



Local Plan Partial Review Issues and Options

Consultation
December 2015



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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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.

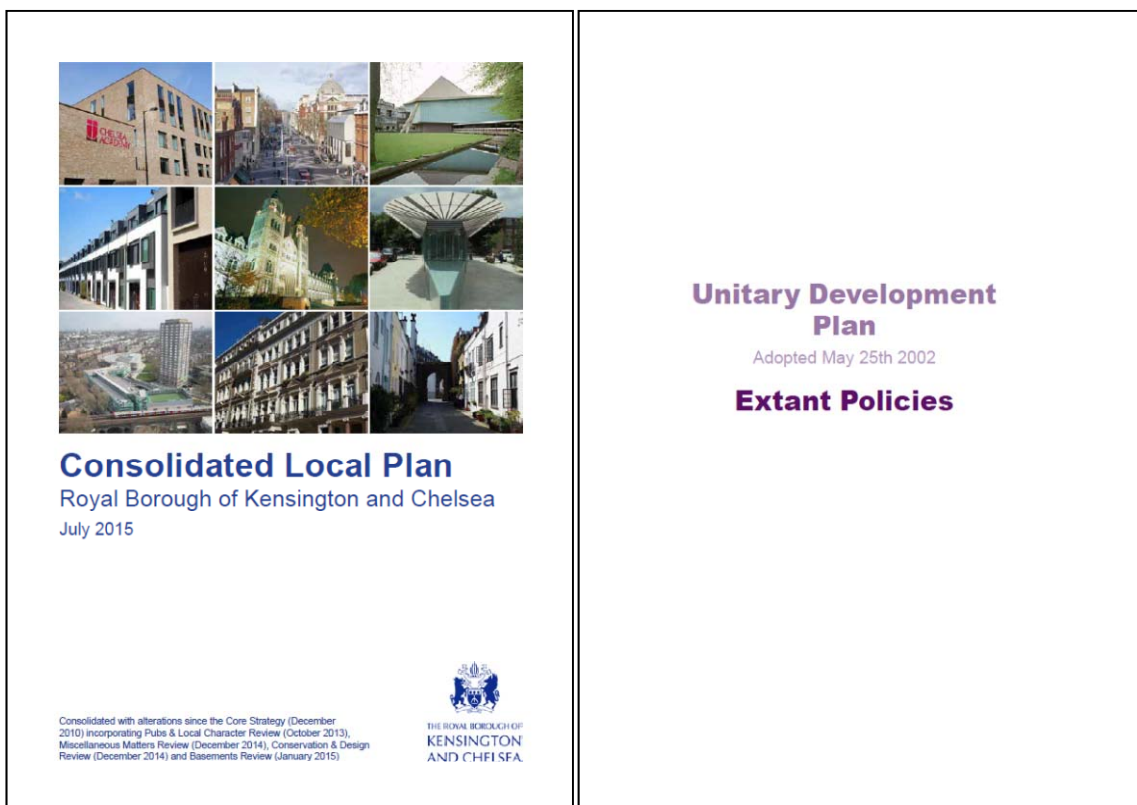


Figure 1.1: The existing Consolidated Local Plan (July 2015) and Extant Policies of the Unitary Development Plan (May 2002) available from www.rbkc.gov.uk/planningpolicy

- 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 A¹.

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:

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

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.

