Strategic Flood Risk Assessment in 2014. The definition of the CDAs in 2014 meant that Flood Risk Assessments are required when development is proposed in these areas (as required by Policy CE2b).

**Question 1**

Should the Council use the vulnerability classification of the NPPF / Planning practice guidance to restrict highly vulnerable uses (in terms of access and access e.g. self-contained basements) in CDAs? Currently the Environment Agency restricts this type of land use in flood risk zone 3, inside the tidal breach.

**Question 2**

Should the Council require specific measures to address flood risk in CDAs? What might those measures be?

---


Flood risk protection and prevention measures

14.5.2 Current policy refers to the implementation of the flood risk protection and prevention measures included in the site specific Flood Risk Assessment.

Question 1
Should the Council ask for standard flood risk measures in specific areas? Should the Council require flood risk mitigation and resilience measures (such as raising threshold/floor levels, protection of light wells and basement entrances, raising electrical sockets, etc) in areas identified in the Surface Water Management Plan at high risk of flooding?

Question 2
Should the Council require information about how these measures will be maintained to ensure they will be operational during a flooding event?

Question 3
Should the Council include a policy about the protection and maintenance of flood defences and flood risk assets?

Question 4
Should the policy cover access and egress and emergency exit routes to ensure development in high risk areas is protected from flooding?

Question 5
The maps in the Surface Water Management Plan show the possibility of surface water flood depth after a 1 in a 100 year storm event. Should the Council use a minimum depth threshold to require flood protection and resilience measures? Will a depth of 0.5m or deeper be an appropriate threshold?

Question 6
Should the Council refer to the importance of addressing flood risk and surface and foul water run-off from upstream development (White City, Old Oak Common and Park Royal, etc) which could have a potential effect in the capacity of the sewer system?

Issue 2: Surface water run-off and SuDS

14.5.3 The aim of the current policy is to reduce the speed and volume of surface water run-off into the sewer system through the use of SuDS. The Council produced a SuDS for small development tool to help developers understand the SuDS which could be provided on-site. This tool may be reviewed in light of any new policy.

Question 1
Should the Council specify the percentage improvement required in relation to
greenfield runoff rate and different storm events? Or should the Council address only impermeable surfaces (not just in front gardens but any new impermeable surfaces)? Should the Council put an emphasis on requiring the most sustainable SuDS, the need to maximise green infrastructure (links to biodiversity policy), maximise water quality and provide amenity value?

**Question 2**
Should the Council require extra SuDS when swimming pools are proposed and/or whenever there is groundwater discharged into the sewer system?

**Question 3**
To ensure SuDS are maintained, should the Council include a policy to require maintenance schedules?

**Question 4**
Should the Council use DEFRA SuDS non-statutory standards\(^{274}\) or adopt its own standards?

**Question 5**
Should the Council specify what information regarding the SuDS should be provided (i.e., construction, maintenance, ownership, etc)?

**Question 6**
Should the Council include a policy to support retrofitting existing buildings with SuDS when an associated planning permission is required, even if the proposal will not have direct drainage implications?

**Question 7**
Should the Council require permeable surfaces instead of impermeable surfaces when hard surfaces are proposed in any garden / landscaped areas?

**Question 8**
Should the Council include a separate policy for minor and for major applications in relation to the provision of SuDS? Should the Council require the use of the SuDS tool and if so review the tool to that effect?

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Issue 3: Water infrastructure projects

14.5.4 In the last few years the Borough has seen two major sewer upgrade projects proposed, the Thames Tideway Tunnel and the Counters Creek Sewer Alleviation Scheme. Policy CE2 has guided the Council’s response to the Thames Tideway Tunnel Project but other policies were also considered in relation to transport, design, legacy, Conservation Areas, employment and infrastructure issues. These policies are likely to be considered in any future sewerage and water infrastructure projects.

Option 1
The Council should not introduce a general policy on flooding and drainage infrastructure provision or upgrade works and instead use its existing wider Local Plan policies to determine any such applications.

Option 2
The Council should introduce a general policy on flooding and drainage infrastructure provision or upgrade works, against which any future proposals could be determined.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

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15. Waste

15.1 Introduction

15.1.1 This section considers both strategic waste management ‘apportionment’ (i.e. land allocation for waste management facilities) and bin storage and management in new development.

15.1.2 The Council, as well as being a Local Planning Authority (LPA), is a Waste Planning Authority (WPA). WPAs are responsible for determining all waste development planning applications and have a statutory duty to prepare a local waste plan, either individually or as part of a wider Local Plan.

15.2 Existing Local Plan policy

15.2.1 The existing Local Plan policy relating to waste is set out below.

15.2.2 Subsection ‘a’ deals with the issue of strategic waste management ‘apportionment’. The Council’s commitment in this subsection to prepare a specific waste ‘Development Plan Document’ (DPD) is now being followed up as part of this Local Plan Partial Review consultation: rather than have a separate waste ‘DPD’, the Council currently intends to update the waste apportionment evidence base and policy as part of the wider Local Plan Partial Review.

15.2.3 Subsections ‘b’ to ‘e’ largely deal with site-specific issues regarding on-site waste storage and management as part of new development proposals. This Local Plan Partial Review consultation considers the issues regarding this too to inform revised draft policy.
Policy CE3 Waste

The Council will meet the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

a. Prepare a specific waste DPD to show how the waste apportionment figure of 309,000 tonnes per annum by 2010 required by the London Plan will be met. This will include:

- identifying suitable sites for the purpose of managing the waste;
- identifying which boroughs the Council will be working with and how much the pooled apportionment of those boroughs will be so that the apportionment figure can be met;
- working in partnership with the GLA and neighbouring boroughs to meet the apportionment figure;
- safeguarding the existing waste management sites along with Cremorne Wharf, maximising its use for waste management, water transport and cargo-handling purposes;

b. require on-site waste management facilities as part of development at Kensal and Earl’s Court to handle waste arising from the new uses on the site (this could include facilities such as recycling facilities and anaerobic digestion);

c. require provision of adequate refuse and recycling storage space which allows for ease of collection in all developments;

d. require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;

b. require applicants for major developments to prepare and implement Site Waste Management Plans for demolition and construction waste.

London Borough of Hammersmith and Fulham (LBHF)

15.2.4 It is also appropriate to reference LBHF’s existing Core Strategy (October 2011) policy on waste which states:

Borough Wide Strategic Policy CC3 Waste Management

To pursue sustainable waste management, including... planning to manage 348,000 tonnes per annum of waste in H&F by 2031...

15.2.5 The supporting text for Policy CC3 of LBHF’s Core Strategy states:

8.102 Neighbouring boroughs have indicated a desire to work in partnership with Hammersmith and Fulham to assist in meeting their waste apportionment targets. The Royal Borough of Kensington and Chelsea has an anticipated capacity shortfall of 200,000 tonnes of waste to 2031. Spare waste management capacity of up to 220,000 tonnes has been identified within Hammersmith & Fulham. This spare capacity could accommodate the needs of the Royal Borough of Kensington and Chelsea and be utilised for that purpose.

15.2.6 LBHF published a revised Draft Local Plan\(^\text{277}\) for consultation in January 2015 to ultimately supersede its existing Core Strategy. In the Draft Local Plan, LBHF proposed to replace Strategic Policy CC3 (above) with a new Policy CC6 as well as deletion of the above paragraph 8.102. The Royal Borough responded to the Draft Local Plan consultation, objecting to the deletion of the paragraph.

15.3 Legislation, policy and guidance context

**European**


15.3.2 Article 16 of the Directive is particularly relevant to the issue of apportionments because it covers ‘Principles of Self Sufficiency and Proximity’. In meeting the requirement of the proximity principle, there is no expectation that each WPA will deal solely with its own waste. For instance, there are clearly some waste streams which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. There could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.

**National**

Waste (England and Wales) Regulations 2011

15.3.3 Part 6 of the Regulations is relevant to planning authorities. Within this Part, Regulation 18 particularly requires the Council to have regard to specific articles of the European Waste Framework Directive (including Article 16) in exercising its planning functions, which includes Local Plan making.

National Planning Policy Framework (NPPF)

15.3.4 The National Planning Policy Framework (NPPF) does not contain specific policies on waste, but Councils “preparing waste plans and taking decisions on

waste applications should have regard to policies in [the] Framework so far as relevant” (paragraph 5).

15.3.5 Paragraph 156 of the NPPF states that Councils should set out the “strategic priorities” for their area in the Local Plan, which includes delivering “waste management” infrastructure (see also paragraph 162).

**National Planning Policy for Waste (NPPW)**

15.3.6 The National Planning Policy for Waste (NPPW) contains the latest Government planning policy on waste. The NPPW states that WPAs should (paragraphs 2-3):

- work jointly and collaboratively with other planning authorities to collect and share data on waste arisings...
- identify the tonnages and percentage of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan (In London, WPAs should have regard to their apportionments set out in the London Plan when preparing their plans)
- work collaboratively in groups with other WPAs... through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management

**National Planning Practice Guidance (NPPG): Waste**

15.3.7 The National Planning Practice Guidance (NPPG) on Waste provides guidance to complement the NPPW. In particular, the NPPG advises that in London, “WPAs should have regard to the apportionments set out in the London Plan when developing their policies. The Local Waste Plan will need to be in general conformity with the London Plan” (paragraph 42).

**Waste Management Plan for England**

15.3.8 The Waste Management Plan for England, states that “All local planning authorities should have regard to both the waste management plan for England and the national waste planning policy when discharging their responsibilities to the extent that they are appropriate to waste management. WPAs remain responsible for developing local authority waste plans as part of their wider strategic planning responsibilities, in support of the Waste Management Plan for England” (page 30).

15.3.9 The Waste Management Plan for England satisfies the Government’s requirement to produce a waste management plan covering all of its territory (page 2). The Plan also reiterates the ‘waste hierarchy’ prioritising different waste stream cycles: prevention, preparing for re-use, recycling, other recovery and disposal (page 11).

15.3.10 Regulation 10 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires Local Plans to have regard to the national waste management plan – i.e. the Waste Management Plan for England.
15.3.11 Regarding the issue of on-site waste management as part of new developments (i.e. bin storage), it should be noted that the provision of “storage of solid waste” and “adequate means of access” is a standard Building Regulations requirement.

**Regional**

**The London Plan**

15.3.12 The London Plan apportions waste arisings to each London Borough for them each to allocate sufficient land to deal with the apportioned amount of waste per year. This is to work towards net self sufficiency of waste management in London by 2026. The London Plan states:

The Mayor will work with London boroughs and waste authorities... to... manage as much of London’s waste within London as practicable, working towards managing the equivalent of 100 per cent of London’s waste within London by 2026

(Policy 5.16 Waste Net Self-Sufficiency – subsection A)

Boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in this Plan. Boroughs may wish to collaborate by pooling their apportionment requirements

(Policy 5.17 Waste Capacity – subsection F)

Land to manage borough waste apportionments should be brought forward through... safeguarding wharves... with an existing or future potential for waste management

(Policy 5.17 Waste Capacity – subsection G)

If, for any reason, an existing waste management site is lost to non-waste use, an additional compensatory site provision will be required that normally meets the maximum throughput that the site could have achieved

(Policy 5.17 Waste Capacity – subsection H)

Waste is deemed to be managed in London if: it is used in London for energy recovery; it related to materials sorted or bulked in London facilities for reuse, reprocessing or recycling; [or] it is materials reused, recycled or reprocessed in London...

(paragraph 5.79)

Boroughs may collaborate by pooling their apportionment requirements. Provided the aggregated total apportionment figure is met, it is not necessary for boroughs to meet both the municipal and commercial/industrial waste apportionment figures individually

(paragraph 5.80)

15.3.13 Table 5.3 of the London Plan sets out each London Borough’s apportionment of waste to be managed. For this Council, the apportionment is 194,000 tonnes per
Land for Industry and Transport Supplementary Planning Guidance (SPG)

15.3.14 Chapter 6 of the Land for Industry and Transport Supplementary Planning Guidance (SPG) covers waste management and recycling. Paragraph 6.5 suggests that “waste transfer” operations “are not accounted for in the London Plan apportionment”. Paragraph 6.7 states that “Boroughs should assess how they will accommodate new waste management facilities. These assessments should cover local quantitative and qualitative appraisals of vacant and occupied industrial land”.

15.3.15 Implementation point 6 of the SPG states that Boroughs should “have regard to the indicative land requirements for additional waste management and recycling facilities 2011-2031 set out in Annex 2”. Annex 2 of the SPG sets out the Council’s previous London Plan waste apportionment to 2031 of 284,000 tonnes per annum (since revised down in 2015 to 194,000) and suggest this equates to a Net Additional Indicative Land Requirement for Waste of 3.6 hectares (so roughly equivalent to 80,000 tonnes per annum per hectare).

Safeguarded Wharves

15.3.16 The Safeguarded Wharves Review provides evidence supporting a number of wharves which the Mayor recommends are ‘safeguarded’ for wharf uses. The only wharf which lies in the Borough, Cremorne Wharf, is recommended to be retained for safeguarding. The Review states that Cremorne Wharf “may be required... for the Thames Tideway Tunnel for the medium term, following that it should be able to contribute to the shortfall in wharf capacity in West London” (Table 7.1).

London’s Wasted Resource: The Mayor’s Municipal Waste Management Strategy

15.3.17 The Mayor’s Municipal Waste Management Strategy is not a planning document but sets out an overarching strategy for the Mayor to manage London’s municipal waste more effectively and efficiently. Of particular relevance, Policy 2 seeks to reduce the climate change impact of London’s municipal waste management and Policy 5 seeks to stimulate the development of new municipal waste management infrastructure.

London Infrastructure Plan 2050 Update

15.3.18 The London Infrastructure Plan sets out the overall infrastructure needs of the capital up to 2050 regarding transport, green infrastructure, digital connectivity, energy, ‘a circular economy’, water, housing and social infrastructure. Chapter 16 sets out an infrastructure requirement of “Around 40 facilities for reuse, remanufacturing, recycling and waste management” in London.

Summary

15.3.19 Figure 15.1 summarises the main legislation, policy and guidance of particular relevance to this section:
15.4 Evidence base

Waste apportionment

The Borough and Cremorne Wharf

15.4.1 The Council collects over 60,000 tonnes of municipal waste every year. As set out in section 3, the London Plan’s apportionment figure for the Borough is 194,000 tonnes per annum by 2031 which, assuming approximately 80,000 tonnes per annum capacity per hectare, requires 2.4 hectares of land to manage this waste.

15.4.2 The Council’s existing Local Plan Policy CE3(a) safeguards Cremorne Wharf for...
waste management purposes. However, Cremorne Wharf is not currently operational as a waste management facility and is being utilised on a temporary basis for development of the Thames Tideway Tunnel and part of the site will need to be permanently retained for ongoing maintenance access to the tunnel. Because of the definitions in London Plan paragraph 5.79 and the Land for Industry and Transport SPG paragraph 6.5 (see above section 3), it is not currently considered that Cremorne Wharf is able to contribute towards the Borough’s apportionment. Even if it was capable, it would be unlikely to have such a capacity to fully address the Borough’s apportionment.

15.4.3 Therefore, the Council needs to identify suitable land elsewhere to assist with its apportionment shortfall.

**Western Riverside Waste Authority (WRWA) WPAs**

15.4.4 The Western Riverside Waste Authority (WRWA)\(^292\) is the statutory body, or local authority, responsible for the management of the waste delivered to it by the Royal Borough of Kensington and Chelsea (RBKC), the London Borough of Hammersmith and Fulham (LBHF), the London Borough of Wandsworth (LBW) and the London Borough of Lambeth (LBL).

15.4.5 These Councils are also WPAs in their own right and the Council has been working closely with these ‘WRWA WPAs’ to prepare a joint evidence base regarding waste apportionments.

![Figure 15.2: London’s unitary waste authorities](image_url)

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\(^{292}\) [www.wrwa.gov.uk](http://www.wrwa.gov.uk)

\(^{293}\) From Figure 3 of the Mayor’s Municipal Waste management Strategy (Nov 2011)
15.4.6 More recently, the Old Oak Park Royal Development Corporation (OPDC) has been established (April 2015) within parts of the jurisdiction of LBHF, and the London Boroughs of Brent and Ealing (LBB and LBE). The OPDC is a WPA in its own right. Whilst the OPDC’s waste apportionment and sites within the jurisdictions of LBB and LBE fall within the recently-adopted (2015) West London Waste Plan’s remit, the OPDC’s waste apportionment and sites within the jurisdiction of LBHF currently only fall within the remit of LBHF’s existing Core Strategy (2011) in terms of a ‘waste plan’. Because this latter part of the OPDC’s jurisdiction falls within the area covered by the WRWA, the OPDC has more recently been included in the joint waste evidence base work with the other WRWA WPAs – but only concerning its land within LBHF.

![Figure 15.3: WRWA WPAs, the OPDC, waste sites and safeguarded wharves](https://maps.london.gov.uk/webmaps/waste/)

**NB:** not all waste sites contribute to waste apportionment capacities

15.4.7 The emerging joint waste evidence base work has so far determined that, even when pooling apportionments and capacity, the WRWA WPAs are not able to jointly meet their London Plan waste apportionment capacities as a single entity, with a shortfall of approximately 504,433 tonnes of waste per annum.

15.4.8 In April 2015, the WRWA WPAs (excluding OPDC which had only just been established at the time) sent a letter to other London WPAs (i.e. Boroughs) setting out the emerging joint evidence base work and asking whether or not they could share any ‘spare’ waste capacity. An ‘Engagement Statement’ which includes the letter, the evidence base tables, the key issues raised by London WPAs in their responses and the WRWA WPAs’ joint responses has been published at [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy).

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294 GLA Waste Map [https://maps.london.gov.uk/webmaps/waste/](https://maps.london.gov.uk/webmaps/waste/)
Actual WRWA waste management arrangements

15.4.9 The Council is statutorily required to deliver its municipal waste to places as directed by WRWA. Currently all of the municipal waste goes to WRWA facilities in Wandsworth for transfer and treatment (Western Riverside Transfer Station near Wandsworth Bridge and Cringle Dock Transfer Station next to Battersea Power Station). Since 2011, recyclables go to a Materials Recycling Facility at Smugglers Way in Wandsworth and residuals are barged down river to the Riverside Resource Recovery Limited (RRRL)'s facility at Belvedere, in the London Borough of Bexley where the waste is incinerated to generate electricity. It is the largest Energy from Waste (EfW) facility in the UK and one of the largest in Europe, which will eventually generate up to 72MW of power. This is confirmed by the WRWA’s Waste Policy Statement (July 2013) which also states that the facility can handle 670,000 tonnes of waste per year although the WRWA supplies around 300,000 tonnes of residual waste to it (paragraphs 11-12).

15.4.10 This contract is understood to run until 2031 meaning that, in reality, waste arisings from the Borough and the other WRWA WPAs are dealt with in Bexley.

Duty to Cooperate

15.4.11 The joint working of the WRWA WPAs on the waste evidence base and the dialogue with other London WPAs is a reflection of the duty to cooperate.

15.4.12 Section 110 of the Localism Act 2011 inserted section 33A into the Planning and Compulsory Purchase Act 2004 which requires Councils to cooperate with other prescribed bodies. The duty requires, in particular, a duty to “engage constructively, actively and on an ongoing basis” in relation to “maximising the effectiveness” of, and having “regard to”, activities concerned with supporting or preparing planning policies “so far as relating to a strategic matter”.

15.4.13 A strategic matter is defined as “sustainable development or use of land that has or would have a significant impact on at least two planning areas including... in connection with infrastructure that is strategic” (section 33A(4)). Clearly, waste management is a strategic matter for the purposes of the duty.

Summary

15.4.14 A summary of waste evidence base documents is provided in Figure 15.4.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
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<tr>
<td>Jul 2013</td>
<td>Waste Policy Statement</td>
<td>WRWA</td>
</tr>
<tr>
<td>Mar 2014</td>
<td>Local Infrastructure Delivery Plan (IDP)</td>
<td>RBKC</td>
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<tr>
<td>Apr 2015</td>
<td>Duty to Cooperate Letter / Joint Evidence Base</td>
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</tr>
<tr>
<td>Sep 2015</td>
<td>Engagement Statement</td>
<td>WRWA WPAs</td>
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</table>

*Figure 15.4 Summary of principal sources of evidence*

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297 Within the WRWA WPAs Waste Apportionments Engagement Statement [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)
298 [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)
Bin storage and management in new development

15.4.15 Existing Local Plan Policy CE3(c) requires provision of adequate refuse and recycling storage space which allows for ease of collection in all developments. When a proposal is considered likely to give rise to additional waste management demand the Council requires it be demonstrated that this be planned for and designed into the scheme. This is normally secured by a pre-commencement condition requiring details of the refuse storage areas be submitted for approval.

15.4.16 Bin blight continues to be an issue across the country, and is particularly visible in the dense urban context of Kensington and Chelsea. When a development involves conversions of older properties into multiple units, their very nature can lead to difficulties with provision of waste storage space and can give rise to significant issues relating to waste storage and management. The London Environment Director’s Network (LEDNET) and London Waste and Recycling Board (LWARB) have published a template planning policy for recycling and waste in flatted developments to help address these issues.

15.4.17 Tonnages for recycling and residual waste in the Borough have recently been heading in the wrong direction and have been lower than forecast, in common with some other local authorities. Between 2013/14 and 2014/15 overall waste (municipal waste) tonnages rose by 0.29%. General waste (municipal residual waste) increased by 0.72% and recycling tonnages decreased by 1.37%. Given that residual waste treatment is more expensive than recycling, shifting waste from the residual waste stream to the recycling stream will not only save money, it will also improve recycling rates.

15.5 Issues and options

Issue 1: Waste apportionment

Option 1
The Council should identify a site or sites within the Borough to address its apportionment shortfall entirely within the Borough.

Option 2
The Council should continue to work with the other WRWA WPAs to jointly identify a site or sites within the WRWA area to address their collective apportionment shortfall entirely within the WRWA area.

Option 3
The Council should continue to work with the other WRWA WPAs and collectively secure spare apportionment capacity outside of the WRWA area, but within London, to address the WRWA WPAs’ collective apportionment shortfall.

301 RBKC 2015
Question 1
Are there any sites (or areas) that should be considered as a site (or area) allocation as part of the Local Plan Partial Review for waste management? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

Question 2
Should the Council continue to safeguard Cremorne Wharf for waste management, water transport and cargo handling purposes?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 2: Bin storage and management in new development**

**Option 1**
Keep existing Local Plan Policy CE3 (b), (c) and (e) structured and worded as it is.

**Option 2**
Amend existing Local Plan Policy CE3 (b), (c) and (e) to consider issues such as:

- Temporary storage space within each flat/apartment allowing for the separate storage of recyclable materials
- Communal storage for waste, including separate recyclables, pending its collection
- Design, quality and access of storage and collection systems (e.g. dedicated rooms, storage areas and chutes or underground waste collection systems)
- Managing, to acceptable levels, impacts on amenity including those that may be caused by odour, noise, and dust
- On-site treatment of waste
- Adequate contingency measures to manage any mechanical breakdowns

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

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16. Impact assessments

16.1 Integrated Impact Assessment (IIA)

16.1.1 The Council has published an Integrated Impact Assessment (IIA) Scoping report as part of this consultation to inform the emerging Local Plan Partial Review. The IIA Scoping report is available to download from www.rbkc.gov.uk/planningpolicy and scopes out how impacts should be assessed in terms of:

- Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA);
- Equalities Impact Assessment (EqIA);
- Health Impact Assessment (HIA); and
- Habitats Regulations Assessment (HRA) (see section 16.2).

16.1.2 The legislative, policy and guidance context for the IIA is detailed within the report itself and will not be duplicated here.

16.1.3 The Council has a statutory duty to consult Historic England, Natural England and the Environment Agency on the SA/SEA element. However, the Council has made the report available so that any stakeholder may respond should they wish. The questions asked within the IIA Scoping report are as follows:

**Question 1**
Are there any other Policies, Plans, Programmes, Strategies and Initiatives (PPPSIs) which should be considered for review?

**Question 2**
Do you have any comments on the accuracy, scope and coverage of the baseline data or know of any further data or indicators that might provide useful information? If so, please provide details.

**Question 3**
Do you have any comments on the sustainability issues and problems identified for the Borough or know of any further issues and problems that should be included?

**Question 4**
Do you have any comments on the IIA objectives or know of any further IIA objectives that should be considered?

**Question 5**
Do you have any comments on the assessment framework?
16.2 Habitats Regulations Assessment (HRA)

16.2.1 The Council has published Habitats Regulations Assessment (HRA) Screening report as part of this consultation to inform the emerging Local Plan Partial Review. The HRA Screening report is available to download from www.rbkc.gov.uk/planningpolicy and provides an initial screening of the impact of emerging Local Plan Partial Review policies on protected habitats.

16.2.2 The legislative, policy and guidance context for the HRA is detailed within the report itself and will not be duplicated here.

16.2.3 The HRA Screening report concludes that none of the policies that are being reviewed are likely to have a significant / any effect on the relevant Natura 2000 sites. The Council intends to undertake a further screening exercise as part of the next ‘Draft Policies’ stage of the Local Plan Partial Review (see section 1.4).

16.2.4 The Council is consulting Natural England on the HRA Screening report. However, the Council has made the report available so that any stakeholder may respond should they wish.

Question 1
Do you have any comments on the methodology or conclusions of the Habitats Regulations Assessment (HRA) Screening report?

Figure 16.1: IIA Scoping and HRA Screening reports, available from www.rbkc.gov.uk/planningpolicy
Appendix A: Existing Local Plan policies and review status

The table on the following pages sets out the original Core Strategy and Extant UDP policies sorted in order of the Core Strategy / Local Plan chapters.

The table identifies whether the original Core Strategy policies have already been subject to the recent Core Strategy Reviews or not. The recent Core Strategy Reviews were:

- Pubs and Local Character Review – adopted October 2013;
- Miscellaneous Matters Review – adopted December 2014;
- Conservation and Design Review – adopted December 2014; and

Where policies have not been subject to the recent Core Strategy Reviews, the Council proposes that those policies are reviewed as part of this Local Plan Partial Review. Where this is the case, the table identifies which ‘section’ of the Local Plan Partial Review Issues and Options document is relevant. The policies currently proposed to be reviewed as part of the Local Plan Partial Review are reproduced in full in Appendix B of this document.
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<tr>
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### Existing Local Plan Policies

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**Section 2B Policies and Actions**

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<td>UDP E8 To resist the loss of those existing general industrial uses where they have no significant adverse effect on residential amenity</td>
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<td>UDP E11 To encourage the provision of premises for the start-up and expansion of small businesses, particularly small light industrial businesses, in appropriate locations</td>
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<td>UDP E12 To encourage the refurbishment of existing office and industrial buildings, particularly where this would involve conversion into small units</td>
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<td>UDP E13 To encourage the provision of premises, and improvement of existing premises, for small locally-based service industries and offices</td>
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<td>UDP E15 To seek the provision of light industrial uses as part of appropriate business development in North Kensington</td>
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### Local Plan Partial Review (LPPR)
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<td>CL4 Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology</td>
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<td>UDP H4 To resist the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use</td>
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<td>UDP H17 To resist the loss of existing, small, self-contained flats of one or two habitable rooms</td>
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Appendix B: Existing Local Plan policies proposed for review

This section reproduces, in full, the existing Local Plan policies which are currently proposed to be reviewed by the Council as part of the Local Plan Partial Review. The existing policies are presented in order of the existing Local Plan chapters.

**Existing Local Plan chapter:**
Chapter 3: Building on Success: Our Vision and Strategic Objectives

**Relevant Local Plan Partial Review Issues and Options section:**
Section 2: Vision and strategic objectives

**CV1 Vision for the Royal Borough: Building on Success**
Our vision for Kensington and Chelsea over the next 20 years is to build on success. To further develop the strong and varied sense of place of the borough, we will, in partnership with other organisations, and importantly with our residents:

**Stimulate regeneration in North Kensington** through the provision of better transport, better housing and better facilities, aiding better health.