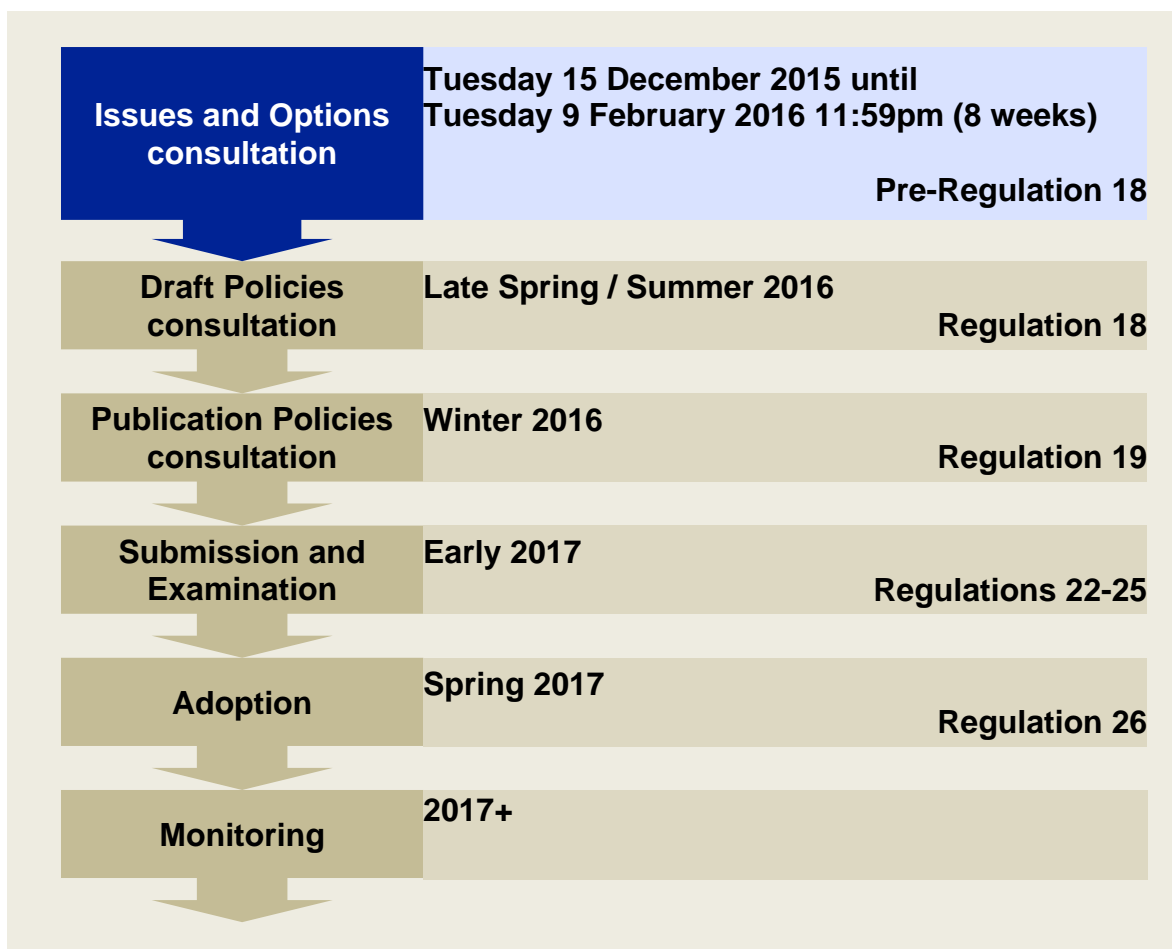


Figure 1.3: Timescales for the Local Plan Partial Review²

- 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 Bill³, the Local Plans Expert Panel recommendations⁴ and the consultation on proposed changes to national planning policy⁵.

² Regulations refer to The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) www.legislation.gov.uk/ukxi/2012/767/contents/made

³ <http://services.parliament.uk/bills/2015-16/housingandplanning.html>

⁴ www.gov.uk/government/news/brandon-lewis-launches-expert-panel-to-speed-up-development

⁵ www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes

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:

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

Figure 1.4: The Council’s existing LDS (April 2014)

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

¹⁰ www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/conservation-and-design-review-archive

¹¹ www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/miscellaneous-matters-review-archive

¹² www.rbkc.gov.uk/cil

¹³ www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report

¹⁴ https://planningconsult.rbkc.gov.uk/consult.ti/Rev_Draft_BAS_S6_App5/consultationHome

¹⁵ www.rbkc.gov.uk/sites/default/files/atoms/files/Trellick-Edenham%20SPD%20-%20adopted%20small%20file%20-%20Mar%202015.pdf

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>

- 1.4.7 The Council has a legal requirement to prepare and maintain an LDS and make it public on its website¹⁸. The Council can revise its LDS as such time as it considers appropriate¹⁹.
- 1.4.8 Importantly, preparation of a Local Plan (or revision) must be “in accordance with” an LDS²⁰ and having an up-to-date LDS is important to ensure that “local communities and interested parties can keep track of progress” of Local Plans²¹.
- 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.

¹⁸ Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and NPPG on Local Plans paragraphs 003-009

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)

²⁰ Section 19(1)

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.