By 2028 regeneration in North Kensington will have resulted in significantly improved transport, including a new Crossrail station at Kensal, better links to Hammersmith and Fulham across the West London line and improved north-south bus links overcoming the generally lower levels of accessibility in the north. 2-3000 new homes will have been built, both private market and affordable, addressing the serious shortfall in housing need, and helping to diversify supply.

It will be of a high quality design, well integrated into its context, overcoming some of the barriers to movement by which the north of the borough is characterised.

Better facilities will have been provided by the building of a new academy to serve the communities of North Kensington to address the serious shortage of secondary school places in the borough, helping to make life more local for residents. The deficiency in local shopping will have been addressed with new town centres at Kensal and Latimer and the Earl’s Court Opportunity Area.

The unique character of Golborne and Portobello Roads will have flourished, including the antiques and street market, adding to the vitality of the area. Jobs will be readily available as the employment zones will have been protected from encroaching residential development and be thriving centres for small businesses and the cultural industries sector.

The north of the borough will be at the heart of environmental sustainability including a combined heat and power network extending from the hubs at the major new developments at Kensal, Latimer and Wornington Green.
Enhance the reputation of our national and international destinations – Knightsbridge, Portobello Road, South Kensington, the King’s Road, Kensington High Street, and Earl's Court – by supporting and encouraging retail and cultural activities in particular.

In the borough as a whole our reputation as a national and international destination will have been further enhanced. The borough will have avoided becoming little more than a residential suburb, with a flourishing and rich variety of retail and cultural activities adding so much to the quality of life of the residents.

Our top retail destinations of Knightsbridge, King’s Road, Kensington High Street and Portobello will have been maintained and enhanced. Opportunities to expand retail floorspace in Knightsbridge, King’s Road, Fulham Road and South Kensington will have been taken up.

Earl’s Court will remain an important cultural destination, as well as providing offices, at least 2000 new homes within the borough and a new town centre to address local shopping deficiency within the Opportunity Area.

Exhibition Road in South Kensington will be providing a first class experience to visitors to the national institutions, and have set a new standard nationally of streetscape design.

The Royal Marsden and Brompton hospitals will continue to further their international reputation for delivering world class health care, education and research activities.

Uphold our residential quality of life so that we remain the best place in which to live in London, through cherishing quality in the built environment, acting on environmental issues and facilitating local living, including through strengthening neighbourhood centres and maintaining and updating social infrastructure.

Our residential quality of life will be improved for everyone and we will remain the best place to live in London with our network of local neighbourhood centres offering a wide range of everyday services within easy walking distance, our glorious built heritage protected and improved, the removal of eyesores, and new buildings of exceptional design quality.

New homes will have further diversified housing tenure, and provide high standards of environmental performance.

The waste we produce will be re-used, recycled or disposed of in or very near to the borough. Sustainable Urban Drainage systems will be commonplace throughout the borough, reducing the risk of flood events, especially in the west of the borough when combined with the upgrading of Counters Creek sewer and storm drain.

Green links will help to improve biodiversity and air quality and noise levels will have been significantly improved.
Policy CP1 Core Policy: Quanta of Development
The Council will provide:

1. a minimum of 585 net additional dwellings a year based on the overall housing target of 5,850 net additional units; of which a minimum of 200 units a year will be affordable;
2. 60,000sq.m of office floorspace to 2028;
3. 26,150sq.m of comparison retail floorspace to 2015 in the south of the borough;
4. infrastructure as set out in the infrastructure plan, including through developer contributions.

To deliver this the Council has, in this document:

a. allocated strategic sites with the capacity for a minimum of 5300 dwellings;
b. allocated in the strategic sites of Kensal and Earl’s Court Exhibition Centre a minimum of 20,000sq.m business floorspace to meet identified unmet demand above the existing permissions;
c. identified in the south of the borough sufficient small sites with the potential for retail development to demonstrate identified retail needs of the borough can be met;
d. set out current infrastructure requirements, to be updated as part of the regular infrastructure plan review process.

Policy CP2 North Kensington
The Council will ensure opportunities for change in North Kensington deliver the widest possible regeneration benefits commensurate with the scale of the development.

Policy CP3 Places
The Council will protect, promote and enhance the local distinctiveness and economic success of the Places of the borough, and improve their character and quality and the way they function.

CV5 Vision for Kensal in 2028
The gas works sites will have realised their potential and developed into a thriving and valued community in North Kensington. Along with residential development, there will be job creation and regeneration benefits which will be enhanced by a Crossrail station. Kensal will connect North Kensington with Central London and beyond. Well-connected, high density, mixed-use and environmentally responsive developments will have populated the sites. Better use will have been made of the canal and its towpath and over new 2,500 dwellings, with offices and a range of community facilities will have been delivered. The
area will also have been knitted into the surrounding urban fabric and the development, taken as a whole, will have provided a successful precedent for the remainder of the borough. Development in the employment zone will support its function as a vital and valued asset for small and medium industries and the cultural and creative sector in particular.

**Policy CP5 Kensal**
The Council will ensure the long term regeneration of Kensal by requiring development to positively contribute to the regeneration and environmental sustainability of the area, and resisting development which prejudices long term regeneration opportunities and which undermines the role of the employment zone.

**CV6 Vision for Golborne/Trellick in 2028**
Golborne and Trellick will have maintained a strong mixed community and Trellick Tower will remain the icon of the area. The Golborne Road Market and retailers will be thriving, serving both local people and other Londoners. The Portobello Road and Golborne Road Markets will have gained strength from each other, but will remain distinct in nature. New housing will be a mix of sizes and tenures. The Grand Union Canal will be seen as a destination rather than a barrier.

**Policy CP6 Golborne/Trellick**
The Council will ensure the long-term regeneration of Golborne/Trellick by requiring development to positively contribute to the regeneration of the area, and resisting development which prejudices long-term regeneration. Proposals which increase footfall that would aid the viability of the market will be supported.

**CV7 Vision for Portobello/Notting Hill in 2028**
Portobello Road will remain a jewel in London's shopping crown, a place of world class antiques hunting alongside shops meeting the day-to-day needs of local people, above all, a place which has not been overrun by identikit multiples. The centre will maintain the rich variety of shops with a predominance now so rare in London, of independent retailers offering 'something different'. The existing antiques arcades are a key ingredient of this variety.

Portobello Road’s strengths: its international antiques trade and the diversity of the retail offer, including vibrant small shops offering personal service, will continue to be built upon.

Its less glamorous role as the provider of the range of shops and services essential to support the day-to-day needs of its ‘village minded’ local community is no less important and will be maintained. Running the length of the Portobello Road, the street market, with its antiques, fashion, crafts, and fruit and vegetables will act as both a key driver to achieve this vision and an opportunity to strengthen the existing close links with the Golborne Road Special Neighbourhood Centre to the north.

Portobello Road is, however, more than a shopping street, it will continue to be than an international antiques market, and an inspiration for designers and a seed-bed for new entrepreneurs. As Special District Centres, Portobello Road and Westbourne Grove will both remain internationally known vibrant retail areas. Westbourne Grove will retain its difference from Portobello Road and its position as a specialist shopping destination providing high end fashion retailing. By improving pedestrian links between Portobello
Road, Westbourne Grove, All Saints Road and Golborne Road, the area as a whole will be strengthened, while the qualities of the very different individual centres will be maintained.

**Policy CP7 Portobello/Notting Hill**
The Council will ensure the long term success of Portobello Road, with its antiques and street market, and Notting Hill as unique local and international centres by promoting their retail character and supporting small format retail units, more suitable for independent businesses and antiques arcades, and by improving wayfinding and access.

**CV8 Vision for Westway in 2028**
The Westway flyover will no longer be an oppressive negative influence, but one which celebrates public art and creativity, using this and the land assets beneath the flyover. Problems of community safety have been overcome, and improved pedestrian linkages have made the area under the flyover into something wonderful.

**Policy CP8 Westway**
The Council will ensure the negative impacts of the Westway are ameliorated by requiring development to include appropriate measures to improve the quality of the environment.

**CV9 Vision for Latimer in 2028**
Latimer will have been rebuilt, in a phased way, to a new street pattern, guaranteeing all existing tenants the opportunity of a new home as well as creating capacity for new residents to move to the area. It will be a place that focuses on the provision of high-quality services through excellent architecture and urban design. It will provide accessible, safe and adaptable spaces that are valued and used by the local community. New development, including a new neighbourhood shopping centre, will be located around Latimer Road Station. The area will be better served by public transport, and there will be clear links to Ladbroke Grove and White City. A community sports centre with a swimming pool will be retained in the area and a new academy will be established.

**Policy CP9 Latimer**
The Council will ensure the long term regeneration of Latimer by requiring development to positively contribute to the regeneration of the area, and resisting development which prejudices long term regeneration opportunities and which undermines the role of the employment zone.

**CV10 Vision for Earl's Court in 2028**
The western edge of the borough will be reintegrated with the Earl's Court Neighbourhood Centre so that the centre is able to blossom, offering an attractive ‘urban-village’ environment which local residents can enjoy. Crucial to this is reducing the impact of the one-way system on residential amenity, the pedestrian environment and public transport users, preferably by returning the one-way system to two way working or other significant environmental improvements. The function of the centre will be reinforced by improved links to the Exhibition Centre, which should be developed for mixed uses with a significant convention, exhibition or cultural use. Earl's Court site will therefore retain its important London-wide role as a distinctive cultural brand, but also transformed into a new vibrant urban quarter. New residential-led mixed use development along Warwick Road will further reinforce this urban quarter, which will include new open space and a new school. The area will continue to offer a wide range of residential accommodation and will include community infrastructure to support local life. Streetscape and pedestrian improvements to
Cromwell Road, Warwick Road and Earl’s Court Road will transform the environment, making it more pleasant for pedestrians and residents, marking the arrival of the A4 in Central London.

**Policy CP10 Earl’s Court**
The Council will ensure an attractive ‘urban-village’ environment in Earl’s Court by supporting improvements to the public realm, pedestrian environment and open space. The Council will resist development proposals which prejudice the opportunities for wider regeneration of the area and compromise delivery of the vision.

**CV11 Vision for Kensington High Street in 2028**
Kensington High Street will have redefined its role to ensure that it distinguishes its offer from Westfield, Knightsbridge and King’s Road. The centre will have continued its long tradition as Kensington's High Street, serving residents, workers and visitors. It will continue to provide a good range of food and other convenience retailing and remain a destination for fashion and certain niche markets. Ease of pedestrian movement will be central to this success. Reuse of the former Commonwealth Institute for a significant public institution will have attracted increased visitor numbers and developed a further niche retail cluster at the western end of the High Street. The cinema will have been maintained.

**Policy CP11 Kensington High Street**
The Council will ensure the continued success of the High Street as a high quality shopping street serving residents, workers and visitors by paying close regard to the need to enhance the character of the area, support existing retail niches, attract new trip generating uses and ensure it is inclusive for all.

**CV12 Vision for South Kensington in 2028**
Prince Albert’s vision of a wide range of world class institutions connecting the science and art of the past, present and future will have been taken forward to reflect how our interpretation of culture is ever richer, embracing more of our everyday lives - entertainment, eating and drinking, and even shopping. South Kensington will continue to develop across this spectrum of cultural activity to remain a local, national and internationally-significant destination. The spirit of social connectivity, so powerfully expressed in the soon to be completed public realm of Exhibition Road, will be developed throughout South Kensington through innovative public realm proposals, generous public spaces, unique retailing and cultural experiences. All the facilities developed for residents and visitors alike will be connected to create an inspiring, memorable and thoroughly contemporary re-evocation of the original Victorian vision.

**Policy CP12 South Kensington**
The Council will ensure the continued success of South Kensington as a premier public cultural destination, and as a local shopping centre, by securing good quality public open spaces and step-free access at South Kensington station to cater for the very large number of visitors the area receives, and supporting proposals to uplift the quality of the retail offer, especially proposals likely to favour local and niche markets.
### CV13 Vision for Brompton Cross in 2028
Brompton Cross will remain a high quality specialist boutique retail centre with international appeal and will have a stronger sense of identity as a place. The centre will be enhanced by development which reflects its high quality character and it will have benefited from improved pedestrian links to South Kensington Underground Station, the Museums, and Knightsbridge. The return of long-term vacant retail units to retail use will have been achieved. The hospitals to the west, which provide health care and medical research of both national and international significance will have been maintained and improved.

**Policy CP13 Brompton Cross**
The Council will ensure Brompton Cross has a stronger sense of identity by supporting small format retail units to protect and promote the high quality specialist boutique retail nature of the centre and improve the pedestrian links between South Kensington Underground station and the Museums.

### CV14 Vision for Knightsbridge in 2028
Knightsbridge will continue to enjoy its role as the Royal Borough’s national and international shopping destination and home to some of the most exclusive shopping in London. It will also continue its role as an important residential quarter and a service centre for residents in both Kensington and Chelsea and Westminster.

**Policy CP14 Knightsbridge**
The Council will ensure the continued success of Knightsbridge as the Royal Borough’s international shopping destination, and as an important residential quarter and service centre for residents, by resisting proposals which are aimed at mass tourism and supporting proposals likely to favour independent and high end retail and to maintain the area’s high residential quality of life.

### CV15 Vision for King’s Road/Sloane Square in 2028
The King’s Road will not simply be like any other ‘successful’ high street. It will remain one of London’s most iconic and vibrant shopping streets, containing a lively and diverse mix of shops, restaurants, and world-class cultural attractions. It will remain a place where one can shop in both independent boutiques and multiples; a place to enjoy, to promenade, a place which meets the day-to-day needs of our residents; and a place to experience some of the best theatre, concert and gallery events that London has to offer.

**Policy CP15 King’s Road/Sloane Square**
The Council will ensure King’s Road and Sloane Square remains one of London’s iconic and vibrant shopping streets by supporting proposals likely to favour independent retailers and small up market chains, supporting cultural facilities and promoting improvement to the public realm to better reflect its international reputation.

### CV16 Vision for Notting Hill Gate in 2028
Notting Hill Gate will be significantly strengthened as a District Shopping Centre, with improved shops and restaurants that reflect the needs of the local catchment. Boutiques and premium-quality retailers will become a feature of the area, as they are in Kensington Church Street and Pembridge Road. The centre will continue to be a major office location. Notting Hill has a long-standing reputation for arts and culture; Notting Hill Gate will capitalise on this in developing the arts and cultural offer.
The street will become more pedestrian friendly, with improved crossing facilities, fewer barriers, less street clutter, reduced vehicle impacts and station entrances relocated within buildings. All development will be of the most exceptional design and architectural quality, creating a ‘wow factor’ that excites and delights residents and visitors. Pedestrian links to Portobello Road Special District Centre will also be enhanced through good design, legibility and clear wayfinding.

Policy CP16 Notting Hill Gate
The Council will require development to strengthen Notting Hill Gate’s role as a District Centre by supporting high trip generating uses; improving retail and restaurant provision including some anchor retail to serve the local catchment; and deliver new distinctive identity through high quality architecture and design of the public realm. The Council will also resist development which prejudices opportunities for wider regeneration of the area and compromises delivery of the vision.

CV17 Vision for Fulham Road in 2028
Fulham Road will continue to be a centre providing for the daily needs of local people, while also offering a variety of high quality specialist shopping. The proportion of food and drink uses, together with their hours of operation, will be carefully managed to ensure a complimentary environment with the retail uses and surrounding residential area. The appearance of the centre will be enhanced through improvements to shop fronts. Pedestrian and cycle links to the north and south will be improved. The Council will support the hospital’s role in contributing to the centre’s vitality.

Policy CP17 Fulham Road
The Council will ensure the local retail and residential character of Fulham Road is maintained by limiting new food and drink uses.

CV18 Vision for Lots Road/World’s End in 2028
The opening of the new secondary school will bring people into the area. By 2028, improvements to the built and natural environment will transform the area into a place people choose to visit. Investigating the designation of a conservation area in the Lots Road area is an important part of this. The Lots Road Power Station site development will play a vital role in improving the vitality of the area by providing a mixture of uses including housing, new neighbourhood centre, offices, and social and community facilities including mooring facilities. Better pedestrian links from Lots Road to the World’s End shops will help overcome the isolation with the wider townscape of Lots Road and reintegrate World’s End. Connectivity to the riverside will be supported by completing the Thames Path and the use of the Cremorne railway bridge by pedestrians and cyclists.

Policy CP18 Lots Road/World’s End
The Council will maintain, protect and enhance the character of the area by supporting better local shopping facilities, social and community uses, small cultural and creative uses and requiring improvements to connectivity and integration within the place, the wider area, and the river.
Policy CA1 Kensal Gasworks
Allocation for Kensal Gasworks
The Council allocates development on the site to deliver, in terms of:

**Land use allocation:**

a. upwards of:

i. 2,500 new dwellings;
ii. 10,000sq.m of new offices;
iii. 2,000sq.m of new non-residential floorspace, including social and community and local shopping facilities;

b. a Crossrail station, subject to approval by Crossrail Limited;
c. the relocation and reprovision of the existing Sainsbury’s supermarket in a location which provides a better relationship with Ladbroke Grove;
d. a Combined Cooling, Heating and Power (CCHP) plant or similar, of a suitable size to serve the site with the potential to contribute to the heat and energy demand of the wider community as part of a district heat and energy network;
e. the provision of on-site waste management facilities to deal with the development’s waste arisings from the new uses of the site (including recycling facilities and/or anaerobic digestion);

**Principles:**

f. a high-density development with a high environmental standard in terms of construction, building materials, waste management and energy usage/retention and low levels of car dependency and ownership;
g. improved infrastructure including new pedestrian and cycling links, new roads which connect the site into its surrounding context and other public transport links, including improved connections over both the railway lines and the canal;
h. a usable, vibrant and responsive public realm around a mixed-use canalside which as well as residential, attracts leisure, education and business uses;
i. the improvement and relocation of the facilities currently provided by Canalside House and the Boathouse Centre on-site if relocation of these facilities is required to achieve a comprehensive redevelopment along the canalside and Ladbroke Grove;
j. the retention of the area west of the gas holders for the provision of electricity infrastructure. Part of this site may also be required for a gas pressure reduction station, replacing the gas holders. Any buildings must be of a high architectural standard and in keeping with the overall redevelopment of the site;
k. the ongoing access to the memorial site of the victims of the Paddington rail disaster through a redevelopment which will maintain its dignity;

**Infrastructure and planning obligations:**

l. a Crossrail station (subject to agreement in principle and detail with Crossrail Limited);
m. social and community uses (including health, education and police);
Policy CA2 Wornington Green
Allocation for Wornington Green
The Council will require development on the site to deliver, in terms of:

Land use allocation:
- a minimum of 538 affordable dwelling units;
- a minimum of 150 private dwellings;
- the replacement of an improved Athlone Gardens, measuring 9,186sq.m (GEA), including the area of the existing ball court;
- the refurbishment or replacement of an improved Venture Centre and scope for its enlargement, including the provision of the existing community and leisure facilities currently provided;
- A1 to A5 uses in the order of approximately 2,000sq.m, providing these animate the street frontage, extend the retail offer along Portobello Road and help reconnect the link from Portobello Road and/or Wornington Road to Ladbroke Grove with no one unit being over 400sq.m (GEA);
- a Combined Cooling, Heating and Power (CCHP) plant or similar, of a suitable size to serve the site with the potential to contribute to the heat and energy demand of the wider community as part of a district heat and energy network;
- replacement of the storage used by market traders in Munro Mews;

Principles:
- an integrated community, where current tenants who want to remain at Wornington Green will be guaranteed a new home on the new development and the vast majority of residents should only have to move once;
- a phasing scheme to minimise disruption to residents and adjoining neighbours during the construction period;
- a good quality open space at least half the size of Athlone Gardens (4,593sq.m) must be available for public use throughout the construction period;
- the reconnection of Portobello Road and Wornington Road to Ladbroke Grove and the re-establishment of the traditional street pattern in the area;

Infrastructure and Planning Obligations:
- affordable housing;
- a site management plan;
- the reinstatement of an improved Athlone Gardens, Venture Centre and adventure playground;
- play space and play equipment;
- healthcare facilities;
- education facilities;
- construction training contribution;
Policy CA3 Land Adjacent to Trellick Tower  
Allocation for Land Adjacent to Trellick Tower  
The Council will require development on the site to deliver, in terms of:

**Land use allocation:**
- a minimum of 60 residential units to fund regeneration;
- improvements to social and community facilities and housing;

**Principles:**
- the restoration of the Grade II* listed Trellick Tower;

**Infrastructure and Planning Obligations:**
- additional social and community uses, including health provision to be included as part of any redevelopment;
- other contributions may be required, as identified in the Planning Obligations and the site specific supplementary planning documents.

It would be possible to establish a trust fund to ensure that the profits from redevelopment are reinvested in the restoration of Trellick Tower and/or other social, community and regeneration benefits.

Policy CA4 Kensington Leisure Centre  
Allocation for the Kensington Leisure Centre  
The Council will require development on the site to deliver, in terms of:

**Land use allocation:**
- a new academy with a minimum gross internal floor area of 10,000sq.m, including its own internal sports facilities to deliver the national curriculum but excluding external sports pitches;
- a refurbished or relocated sports centre on site, with equivalent sports facilities to the existing centre, including a swimming pool and other facilities identified through a demand assessment, built in a way that is flexible for the future;
- open space in the form of external sports facilities for the school, which should be shared with the sports centre;
- a Combined Cooling, Heating and Power (CCHP) plant or similar, of a suitable size to serve the site with the potential to contribute to the heat and energy demand of the wider community as part of a district heat and energy network;
**Principles:**
e. green turf, planting and landscaping at the external sports facilities to contribute to the visual amenity of the surrounding properties;
f. improvements to the legibility and permeability of the street network in the area, through a new road connecting Grenfell Road and Lancaster Road;

**Infrastructure and Planning Obligations:**
h. improved public transport infrastructure;
i. other contribution’s as identified in the Planning Obligations Supplementary Planning Document and site specific supplementary planning document.

**Policy CA5 Allocation for the former Commonwealth Institute**
The Council allocates development on the site to deliver, in terms of:

**Land use allocation:**
a. 9,300 sq.m (net) of exhibition or assembly and leisure floorspace within the ‘tent’ building;
b. the re-use of the Commonwealth Institute as a high trip-generating public institutional use;

c. the preservation of the ‘tent’ building now and in the future;
d. include the creation of an active public space on High Street Kensington frontage;
e. the development should positively relate the ‘tent’ to Kensington High Street, while integrating with and enhancing the parkland setting;

**Infrastructure and Planning Obligations:**
f. other contributions as identified in the Planning Obligations Supplementary Planning Document and site specific supplementary planning document.

**Policy CA6 Warwick Road Allocation for the Warwick Road Sites**
The Council allocates development on the site to deliver, in terms of:

**Land use allocation:**
a. 1,550 total combined residential units across all five sites, with a minimum of:

   i. 500 residential units on the Charles House site;
   ii. 250 residential units on the Former Territorial Army site;
   iii. a minimum of 150 residential units on the Empress Telephone Exchange site;
   iv. a minimum of 300 residential units on the Homebase site;
   v. a minimum of 350 residential units on the 100 West Cromwell Road site;

   b. On the northern four sites:

   i. a primary school on-site, and
   ii. on-site public open space, including outdoor play space;

   c. On the 100 West Cromwell Road site leisure, social and community uses (Class D1), provision of car parking and open amenity space;
Principles:
e. sufficient non-residential uses on the northern four sites to provide active frontages to the ground floor of Warwick Road;
f. four northern sites to be developed to a single masterplan;

Infrastructure and Planning Obligations:
g. affordable housing as part of residential development on all the sites to ensure a mixed and balanced community;
h. social and community facilities;
i. community sports hall and swimming pool;
j. health facilities;
k. crèche and education facilities;
l. landscape improvements to the West Cromwell Road in connection with 100 West Cromwell Road site;
m. streetscape improvements to Warwick Road in connection to all development sites;
n. pedestrian and cycle improvements;
o. floorspace for Safer Neighbourhoods unit;
p. a contribution to investigate and implement measures to return the Earl’s Court one-way system to two-way working;
q. other contributions as identified in the Planning Obligations Supplementary Planning Document and site specific supplementary planning documents.

Policy CA7 Earl’s Court Exhibition Centre Allocation for Earl’s Court Exhibition Centre
The Council allocates development on the site to deliver, in terms of:

Land use allocation:
a. a minimum of 500 homes within the Royal Borough, which could be increased, in particular if (b) to (e) below are provided within LBHF as part of the masterplanning process conducted in the preparation of the SPD;
b. a minimum of 10,000sq.m (108,000sq.ft) of office floor space;
c. retail and other uses within the class of the Use Classes Order 1987 (as amended) to serve the day-to-day needs of the new development;
d. a significant cultural facility to retain Earl’s Court’s long standing brand as an important cultural destination, located on the area of the Opportunity Area nearest to public transport accessibility;
e. other non-residential uses required to deliver a sustainable and balanced mixed-use development, such as hotel and leisure uses;
f. social and community uses;
g. on-site waste management facilities to handle waste arising from the new uses of the site (including recycling facilities and/or anaerobic digestion), which may be provided within LBHF as part of the masterplanning process conducted in the preparation of the SPD but must benefit development in the Royal Borough;
h. low or carbon neutral developments and a Combined Cooling, Heating and Power (CCHP) plant or similar, of a suitable size to serve the site with the potential to contribute to the heat and energy demand of the wider community as part of a district heat and energy network, which may be provided within LBHF as part of the masterplanning process conducted in the preparation of the SPD but must benefit development in the Royal Borough;
Principles:
i. a new urban quarter which links well with its surroundings, especially to the west and east;
j. a design of the road network and connections with the surrounding area that significantly improves residential amenity, the pedestrian environment and public transport access in the area of the one-way system, and does not have an unacceptable impact on traffic congestion;
k. an open urban square, fronting onto Warwick Road, with land uses that provide positive active edges to the building frontages;

Infrastructure and Planning Obligations:
l. social and community facilities;
m. additional new public open space, including considering opportunities to create biodiversity;
n. securing highway contributions including the investigation, in consultation with TfL and the boroughs, into returning the Earl’s Court one-way system two way working; implementation of those measures identified during the investigation commensurate to the development proposal; and significant improvements to quality of residential amenity, the pedestrian environment and public transport access in the area of the Earl’s Court one-way system;
o. improvements to Tube, bus and rail access, including interchange from the West London line to the Underground network and the extension of bus services into the site;
p. improved pedestrian links from and through the site and the surrounding area to public transport facilities and improved cycle links to enhance north/south cycle accessibility;
q. affordable housing as part of residential requirement;
r. education facilities;
s. other contributions as identified in the Planning Obligations Supplementary Planning Document and site specific supplementary planning document.

Existing Local Plan chapter:  
Chapter 29: Policies and Actions

Relevant Local Plan Partial Review Issues and Options section:  
Section 5: Infrastructure and planning contributions

Policy C1 Infrastructure Delivery and Planning Obligations
Infrastructure Requirements and Delivery
New development will be coordinated with the provision of appropriate infrastructure to support the development. The Council will require that there is adequate infrastructure to serve developments, including through the use of planning obligations, working with infrastructure providers and stakeholders to identify requirements.

In determining applications for planning permission, the Council will take into consideration the nature, scale and location of the proposed development, and where the need arises from the development either because of its individual or cumulative impact, will seek prescriptive, compensatory or mitigatory measures to secure the necessary social, physical, green or environmental infrastructure, or improvements to the proposals submitted to enable the development to proceed, in accordance with advice in national guidance.
Planning Obligations
Planning obligations will be negotiated whenever appropriate in accordance with Circular 05/2005 Planning Obligations, and taking account of the proposed development, and in determining which measure receives priority, account will be taken of the individual characteristics of the site, the infrastructure needs of the site and the surrounding area, and the London Plan. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole.

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

UDP Policy H8
To require the provision of appropriate social and community facilities within major residential schemes.

Existing Local Plan chapter:
Chapter 31: Fostering Vitality

Relevant Local Plan Partial Review Issues and Options section:
Section 6: Shops and Centres
Section 7: Business uses and hotels
Section 8: Arts and cultural uses

CO2 Strategic Objective for Fostering Vitality
Our strategic objective to foster vitality is that the quality of life of our predominantly residential borough is enhanced by a wide variety of cultural, creative and commercial uses which can significantly contribute to the well-being of residents and to the capital’s role as a world city.