<p>x.1 Introduction</p> <p>x.1.1</p>	<p>} This section introduces the topic</p>
<p>x.2 Existing Local Plan policy/ies</p> <p>x.2.1</p> <p>x.2.2</p>	
<p>x.3 Legislation, policy and guidance context</p> <p>x.3.1</p> <p>x.3.2</p>	<p>} 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</p>
<p>x.4 Evidence base</p> <p>x.4.1</p>	<p>} This section covers any supporting evidence and data relevant to the topic which will inform the emerging revised policies</p>
<p>x.5 Issues and options</p> <p>Issue 1 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx</p> <p>Option 1 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx</p> <p>Option 2 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx</p> <p>Question 1 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx</p> <p>x.5.1</p>	<p>} 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</p>

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)

 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.




 On-line (preferred)	https://planningconsult.rbkc.gov.uk via www.rbkc.gov.uk/planningpolicy
 Email	Please state 'Consultation Response – Local Plan Partial Review Issues and Options' in the subject line planningpolicy@rbkc.gov.uk
 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.

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**.

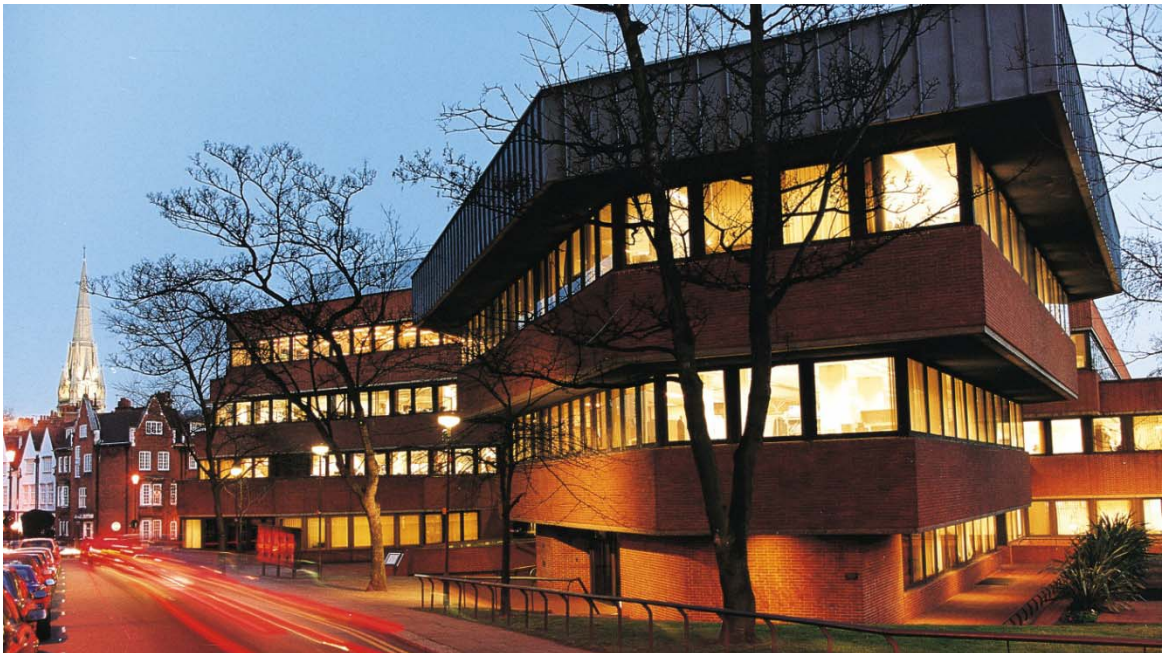
1.6.3 The Council **prefers to receive your consultation responses on-line**, however, you may also respond by email or post using the details below.

 On-line (preferred)	https://planningconsult.rbkc.gov.uk or via www.rbkc.gov.uk/planningpolicy
 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

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 libraries²²:

- **Customer Service Centre, Kensington Town Hall:** Hornton Street, London, W8 7NX (Mon-Fri 09.30am – 5.40pm)²³;
- **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:** Pembridge 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

²³ www.rbkc.gov.uk/contactsdirectory/az.aspx?searchletter=C&orgid=13419

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)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.

²⁴ 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.

Date	Document	Organisation
May 2004	Planning and Compulsory Purchase Act 2004 ²⁵	HM Government
Apr 2012	The Town and Country Planning (Local Planning) (England) Regulations 2012 ²⁶	HM Government
Mar 2012	National Planning Policy Framework (NPPF) ²⁷	DCLG
Mar 2014	National Planning Practice Guidance (NPPG): Local Plans ²⁸	DCLG
Jul 2015	Written Ministerial Statement: Local Plans ²⁹	DCLG
Oct 2015	Prime Minister: Councils must deliver local plans for new homes by 2017 ³⁰	10 Downing Street
Oct 2015	Housing and Planning Bill ³¹	HM Government

Figure 1.7: Summary of legislation, policy and guidance

²⁵ www.legislation.gov.uk/ukpga/2004/5/contents

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/

³⁰ www.gov.uk/government/news/prime-minister-councils-must-deliver-local-plans-for-new-homes-by-2017

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.

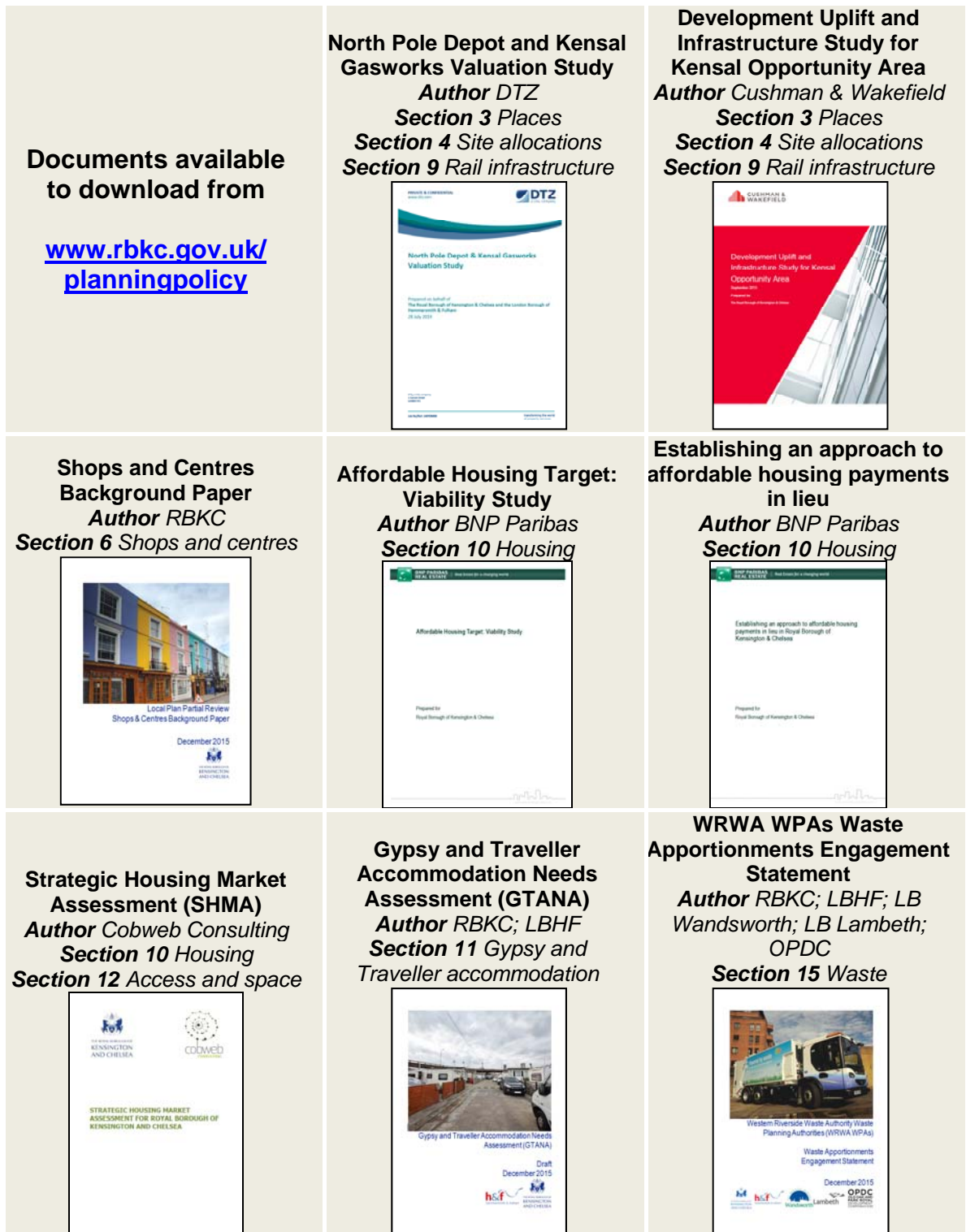


Figure 1.8: Evidence base documents for the Issues and Options consultation