Policy CF1 Location of New Shop Uses
The Council will ensure vital and viable town centres through a town centre first approach to new retail floorspace.

To deliver this the Council will:

a. support the creation of new shop floorspace within town centres;
b. require new retail development with a floor area of 400sq.m (4,300sq.ft) (gross external) or more to be located within existing higher order town centres or within sites adjoining Knightsbridge, King’s Road (East and West), Fulham Road, Brompton Cross and South Kensington where no suitable sites can be identified within these centres;
c. permit new shops (A1) of less than 400sq.m (4,300sq.ft) (gross external) in areas of retail deficiency as shown on the plan within Chapter 30 (Keeping Life Local);
d. require the establishment of new centres in the Latimer and Kensal areas to address identified retail deficiency and support the establishment of a new centre in the Earl’s Court and West Kensington Opportunity Area, with retail provision to serve the day-to-
day needs of the development. Any new centre must comply with the requirements of PPS4, and be of a scale that does not have an unacceptable impact on existing centres;
e. require, where proposals for new retail development do not comply with parts (a) to (d), that it is demonstrated either:
   i. that the development would meet the requirements of the sequential assessment; and
   ii. that the development will not have an unacceptable impact on existing centres; or
   iii. that the new floorspace would underpin the Council’s regeneration objectives and the vitality of any existing centre will not be harmed.

Policy CF2 Retail Development within Town Centres
The Council will promote vital and viable town centres and ensure that the character and diversity of the borough’s town centres is maintained.

To deliver this the Council will:

a. require the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy and to assist in the implementation of the vision for that centre as set out within Section 1B Places (Chapters 4-18);
b. require a range of shop units sizes in new major retail development, and resist the amalgamation of shop units, where the retention of the existing units contributes to achieving the vision for the centre;
c. seek the provision of affordable shops in new large scale retail development or mixed use development with a significant retail element, to provide affordable shops, or where this is not appropriate, to provide a financial contribution through planning obligations to support retail diversity within the centre. Affordable shops can be provided off site within the same centre where appropriate.

Policy CF3 Diversity of uses within Town Centres
The Council will secure the success and vitality of our town centres by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by, a range of complimentary town centre uses.

To deliver this the Council will:

a. Protect all shops and shop floorspace at ground floor level in primary retail frontages of:
   i. Knightsbridge, King’s Road (East and West), Fulham Road, Brompton Cross, South Kensington, Kensington High Street and Westbourne Grove town centres unless the change is to another town centre use and where 80 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and the non shop use is not adjacent to another non-A1 use;
   ii. Notting Hill Gate unless the change is to another town centre use, but not an estate agents, bureaux de change (Class A2) or hot food takeaway (Class A5) use and where 80 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and the non-shop use is not adjacent to another non-A1 use;
   iii. Portobello Road Special District Centre;
b. Protect all shops and shopping floorspace at ground floor level within the secondary
retail frontages of:

i. Knightsbridge, King’s Road (East and West), Fulham Road, Brompton Cross, South Kensington and Kensington High Street and Portobello Road town centres, unless the change is to a town centre use and where 66 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and there are no more than 3 non-A1 uses in a row;

ii. Notting Hill Gate District Centre unless the change is to another town centre use, but not an estate agents, bureaux de change (Class A2) or hot food takeaway (Class A5) and the change is to a town centre use and where 66 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and there are no more than 3 non-A1 uses in a row;

c. protect retail uses above or below ground floor level within town centres unless it is successfully demonstrated that their loss will not adversely affect the essential shopping character and function of the centre;

d. protect all shops within neighbourhood centres, unless the proposal is to change to a social and community use, and where 66 per cent of the relevant street frontage remains in an A1 use (shop).

Policy CF4 Street Markets
The Council will ensure that street markets remain a vibrant part of the borough’s retail offer.

To deliver this the Council will:

a. protect all of the borough’s street markets including those at Portobello Road, Golborne Road and Bute Street;

b. support new, or the expansion of existing, street markets where this fits in with our broader retail strategy and our strategic objectives for the town centres in which they would be located within or adjacent to;

c. require the protection of existing storage lockups for street traders, or their equivalent re-provision.

Policy CF5 Location of Business Uses
The Council will ensure that there is a range of business premises within the Borough to allow businesses to grow and thrive; to promote the consolidation of large and medium offices within town centres; support their location in areas of high transport accessibility; and protect and promote employment zones for a range of small and medium business activities which directly support the function and character of the zone. To deliver this the Council will, with regard to:

Offices

a. protect very small and small offices (when either stand alone or as part of a larger business premises) throughout the Borough; medium sized offices within the Employment Zones, Higher Order Town Centres, other accessible areas and primarily commercial mews; large offices in Higher Order Town Centres and other accessible areas, except where:

i. the office is within an employment zone and is being replaced by a light industrial use,
workshop or other use which directly supports the character and function of the zone;

ii. the office is within a town centre and is being replaced by a shop or shop floorspace, by a social and community use which predominantly serves, or which provides significant benefits to, Borough residents; or by another (not residential) town centre use where this allows the expansion of an adjoining premises;

b. permit very small offices anywhere in the Borough save for ground floor level of town centres;

c. permit small office developments anywhere in the Borough; require medium-sized office developments to be located in town centres, in other accessible areas, in Employment Zones and in commercial mews; require large office developments to be located in higher order town centres and other accessible areas, except where the proposal:

i. results in shared communal residential/business entrance;

ii. results in the net loss of any residential units or floorspace; or

iii. in the case of a town centre, harms the retail function of that centre;

d. permit business centres at upper floor levels of higher order town centres, within accessible areas within Employment Zones

e. require all new business floorspace over 100m2 to be flexible, capable of accommodating a range of unit sizes;

Light Industrial
f. protect all light industrial uses throughout the Borough;

g. require new light industrial uses to be located within Employment Zones, predominantly commercial mews and other areas where amenity is not harmed;

h. require the provision of a mix of unit sizes suitable for the creative and cultural businesses, as appropriate;

Employment Zones
i. protect light industrial uses, workshops, very small, small and medium offices, and business centres;

j. require there be no net loss of business floorspace unless to uses which directly support the function and character of the zone;

k. resist large office developments except when consisting entirely of very small, small or medium units;

l. resist residential uses including for student housing or any form of living accommodation;

m. promote employment zones as locations for small businesses and for workshops (whether stand alone or part of large business centres).

n. to restrict, through the use of S106 planning obligations, the amalgamation of small and very small business units.

Policy CF6 Creative and Cultural Businesses
The Council will promote and protect the work-spaces needed to support the creative and cultural industries across the Borough.
**Policy CF7 Arts and Cultural Uses**
The Council supports the Borough’s role in both local and world-class arts and culture. The Council will welcome new cultural institutions and facilities across the Borough and protect, nurture and encourage those which already exist. In particular the Council will support proposals which enhance the cultural draw of South Kensington, King’s Road/Sloane Square, the Notting Hill Gate and Portobello Road area and Kensington High Street.

To deliver this, the Council will:

a. protect all land and/or buildings where the current or last use is/was an arts and cultural use unless that use is re-provided to an equivalent or better standard in the immediate vicinity of the site;

b. permit new arts and cultural uses, or the expansion of these uses, which are likely to generate large numbers of visitors in higher order town centres and other areas of the Borough which have a PTAL score of 4 or above, or will achieve this level through improvements to public transport during the lifetime of the plan. Smaller scale arts and cultural uses which are likely to attract fewer visitors will be welcomed throughout the Borough;

c. permit enabling development on land and/or buildings where the current or last use is/was an arts and cultural use, in order to provide alternative arts and cultural uses on site or improve arts and cultural uses elsewhere within the Borough, where it is successfully demonstrated that there is greater benefit to the Borough resulting from this proposal.

**Policy CF8 Hotels**
The Council will ensure that the visitor economy is supported through appropriate hotel provision. To deliver this the Council will:

a. protect hotels across the Borough except in Earl's Court ward;

b. require new hotels to be located within, or immediately adjoining, the Borough’s higher order town centres, and in particular Knightsbridge, South Kensington, Kensington High Street, King’s Road (East), Brompton Cross and Notting Hill Gate and within the Earl’s Court Exhibition Centre Strategic Site;

c. encourage the upgrading of existing hotels where:

i. this will assist in maintaining the vitality of the centre;

ii. this will not result in the loss of any residential accommodation;

iii. there will be no material harm to amenity.

**Policy CF11 The South Kensington Strategic Cultural Area**
The Council will protect and enhance arts and cultural uses in the South Kensington Strategic Cultural Area.

**UDP Policy E8**
To resist the loss of those existing general industrial uses where they have no significant adverse effect on residential amenity.

**UDP Policy E11**
To encourage the provision of premises for the start-up and expansion of small businesses, particularly small light industrial businesses, in appropriate locations.
UDP Policy E12
To encourage the refurbishment of existing office and industrial buildings, particularly where this would involve conversion into small units.

UDP Policy E13
To encourage the provision of premises, and improvement of existing premises, for small locally-based service industries and offices.

UDP Policy E15
To seek the provision of light industrial premises as part of appropriate business development in North Kensington.

UDP Policy E19
Normally to refuse to release conditions which limit premises in North Kensington to industrial use.

UDP Policy E22
Normally to refuse to release conditions which limit premises in the Employment Zones to industrial use.

UDP Policy E26
To encourage the refurbishment and improvement of existing office and light industrial buildings in the Employment Zones, particularly where this would provide a range of unit sizes.

Existing Local Plan chapter:
Chapter 32: Better Travel Choices

Local Plan Partial Review Issues and Options section:
Section 9: Rail infrastructure

CO3 Strategic Objective for Better Travel Choices
Our strategic objective for better travel choices is for walking, cycling and public transport to be safe, easy, attractive and inclusive for all and preferred by residents and visitors to private car ownership and use.

Policy CT2 New and enhanced rail infrastructure
The Council will require improved access to existing and planned new rail infrastructure in the borough.

To deliver this the Council will:

a. require developments at the allocated Kensal gas works site to establish a Crossrail Station, subject to approval by Crossrail Limited;
b. promote the creation of a new station on the West London line at North Pole Road;
c. protect the safeguarded route and associated land for Crossrail and the Chelsea-Hackney line, including for the latter a station at Sloane Square and near Chelsea Old Town Hall on the King’s Road;
d. promote a station further west, potentially at Imperial Wharf, as part of the Chelsea-Hackney line;
e. require new development to contribute to step-free access at West Brompton Station, measures to increase the capacity of the West London line and improvements to its interchange with the Underground network, particularly at Earl’s Court and, if feasible, as part of the redevelopment of the Earl’s Court Exhibition Centre.

**Existing Local Plan chapter:**
Chapter 33: An Engaging Public Realm

**Local Plan Partial Review Issues and Options section:**
Section 5: Infrastructure and planning contributions

**CO4 Strategic Objective for An Engaging Public Realm**
Our strategic objective for an engaging public realm is to endow a strong local sense of place by maintaining and extending our excellent public realm to all parts of the borough.

**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 roadside;
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.

*This policy is only proposed to be partially reviewed with regard to infrastructure and planning contributions only – see section 5 of this document

**Policy CR5 Parks, Gardens, Open Spaces and Waterways***
The Council will protect, enhance and make the most of existing parks, gardens and open spaces, and require new high quality outdoor spaces to be provided.

To deliver this the Council will, in relation to:
Parks, Gardens and Open Spaces

a. resist the loss of existing:
   i. Metropolitan Open Land;
   ii. public open space;
   iii. private communal open space and private open space where the space gives visual amenity to the public;

b. resist development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;

c. resist development that has an adverse effect on garden squares and communal gardens, including proposals for basements;

d. require all major development outside a 400m radius of the closest entrance to the nearest public open space to make provision for new open space which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. Where this is not possible for justified townscape reasons, that a s106 contribution is made towards improving existing publicly accessible open space;

e. require all major developments to provide an site external play space, including for under fives, based on expected child occupancy;

f. require all green open space to optimise biodiversity and wildlife habitat;

g. protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets.

Waterways

h. require opportunities to be taken to improve public access to, and along the Thames and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport.

j. resist permanently moored vessels on the river, except where they would not have:
   i. a detrimental effect on the river as a transport route and its special character, including biodiversity;
   ii. an adverse affect on the character or appearance of the existing residential moorings at Battersea Reach;

k. permit residential moorings on the Grand Union Canal provided that:

   i. there are adequate services for permanently moored vessels;
   ii. other canal users (both water and landbased) are not adversely affected.

*This policy is only proposed to be partially reviewed with regard to infrastructure and planning contributions only – see section 5 of this document
CO6 Strategic Objective for Diversity of Housing
Our strategic objective to have a diversity of housing is that at a local level, it will cater for a variety of housing needs, and is built for adaptability and to a high quality.

Policy CH1 Housing Targets
The Council will ensure that sufficient housing sites are allocated in order to ensure the housing targets are met.

To deliver this the Council will:

a. make provision for a minimum of 350 net additional dwellings a year until the London Plan is replaced (estimated as 2011-12) based on the overall ten year housing target of 3,500 net additional units. From adoption of the London Plan the Council is planning to make provision for a minimum of 600 net additional dwellings a year, until 2027-28, based on the ten year housing target of 6,000 net additional units. The exact target will be set through the London Plan process;

b. make provision for the maximum amount of affordable housing with a target of a minimum of 200 units per annum from 2011-12 until 2027-28 from all sources, the exact target will be set through the London Plan process;

c. require affordable housing tenures to be provided such that they work towards a borough wide target of 85 per cent social rented housing and 15 per cent Intermediate housing.

Policy CH2 Housing Diversity
The Council will ensure new housing development is provided so as to further refine the grain of the mix of housing across the borough.

To deliver this the Council will, in relation to:

Housing Mix and Type
a. require new residential developments to include a mix of types, tenures and sizes of homes to reflect the varying needs of the borough, taking into account the characteristics of the site, and current evidence in relation to housing need;

b. require new residential developments, including conversions, amalgamations and changes of use, to be designed to as a minimum achieve all the following standards:

i. lifetime homes;

ii. floorspace and floor to ceiling heights;

iii. wheelchair accessibility for a minimum of 10 per cent of dwellings; where compliance with the above standards is not possible because of other policy requirements, to require new residential developments to demonstrate that all reasonable measures to meet them have been taken;
c. encourage extra care housing, particularly in the south of the borough;
d. protect houses in multiple occupation except where a proposal concerns conversion into self-contained studio flats, and require any such proposal to be subject to a s106 agreement to ensure the flats remain as studios in perpetuity;
e. resist the loss of residential hostels except where the site will be utilised as a different form of affordable housing;
f. resist development which results in the net loss of five or more residential units;
g. require development that results in the amalgamation of residential units to be subject to a s106 agreement to ensure the resultant units are not further amalgamated in the future;
h. require housing schemes to include outdoor amenity space;

**Affordable Housing**
i. require developments to provide affordable housing at 50 per cent by floor area on gross external area;
j. require provision to be in the form of a commuted sum in lieu of the equivalent amount of affordable housing floorspace where in excess of 800sq.m but less than 1,200sq.m of gross external residential floor space is proposed;
k. require affordable housing provision of affordable homes on site where more than 1,200sq.m of gross external residential floor space is proposed, unless exceptional circumstances exist;
l. require any off-site affordable housing to be provided in any wards except the following: Golborne, St Charles, Notting Barns, Colville, Norland, Earl’s Court and Cremorne;
m. require an application to be made for any ‘off-site’ affordable housing concurrently with the main planning application and that the two applications are linked through a s106 agreement or unilateral undertaking;
n. require that affordable housing and market housing are integrated in any development and have the same external appearance;
o. require the affordable and market housing to have equivalent amenity in relation to factors including views, daylight, noise and proximity to open space, playspace, community facilities, and shops;
p. where a scheme over 800sq.m does not provide 50 per cent of gross external residential floorspace for affordable housing, the applicant must demonstrate:

i. the maximum reasonable amount of affordable housing is provided through the provision of a viability assessment, using the GLA toolkit or an agreed alternative
ii. the exceptional site circumstances or other public benefits to justify the reduced affordable housing provision;

q. require that affordable housing includes a minimum of 15 per cent intermediate housing in Golborne, St.Charles, Notting Barns, Norland, Colville, Earl’s Court and Cremorne wards. In all other wards a minimum of 85 per cent social rented housing should be provided;
r. require that the provision of intermediate housing is provided at the ‘usefully affordable’ point.

**Gypsies and Travellers**
s. protect the existing Westway travellers’ site which the Council jointly manages with the
London Borough of Hammersmith and Fulham. Additional sites for temporary or permanent use will be identified in the forthcoming Gypsy and Traveller DPD and should meet the following criteria:

i. the site can provide for a satisfactory arrangement of pitches, permanent buildings and open space;
ii. use of the site would have no significant detrimental effect on the amenity of occupiers of adjoining land;
iii. use of the site would be acceptable in terms of the visual amenity;
iv. the use could be supported by adequate physical and social infrastructure in the locality.

Policy CH3 Protection of Residential Uses
The Council will ensure a net increase in residential accommodation.

To deliver this the Council will:

a. protect market residential use and floorspace except:
   i. in higher order town centres, where the loss is to a town centre use;
   ii. in employment zones, where the loss is to character and function of the zone;
   iii. in a predominantly commercial mews, where its loss is to a business use;
   iv. where the proposal is for a very small office; or
   v. where the proposal is for a new social and community use which predominantly serves, or which provides significant benefits, to borough residents; or an arts and cultural use;

b. resist the net loss of both social rented and intermediate affordable housing floorspace and units throughout the borough;

NOTE: Other policies within the Local Plan set out where the Council will permit new residential uses and floorspace. Refer to policy CF3 in relation to introducing new residential use at ground floor level within town centres; CK2 in relation to loss of shops outside of town centres; CF5 in relation to business uses and in relation to new development within employment zones; CF8 in relation to hotels and policy CK1 in relation to social and community uses.

Policy CH4 Estate Renewal
The Council will require that where the redevelopment of social rented housing estates is proposed, a compelling case is demonstrated that the long term benefits outweigh the considerable uncertainty and disruption such projects will cause.

To deliver this the Council will:

a. require the maximum reasonable amount of affordable housing, with the minimum being no net loss of existing social rented provision;

b. require a guarantee that all existing tenants have an opportunity of a home that meets their needs, with those wishing to stay in the neighbourhood being able to do so;

c. require that the mix of house sizes for the re-provided social rented housing will be determined by the housing needs of the tenants of the estate and by the housing needs of the borough, at the time that an application is submitted;

d. require that where estate renewal is being funded through the provision of private housing or other commercial development, schemes must be supported by a financial
appraisal;
e. recognise that cross subsidy between estates may also be required where proposals involve several estates. The principles set out above for one estate would be applied to two or more estates, taken as a whole.

**UDP Policy H4**
To resist the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use.

**UDP Policy H17**
To resist the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use.

**Existing Local Plan chapter:**
Chapter 35: Respecting Environmental Limits

**Relevant Local Plan Partial Review Issues and Options section:**
Section 13: Climate change: energy and water housing standards
Section 14: Flooding and drainage
Section 15: Waste

**CO7 Strategic Objective for Respecting Environmental Limits**
Our strategic objective to respect environmental limits is to contribute to the mitigation of, and adaption to, climate change; significantly reduce carbon dioxide emissions; maintain low and further reduce car use; carefully manage flood risk and waste; protect and attract biodiversity; improve air quality; and reduce and control noise within the borough.

**Policy CE1 Climate Change**
The Council recognises the Government’s targets to reduce national carbon dioxide emissions by 26 per cent against 1990 levels by 2020 in order to meet a 60 per cent reduction by 2050 and will require development to make a significant contribution towards this target.

To deliver this the Council will:

a. require an assessment to demonstrate that all new buildings and extensions of 800sq.m or more residential development or 1,000sq.m or more non-residential achieve the following Code for Sustainable Homes/BREEAM standards:

i. residential development should meet Code for Sustainable Homes Level 4.

ii. non-residential development should meet BREEAM very good with 60 per cent of the unweighted credits available in the energy, water and materials sections.

b. require an assessment to demonstrate that conversions and refurbishments of 800sq.m or more residential development or 1,000sq.m or more non-residential achieve the following relevant BREEAM standards:

i. residential development: BREEAM excellent for domestic refurbishment including the following minimum standards:

(a) the minimum standards of excellent for energy;
(b) 80 per cent or more of the un-weighted credits in the waste category

ii. non-residential development should achieve BREEAM very good rating.

c. require that carbon dioxide and other greenhouse gas emissions are reduced to meet the Code for Sustainable Homes and BREEAM standards in accordance with the following hierarchy:

- energy efficient building design, construction and materials, including the use of passive design, natural heating and natural ventilation;
- decentralised heating, cooling and energy supply, through Combined Cooling Heat and Power (CCHP) or similar, while ensuring that heat and energy production does not result in unacceptable levels of air pollution;
- on-site renewable and low-carbon energy sources;

d. require the provision of a Combined Cooling, Heat and Power plant, or similar, which is of a suitable size to service the planned development and contribute as part of a district heat and energy network for:

i. strategic site allocations at Kensal, Wormington Green, Kensington Leisure Centre and Earl’s Court; and
ii. significant redevelopment and regeneration proposals at Notting Hill Gate and Latimer as set out in the places section of this document;

e. require all CCHP plant or similar to connect to, or be able to connect to, other existing or planned CCHP plant or similar to form a district heat and energy network;

f. require development to connect into any existing district heat and energy network, where the necessary service or utility infrastructure is accessible to that development;

g. require development to incorporate measures that will contribute to on-site sustainable food production commensurate with the scale of development;

h. require, in due course, development to further reduce carbon dioxide emissions and mitigate or adapt to climate change, especially from the existing building stock, through financial contributions, planning conditions and extending or raising the Code for Sustainable Homes and BREEAM standards for other types of development.

Policy CE2 Flooding
The Council will require development to adapt to fluvial flooding and mitigate the effects of, and adapt to, surface water and sewer flooding.

To deliver this the Council will:

a. resist vulnerable development, including self-contained basement dwellings, in Flood Risk Zone 3 as defined in the Strategic Flood Risk Assessment;

b. require a site-specific Flood Risk Assessment, including an ‘Exception Test’ for all development in Flood Risk Zone 2 and 3 as defined in the Strategic Flood Risk Assessment, for sites in areas with critical drainage problems and for all sites greater than one hectare;

c. where required undertake the ‘Sequential Test’ for planning applications within Flood Risk Zones 2 and 3, and for sites in areas with critical drainage problems;

d. require development at risk from flooding in Flood Risk Zones 2 and 3, in areas with critical drainage problems, or sites greater than 1ha to incorporate suitable flood...
defence or flood mitigation measures in accordance with the recommendations of the site-specific Flood Risk Assessment;

e. require sustainable urban drainage (SUDs), or other measures, to reduce both the volume and the speed of water run-off to the drainage system ensuring that surface water run-off is managed as close to its source as possible in line with the hierarchy in the London Plan. In particular, major development must make a significant reduction in the current volume and speed of water run-off to the drainage system;

f. resist impermeable surfaces in front gardens;

g. require development adjacent to the Thames to be set back from the Thames flood defence to enable the sustainable and cost effective upgrade of flood defences over the next 50 to 100 years;

h. require works associated with the construction of the Thames Tideway Tunnel to:

i. preserve or enhance the character or appearance of the Cheyne, Royal Hospital and Thames Conservation areas;

ii. preserve listed buildings and their settings, and Parks and Gardens of Special Historic Interest (i.e. the Royal Hospital grounds);

iii. not adversely impact on amenity;

iv. not compromise the future of Cremorne Wharf which is a Safeguarded Wharf.

**Policy CE3 Waste**

The Council will meet the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

a. prepare a specific waste DPD to show how the waste apportionment figure of 309,000 tonnes per annum by 2020 required by the London Plan will be met. This will include:

i. identifying suitable sites for the purpose of managing the waste;

ii. identifying which boroughs the Council will be working with and how much the pooled apportionment of those boroughs will be so that the apportionment figure can be met;

iii. working in partnership with the GLA and neighbouring boroughs to meet the apportionment figure;

iv. safeguarding the existing waste management sites along with Cremorne Wharf, maximising its use for waste management, water transport and cargo-handling purposes;

b. require on-site waste management facilities as part of development at Kensal and Earl’s Court to handle waste arising from the new uses on the site (this could include facilities such as recycling facilities and anaerobic digestion);

c. require provision of adequate refuse and recycling storage space which allows for ease of collection in all developments;

d. require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;

e. require applicants for major developments to prepare and implement Site Waste Management Plans for demolition and construction waste.
Appendix C: Consultation Response Form and Call for Sites

Local Plan Partial Review
Issues and Options
Consultation Response Form
December 2015

This consultation is open for 8 weeks from Tuesday 15 December 2015 to 11:59pm on Tuesday 9 February 2016.

The Council prefers to receive your consultation responses on-line, however, you may also respond by email or post using the details below.

<table>
<thead>
<tr>
<th>On-line (preferred)</th>
<th><a href="https://planningconsult.rbkc.gov.uk">https://planningconsult.rbkc.gov.uk</a> or via <a href="http://www.rbkc.gov.uk/planningpolicy">www.rbkc.gov.uk/planningpolicy</a></th>
</tr>
</thead>
</table>
| Email               | planningpolicy@rbkc.gov.uk
Please state ‘Consultation Response – Local Plan Partial Review Issues and Options’ in the subject line |
| Post                | Planning Policy Team
Planning and Borough Development
Royal Borough of Kensington and Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX |

Consultation responses, including for the Call for Sites, will be made public as part of subsequent stages of the Local Plan Partial Review (see section 1.4 of the consultation document). Please clearly identify any information provided which is commercially sensitive and/or you would like to be kept confidential.
Contact details

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
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<tbody>
<tr>
<td>Organisation (if applicable)</td>
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<tr>
<td>Representing (e.g. self or client)</td>
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<td>Email Address</td>
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<td>Postal Address</td>
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<td>Telephone Number</td>
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Call for Sites

Please read section 1.3 ‘Call for Sites’ of the Local Plan Partial Review Issues and Options consultation document (available from www.rbkc.gov.uk/planningpolicy) before completing this form.

Please provide as much information as possible to ensure the Council can make a detailed assessment of the sites’ potential.

**The site**

<table>
<thead>
<tr>
<th>Site address / location</th>
<th>If possible, please insert or attach a scale map (preferably 1:1250 or 1:2500) with a red line boundary of the site</th>
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</thead>
<tbody>
<tr>
<td>Site area</td>
<td>Hectares (ha) or square metres (m²)</td>
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<tr>
<td>Current use(s)</td>
<td></td>
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<tr>
<td>Current occupier(s)</td>
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<tr>
<td>Current ownership</td>
<td>If known, please provide contacts details</td>
</tr>
<tr>
<td>Your interest in the land</td>
<td>e.g. owner, occupier, developer etc.</td>
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</table>
## Proposed use(s)

<table>
<thead>
<tr>
<th>Proposed use(s)</th>
<th>Floorspace (square metres m²)</th>
<th>Quantum</th>
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<tbody>
<tr>
<td>Retail</td>
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<td>(i.e. number of units)</td>
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<td>See section 6</td>
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<td><strong>Other town centre use</strong></td>
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<td>Please specify use</td>
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<td>(i.e. number of units)</td>
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<td>See section 6</td>
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<tr>
<td><strong>Business</strong></td>
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<td>(i.e. number of units)</td>
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<td>See section 7</td>
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<td><strong>Please only put forward sites with capacity for 0.25ha or 500m² of floorspace</strong></td>
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<tr>
<td><strong>Hotel</strong></td>
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<td>(i.e. number of bedrooms)</td>
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<td>See section 7</td>
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<td><strong>Housing</strong></td>
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<td>(i.e. number of dwellings)</td>
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<td>See section 10</td>
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<td><strong>Please only put forward sites with capacity for 5 or more dwellings</strong></td>
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<td><strong>Gypsy and Traveller accommodation</strong></td>
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<td>(i.e. number of pitches and/or caravans)</td>
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<td>See section 11</td>
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<td><strong>Waste</strong></td>
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<td>Waste type?</td>
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<td>Waste management or transfer?</td>
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<td>Other use</td>
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<tr>
<td>Please specify use</td>
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</table>

## Constraints

**Are there any constraints which may affect the site’s development?**

- Access
- Contamination
- Infrastructure
- Flooding
- Legal issues
- Land ownership
Options and Questions

Section 1: Introduction to the Partial Review

Question 1
Are there any topics or policies in the Local Plan, other than those identified in Figure 1.2 or Appendix A, which should be reviewed as part of the Local Plan Partial Review? If so, please explain and provide reasoning.

Section 2: Vision and strategic objectives

Issue 1: Vision and strategic objectives

Question 1
Is the existing Local Plan’s vision (see section 2.2) appropriate in guiding the Local Plan Partial Review? If not, what changes should be made?
### Question 2
Are the existing Local Plan’s objectives (see section 2.2) appropriate in guiding the Local Plan Partial Review? If not, what changes should be made?

### Question 3
Is the existing Local Plan’s Key Diagram (see Figure 2.1) appropriate for the Local Plan Partial Review? If not, what changes should be made?

### Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 2: The duty to cooperate and neighbourhood planning

#### Question 1
Is the existing Local Plan’s definition of strategic objectives and strategic policies (see above, section 2.2) fit-for-purpose for the duty to cooperate and neighbourhood planning? If not, what changes should be made?

#### Question 2
Should some policies be considered strategic in their entirety? If so, which ones?

### Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
### Issue 3: Quanta of development

**Question 1**
Other than those topic areas set out above (which are dealt with separately in the corresponding sections of this consultation document), what other changes should be made to Policy CP1 ‘Quanta of development’?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 4: Planning enforcement

**Question 1**
Are there any particular issues that a Local Enforcement Plan should address?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Section 3: Places

**Issue 1:** The policy context for the Places chapters has changed since the Local Plan was originally adopted. The Council needs to consider whether to update the Local Plan to reflect the emphasis on the delivery of sustainable development and how this could be best achieved through continuing to focus on specific Places.

**Question 1**
Should the Place chapters be retained or removed? Please give reasons.
<table>
<thead>
<tr>
<th>Question 2</th>
<th>Do you consider the Places have proved effective in the delivery of their visions? What could be done to improve delivery?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 3</td>
<td>Do you consider it appropriate to include site allocations within the Places? Would it be appropriate to have a single ‘Places and Allocations’ chapter?</td>
</tr>
<tr>
<td>Question 4</td>
<td>The current site policies have been framed in a very generalised way. Do you think they should be clearer about what they are seeking to achieve and how this will be delivered?</td>
</tr>
<tr>
<td>Question 5</td>
<td>Are there other aspects of Place shaping, which can be delivered through land use planning, that should be included?</td>
</tr>
<tr>
<td>Question 6</td>
<td>Should there be bespoke detailed development management policies for a particular Place? Can you explain how this might be helpful?</td>
</tr>
<tr>
<td>Question 7</td>
<td>Are there instances where a more flexible or creative approach to the delivery of sustainable development could or should be taken within the Place chapters?</td>
</tr>
</tbody>
</table>
Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 2: To improve delivery and to ensure genuine spatial planning, how might the current Places chapters be amended to reflect these aims?**

**Question 1**
Are there some existing Place chapters that should be removed or amalgamated? Can you give reasons for amalgamation, giving a geographical area, or if to be removed, can you give your reasons?

- Kensal
- Golborne Trellick
- Portobello / Notting Hill
- Westway
- Latimer
- Earl’s Court
- Kensington High Street
- South Kensington
- Brompton Cross
- Knightsbridge
- King’s Road / Sloane Square
- Notting Hill Gate
- Fulham Road
- Lots Road / World’s End

**Question 2**
Are there other areas in the Borough that should be considered? Please give reasons for your choice together with an indication of the geographical area to which you are referring.
Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 3: Progress with delivery of the Place chapters

Question 1
Do you have any comments that you wish to make at this stage regarding details in individual Places?

Section 4: Site allocations

Issue 1: There has been progress in delivering most of the strategic sites since the Local Plan was drafted (as the Core Strategy in 2010). The Council needs to consider whether it is appropriate to update the Local Plan to reflect the progress that has been made to make the Allocations and Designations chapter easier to use and to identify new (strategic) sites.

Question 1
How could the Allocations and Designations chapters be improved?

Question 2
Are there other aspects of the existing strategic sites policies which need updating? If so, please identify which ones and what the issue is.
Question 3
The following potential new (strategic) site allocations have been identified:

- Royal Brompton Hospital/ Chelsea
- Pembroke Road
- Barlby and Treverton Estates
- Silchester East and West
- 39-49 Harrington Road

Do you agree that any / all of these should be allocated in the future and do you have any comments on the draft indicative boundaries?

Question 4
Are there any other (strategic) sites that should be considered as a site allocation as part of the Local Plan Partial Review? If so, please complete the Call for Sites section of the Consultation Response Form.

Section 5: Infrastructure and planning contributions

Issue 1: S106 vs CIL categories, standard charges and pooling

S106 vs CIL categories

Option 1
Local Plan policy should set out high level principles regarding ‘planning contributions’ and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

☐ This is my preferred option
| Option 2 | Local Plan policy should reflect the detail of the R123 List and precisely require S106s only for those items of infrastructure that can continue to be funded through S106.

☐ This is my preferred option |

| Standard charges and pooling |

| Option 1 | For those items of infrastructure which are still capable of being funded by S106s, the Council should continue with a ‘standard charges’ approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that the S106 ‘tests’ must continue to be met in each case. This may result in less bespoke approaches, but more certainty.

☐ This is my preferred option |

| Option 2 | For those items of infrastructure which are still capable of being funded by S106s, the Council should move away from a ‘standard charges’ approach, as adopted in the Planning Obligations SPD, and revise Local Plan policy to make clear that S106s should be sought purely on a case-by-case basis. This may result in more bespoke approaches, but less certainty.

☐ This is my preferred option |

| Question 1 | Should the Council continue to seek monitoring costs, programme costs, revenue payments through S106s? Are there any other provisions which should be sought through S106s e.g. enforcement of Construction Traffic Management Plans (CTMPs).
Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 2: Public art**

**Option 1**
Local Plan policy should confirm a ‘standard charges’ approach to seeking S106 financial contributions for public art.

☐ This is my preferred option

**Option 2**
Local Plan policy should seek public art as an integral part of the design and development of sites, rather than through separate S106 financial contributions.

☐ This is my preferred option

**Option 3**
Local Plan policy should no longer seek public art through the planning system.

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
### Issue 3: Open space

**Option 1**
Local Plan policy should set out high level principles regarding ‘planning contributions’ for open space and not make a distinction between S106 / CIL, for which the detail can be considered in any revisions to the R123 List and/or the Planning Obligations SPD.

- [ ] This is my preferred option

**Option 2**
Local Plan policy should reflect the detail of the R123 List and no longer seek open space through S106s (except where the R123 List exceptions apply).

- [ ] This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 4: Infrastructure planning

**Question 1**
Do you have any suggestions for an updated Infrastructure Delivery Plan in terms of methodology, categories of infrastructure or specific infrastructure schemes?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
### Issue 5: S106 thresholds

**Question 1**
Do you have any comments on the existing thresholds for S106s set out in Figure 5.4?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 6: Viability and transparency

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Section 6: Shops and centres

**Issue 1:** The Council needs to ensure that the vitality and viability, and the diversity and character of the centres is maintained. What policies should the Council adopt to ensure this is achieved?

**Question 1**
Should the Council continue to take a town centre first approach to new shops and other town centre uses?

**Question 2**
Should the Council continue to set its own size threshold for proposals which require an impact assessment?
<table>
<thead>
<tr>
<th>Question 3</th>
<th>Should the Council continue to influence the nature of new shop units being provided within a centre?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 4</td>
<td>Should the Council continue to seek the provision of affordable shops in new large scale retail developments?</td>
</tr>
<tr>
<td>Question 5</td>
<td>Should the Council continue to use percentage based frontage policies to ensure that a mix of uses exists within centres, amending them to reflect the greater freedom offered by the GPDO?</td>
</tr>
<tr>
<td>Question 6</td>
<td>Should the Council relax its percentage based policies in parts of the South Kensington District Centre to reflect its role in serving those visiting Exhibition Road and the Museums?</td>
</tr>
<tr>
<td>Question 7</td>
<td>Should the Council continue to ensure that street markets remain a vibrant part of the Borough’s retail offer?</td>
</tr>
</tbody>
</table>

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
Issue 2: There has been a mismatch between the ‘need’ for new retail floorspace and its provision. Should the Council adopt policies to bring forward new retail floorspace?

**Question 1**
Should the Council prioritise the provision of Class A1 retail and other town centre uses on suitable sites in order to meet an identified need?

**Question 2**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Class A retail or other town centre uses? If so, please complete the Call for Sites section of the Consultation Response Form.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 3: The Borough’s centres must be seen in the context of a hierarchy of centres. Do the Borough’s centres lie within their correct position within this hierarchy, and are the boundaries of these centres still correct?

**Question 1**
Should the Council designate the Earl’s Court Road Neighbourhood Centre as a District Centre?

**Question 2**
Should the Council de-designate Ifield Road as a Neighbourhood Centre, considering it to be a small concentration of out of centre shops?
<table>
<thead>
<tr>
<th><strong>Question 3</strong></th>
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</thead>
<tbody>
<tr>
<td>Should the Council designate the concentration of shops and other town centre uses at the junction of Talbot Road and Powis Mews as a Neighbourhood Centre?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Question 4</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the Council designate a new Neighbourhood Centre at Latimer Road, close to the underground station?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Question 5</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the Council designate a new Neighbourhood Centre at Kensington High Street close to the junction with Warwick Road?</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Question 6</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the Council subsume the properties within the Fulham Road/ Brompton Cemetery Neighbourhood Centre into the secondary frontage of the Fulham Road (West) District Centre?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Question 7</strong></th>
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<tbody>
<tr>
<td>Are there any other parades of shops currently lying outside of any centre which are of a scale or nature that should be designated as a Neighbourhood Centre, or any Neighbourhood Centres which no longer function as such?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Question 8</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you have any comments on the Council’s other proposed changes to the boundaries of existing centres?</td>
</tr>
</tbody>
</table>
Section 7: Business uses and hotels

Issue 5: Call for Sites

Question 1
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Class B business uses? If so, please complete the Call for Sites section of the Consultation Response Form.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Section 8: Arts and cultural uses

Issue 1: How should the Council ensure that arts and cultural uses continue to be protected and that new uses are supported in appropriate locations.

Question 1
Should the Council continue to support the Borough’s role in both local and world-class arts and culture?

Question 2
Should the Council continue its existing approach in protecting existing arts and cultural uses and permitting enabling development where the overall provision is maintained?
Question 3
Should the Council continue to take a “town centre first” approach to the location of new arts and cultural uses and direct uses which are likely to generate large numbers of visitors to the larger centres.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 2: What spatial approach should the Council adopt to support enhancing the cultural draw and promoting the arts and cultural uses across the Borough?

Question 1
Should the Council continue its existing approach in protecting and enhancing cultural uses in the South Kensington Strategic Cultural Area?

Question 2
Should the Council specifically support enhancing the cultural draw of the following places?

Those within the existing policy:
- South Kensington Strategic Cultural Area
- King’s Road / Sloane Square
- The Notting Hill Gate and Portobello Road area
- Kensington High Street

Possible new creative industries clusters at:
- Kensal Employment Zone and Kensal Gasworks
- Freston / Latimer Road Employment Zone (linking to Imperial West Innovation Hub)
- Lots Road Employment Zone
- Somewhere else
Section 9: Rail infrastructure

Issue 1: The Council needs to ensure that the Borough is not left behind as public transport links across London and the capital improve. What policies should the Council adopt to ensure that the future needs of our residents, businesses and visitors are met?

Option 1
The Council should continue to encourage new and enhanced rail infrastructure, particularly in poorly connected areas.

☐ This is my preferred option

Option 2
The Council should seek alternatives to rail-based improvements to address public transport deficiencies in the Borough.

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
**Issue 2: West Brompton station**

**Option 1**
The Council should retain this specific reference to West Brompton station within the policy.

☐ This is my preferred option

**Option 2**
The Council should seek step-free access at all its stations as per Policy CT1 and move references to West Brompton into the revised site allocation for Earl’s Court.

☐ This is my preferred option

---

**Section 10: Housing**

**Issue 1: Meeting the Borough’s housing target**

**Question 1**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for housing? If so, please complete the Call for Sites section of the Consultation Response Form.
### Issue 2: Amalgamations and de-conversions

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Maintain a planning policy approach that permits amalgamations of existing units up to a defined threshold of units and/or floorspace.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 2</th>
<th>Introduce a presumption against the loss of residential units subject to specific exemptions. Possible exemptions include:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Restoration of a house to its original use as a single dwelling subject to a maximum of two dwellings being combined and an overall floorspace limit.</td>
</tr>
<tr>
<td></td>
<td>- Where the existing accommodation is substandard in terms of floorspace standards, daylight and layout which could only be remedied through an amalgamation.</td>
</tr>
<tr>
<td></td>
<td>Are there any other criteria or exemptions which the Council should consider?</td>
</tr>
<tr>
<td></td>
<td>This is my preferred option</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 3</th>
<th>Resist the loss of all residential units unless it can be demonstrated that the de-conversion is required to create a decent standard of accommodation.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</tbody>
</table>

| Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section? |
### Issue 3: Setting an affordable housing target

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Adopt a Borough wide affordable housing target of between 30-35%.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 2</th>
<th>Adopt a split affordable housing target to enable a higher percentage target in the highest value areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</tbody>
</table>

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 4: Affordable housing tenure split

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Set a Borough wide target of 72% social/affordable rented housing and 28% intermediate housing to take specific account of the findings of the SHMA.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 2</th>
<th>Set a Borough wide target of 17% social/affordable rented housing and 83% intermediate housing based on the Council's adopted Intermediate Rent Policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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<tr>
<td><strong>Option 3</strong></td>
<td></td>
</tr>
<tr>
<td>Set a Borough wide target of 56% social/affordable rented housing and 44% intermediate housing based on the mid-point intermediate rents set out in the SHMA.</td>
<td></td>
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<tr>
<td>☐ This is my preferred option</td>
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</tbody>
</table>

| **Option 4**  |
| Set a Borough wide target that takes account of the three scenarios (set out under the first three options) together with further information collated from Registered Providers and developers on the viability of delivering intermediate rent units. |
| ☐ This is my preferred option |

| **Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?** |
| |

<p>| <strong>Issue 5: Affordable housing threshold</strong> |
| <strong>Option 1</strong>  |
| Maintain the existing approach with affordable housing (contributions or floorspace) sought on schemes with in excess of 800sqm of residential floorspace, with payments in lieu of affordable housing floorspace for schemes only between a minimum of 800sqm and 1,200sqm. |
| ☐ This is my preferred option |</p>
<table>
<thead>
<tr>
<th>Option 2</th>
<th>Broadly maintain the existing policy but with an amendment to ensure that once the 800sqm threshold is met, all net floorspace is liable for an affordable housing contribution, i.e. the first 800sqm will no longer discounted.</th>
</tr>
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<tr>
<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 3</th>
<th>Consider a revised minimum threshold for the provision of affordable housing in light of local viability evidence demonstrating that small schemes could deliver a proportion of affordable housing. It is anticipated the threshold would continue to be expressed as floorspace to ensure that sites providing a small number of larger units are not exempt from the requirement for affordable housing.</th>
</tr>
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<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 4</th>
<th>Consider the removal of the fixed range for payments in lieu between 800sqm and 1,200sqm GEA floorspace and instead apply the general policy provisions for when off site or payments in lieu may be considered appropriate.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 5</th>
<th>Consider thresholds for on-site / off-site provision of affordable housing.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?</th>
</tr>
</thead>
</table>
### Issue 6: Calculating payments in lieu

<table>
<thead>
<tr>
<th>Option 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calculate all payments in lieu for affordable housing by comparing residual land values on a site-by-site basis by requesting two viability assessments – one reflecting policy compliant affordable housing provision on-site and the second with 100% private housing.</td>
</tr>
<tr>
<td>☐ This is my preferred option</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 2</th>
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</thead>
<tbody>
<tr>
<td>Introduce zonal payment in lieu charges based on the adopted CIL Charging Zones using benchmark land values and development types to compare residual land values for schemes with and without on-site affordable housing.</td>
</tr>
<tr>
<td>☐ This is my preferred option</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt a Borough-wide standardised charge based on benchmark land values and development types to compare residual land values for schemes with and without on-site affordable housing.</td>
</tr>
<tr>
<td>☐ This is my preferred option</td>
</tr>
</tbody>
</table>

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
### Issue 7: Securing the maximum reasonable amount of affordable housing

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Require an open book financial viability assessment and any supporting evidence to demonstrate the maximum provision of onsite affordable housing is being proposed on sites which are above the policy threshold and do not meet the revised target for affordable housing.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 2</th>
<th>Introduce a policy presumption for the use of review mechanisms upon partial or full completion of a development when financial viability assessments demonstrate that current market conditions will only support levels of affordable housing below the policy target.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is my preferred option</td>
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</table>

<table>
<thead>
<tr>
<th>Option 3</th>
<th>Provide additional guidance on the information required in financial appraisals to avoid delays in determining planning applications. This could include the creation of the Council’s own model for assessing development viability as proposed in the evidence on payments in lieu of affordable housing prepared for the Council by consultants, BNP Paribas.</th>
</tr>
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<td></td>
<td>This is my preferred option</td>
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</table>

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?
### Issue 8: Meeting specific housing needs

#### Older people's housing

**Option 1**
In light of the need identified for older people’s housing the Council should introduce policy support for the provision of new extra care and sheltered housing where this will meet identified local needs, and resist the loss of existing accommodation subject to criteria such as need and the quality of the provision.

[ ] This is my preferred option

---

**Option 2**
The Council should identify specific sites or locations for the provision of specialist older people’s housing.

[ ] This is my preferred option

### Extra care and retirement housing

**Option 1**
The Council should rely on regional level guidance to determine the key characteristics of extra care and sheltered housing.

[ ] This is my preferred option

---

**Option 2**
The Council should set out the essential characteristics for schemes to be classed as extra care or sheltered housing at a local level. 

[ ] This is my preferred option
**Supported housing**

**Question 1**
Should the Council resist the loss of existing supported housing which meets identified community needs?

**Self build**

**Option 1**
Provide only in-principle support to the self/custom build housing.

- [ ] This is my preferred option

**Option 2**
Identify sites which may be appropriate for self/custom build proposals.

- [ ] This is my preferred option

**Option 3**
Consider introducing a requirement for large schemes over a specific size threshold to make a proportion of units available as custom build.

- [ ] This is my preferred option

**Question 1**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for self/custom build housing? If so, please complete the Call for Sites section of the Consultation Response Form.
Overall

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 9: Securing a Suitable mix of housing

Dwelling size requirements

Option 1
Continue with current policy CH2(a) which requires residential developments to take account of local needs as set out in the Council’s evidence.
☐ This is my preferred option

Option 2
Set out specific targets for housing mix within a revised planning policy.
☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Prime and super prime housing

Option 1
Continue to assess applications for low density super-prime units on their own merits.
☐ This is my preferred option
<table>
<thead>
<tr>
<th>Option 2</th>
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<tbody>
<tr>
<td>Introduce a policy that restricts very large units in new residential developments where the potential housing capacity of sites is not being optimised.</td>
</tr>
<tr>
<td>This is my preferred option</td>
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</tbody>
</table>

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

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**Buy to leave**

<table>
<thead>
<tr>
<th>Option 1</th>
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<tbody>
<tr>
<td>The Council should not seek to introduce any restrictions on the period of occupation for new residential properties through planning policies.</td>
</tr>
<tr>
<td>This is my preferred option</td>
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</table>

<table>
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<tr>
<th>Option 2</th>
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<tbody>
<tr>
<td>The Council should consider introducing a policy limiting the period during which residential properties can be left vacant to prevent new homes from being used as ‘buy to leave’ assets. This would be enforced through planning obligations.</td>
</tr>
<tr>
<td>This is my preferred option</td>
</tr>
</tbody>
</table>

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
Issue 10: Housing estate regeneration

**Question 1**
Should the Council retain all elements of the existing policy including the requirement for no net loss of social housing provision? Should the policy be changed in any way?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Section 11: Gypsy and Traveller accommodation

**Issue 1: Need**

**Question 1**
Do you have any comments to make on the methodology, data and conclusions of the Draft GTANA?

**Question 2**
Despite the change in definition of Gypsies and Travellers in the PPTS to exclude those Travellers who no longer travel (and emerging changes in the Housing and Planning Bill), should the Council continue to assess the needs of Gypsies and Travellers separately to general housing need?

**Issue 2: Supply**

**Question 1**
In advance of the Draft GTANA being completed in light of comments received as part of this consultation, do you have any suggestions for how the Council (and LBHF) should seek to meet any identified unmet need?
**Question 2**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Gypsy and Traveller Accommodation? If so, please complete the Call for Sites section of the Consultation Response Form.

<table>
<thead>
<tr>
<th>Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?</th>
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</table>

**Section 12: Access and space housing standards**

**Issue 1: Access standards**

<table>
<thead>
<tr>
<th>Question 1</th>
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</thead>
<tbody>
<tr>
<td>Do you agree that the optional elements of Building Regulation M4(2) and M4(3) should be included in the policy?</td>
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</table>

<table>
<thead>
<tr>
<th>Option 1</th>
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<tbody>
<tr>
<td>The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% and M4(3) - 10% with a provision that generally the 10% M4(3) will be M4(3) (2) (a) ‘wheelchair adaptable’ but on a case-by-case basis where it is known that the local authority has nomination rights and there is a known need for a fully wheelchair accessible dwelling the Council will condition a proportion of the dwellings to be M4(3) (2) (b)?</td>
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<tr>
<th>This is my preferred option</th>
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</table>
### Option 2
The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% with M4(3) ‘wheelchair user dwellings’ to be 10%?

- This is my preferred option

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

### Issue 2: Space standards

#### Option 1
The Council should continue to refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

- This is my preferred option

#### Option 2
The Council should not refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

- This is my preferred option

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**
Section 13: Climate change: energy and water housing standards

**Issue 1: Energy**

**Option 1**
The Council should delete references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development from Local Plan policy.

☐ This is my preferred option

**Option 2**
The Council should keep references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development in Local Plan policy.

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

**Issue 2: Water**

**Option 1**
The Council should not include a specific policy on water consumption in new dwellings in the Local Plan.

☐ This is my preferred option
Option 2
The Council should include a specific policy on water consumption in new dwellings in the Local Plan.

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Section 14: Flooding and drainage

Issue 1: Flood risk

Critical Drainage Areas (CDA)

Question 1
Should the Council use the vulnerability classification of the NPPF / Planning practice guidance to restrict highly vulnerable uses303 (in terms of access and agress e.g. self-contained basements) in CDAs? Currently the Environment Agency restricts this type of land use in flood risk zone 3, inside the tidal breach.

Question 2
Should the Council require specific measures to address flood risk in CDAs? What might those measures be?

## Flood risk protection and prevention measures

### Question 1
Should the Council ask for standard flood risk measures in specific areas? Should the Council require flood risk mitigation and resilience measures (such as raising threshold/floor levels, protection of light wells and basement entrances, raising electrical sockets, etc) in areas identified in the Surface Water Management Plan at high risk of flooding?

### Question 2
Should the Council require information about how these measures will be maintained to ensure they will be operational during a flooding event?

### Question 3
Should the Council include a policy about the protection and maintenance of flood defences and flood risk assets?

### Question 4
Should the policy cover access and egress and emergency exit routes to ensure development in high risk areas is protected from flooding?

### Question 5
The maps in the Surface Water Management Plan show the possibility of surface water flood depth after a 1 in a 100 year storm event. Should the Council use a minimum depth threshold to require flood protection and resilience measures? Will a depth of 0.5m or deeper be an appropriate threshold?
### Question 6
Should the Council refer to the importance of addressing flood risk and surface and foul water run-off from upstream development (White City, Old Oak Common and Park Royal, etc) which could have a potential effect in the capacity of the sewer system?

### Issue 2: Surface water run-off and SuDS

#### Question 1
Should the Council specify the percentage improvement required in relation to greenfield runoff rate and different storm events? Or should the Council address only impermeable surfaces (not just in front gardens but any new impermeable surfaces)? Should the Council put an emphasis on requiring the most sustainable SuDS, the need to maximise green infrastructure (links to biodiversity policy), maximise water quality and provide amenity value?

#### Question 2
Should the Council require extra SuDS when swimming pools are proposed and/or whenever there is groundwater discharged into the sewer system?

#### Question 3
To ensure SuDS are maintained, should the Council include a policy to require maintenance schedules?

#### Question 4
Should the Council use DEFRA SuDS non-statutory standards\(^{304}\) or adopt its own standards?

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Question 5
Should the Council specify what information regarding the SuDS should be provided (i.e., construction, maintenance, ownership, etc)?

Question 6
Should the Council include a policy to support retrofitting existing buildings with SuDS when an associated planning permission is required, even if the proposal will not have direct drainage implications?

Question 7
Should the Council require permeable surfaces instead of impermeable surfaces when hard surfaces are proposed in any garden/landscaped areas?

Question 8
Should the Council include a separate policy for minor and for major applications in relation to the provision of SuDS? Should the Council require the use of the SuDS tool and if so review the tool to that effect?

Issue 3: Water infrastructure projects

Option 1
The Council should not introduce a general policy on flooding and drainage infrastructure provision or upgrade works and instead use its existing wider Local Plan policies to determine any such applications.

This is my preferred option
Option 2
The Council should introduce a general policy on flooding and drainage infrastructure provision or upgrade works, against which any future proposals could be determined.

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Section 15: Waste

Issue 1: Waste apportionment

Option 1
The Council should identify a site or sites within the Borough to address its apportionment shortfall entirely within the Borough.

☐ This is my preferred option

Option 2
The Council should continue to work with the other WRWA WPAs to jointly identify a site or sites within the WRWA area to address their collective apportionment shortfall entirely within the WRWA area.

☐ This is my preferred option
### Option 3
The Council should continue to work with the other WRWA WPAs and collectively secure spare apportionment capacity outside of the WRWA area, but within London, to address the WRWA WPAs’ collective apportionment shortfall.

- [ ] This is my preferred option

### Question 1
Are there any sites (or areas) that should be considered as a site (or area) allocation as part of the Local Plan Partial Review for waste management? If so, please complete the Call for Sites section of the Consultation Response Form.

### Question 2
Should the Council continue to safeguard Cremorne Wharf for waste management, water transport and cargo handling purposes?

### Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

### Issue 2: Bin storage and management in new development

### Option 1
Keep existing Local Plan Policy CE3 (b), (c) and (e) structured and worded as it is.

- [ ] This is my preferred option
Option 2
Amend existing Local Plan Policy CE3 (b), (c) and (e) to consider issues such as:

- Temporary storage space within each flat/apartment allowing for the separate storage of recyclable materials
- Communal storage for waste, including separate recyclables, pending its collection
- Design, quality and access of storage and collection systems (e.g. dedicated rooms, storage areas and chutes or underground waste collection systems)
- Managing, to acceptable levels, impacts on amenity including those that may be caused by odour, noise, and dust
- On-site treatment of waste
- Adequate contingency measures to manage any mechanical breakdowns

☐ This is my preferred option

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

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Section 16: Impact assessments

Integrated Impact Assessment (IIA)

Question 1
Are there any other Policies, Plans, Programmes, Strategies and Initiatives (PPPSIs) which should be considered for review?

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Question 2
Do you have any comments on the accuracy, scope and coverage of the baseline data or know of any further data or indicators that might provide useful information? If so, please provide details.

| Question 3 |
| Do you have any comments on the sustainability issues and problems identified for the Borough or know of any further issues and problems that should be included? |

| Question 4 |
| Do you have any comments on the IIA objectives or know of any further IIA objectives that should be considered? |

| Question 5 |
| Do you have any comments on the assessment framework? |

**Habitat Regulations Assessment (HRA)**

| Question 1 |
| Do you have any comments on the Habitats Regulations Assessment (HRA) Screening report? |