



Local Plan Partial Review – Draft Policies  
Policy Formulation Report – October 2016  
Vision and Strategic Objectives



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1. INTRODUCTION

## 1.1 LOCAL PLAN PARTIAL REVIEW

- 1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.
- 1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this, the topic of **vision and strategic objectives** needs reviewing.
- 1.1.3 This Policy Formulation Report has been written to explain the reasoning behind the **vision and strategic objectives** of the Draft Policies consultation document to a level of detail which cannot be included in that document itself.

## 1.2 VISION AND STRATEGIC OBJECTIVES

- 1.2.1 This topic 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

- 1.2.2 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. ISSUE 1: VISION AND STRATEGIC OBJECTIVES

### 2.1 INTRODUCTION

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

### 2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### **NATIONAL**

#### **PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) AND THE DEREGULATION ACT 2015**

2.2.1 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.

2.2.2 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)**

2.2.3 Regulation 10 of these Regulations requires Local Plans to have regard to:

- Local transport authority policies<sup>1</sup>;
- Articles 5 and 12 of the EU Directive 2012/18/EU regarding the prevention of major accidents and hazardous establishments<sup>2</sup>; and
- The national waste management plan<sup>3</sup>.

2.2.4 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)**

2.2.5 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

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<sup>1</sup> 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, which is largely considered as part of Local Plan Chapter 32 – Better Travel Choices

<sup>2</sup> Mostly relevant to Local Plan Section 2A Allocations and Designations

<sup>3</sup> Mostly considered under Local Plan Chapter 36 – Respecting Environmental Limits

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

- 2.2.6 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.

## REGIONAL

### THE LONDON PLAN

- 2.2.7 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 21<sup>st</sup> century, particularly that of climate change. (paragraph 1.52)

- 2.2.8 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

- 2.2.9 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).

- 2.2.10 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)

- 2.2.11 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'.

2.2.12 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

(page 7)

2.2.13 In particular, the priority regarding small and medium sized enterprises acknowledges that there has been a decline in affordable workspace in recent years.

2.2.14 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)

## LOCAL

### EXISTING LOCAL PLAN POLICY

2.2.15 Within Chapter 3 of the existing Local Plan, paragraph 2.3.20 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.

2.2.16 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...

2.2.17 The vision is supported by a 'Key Diagram' which is set out in Figure 2.1.

2.2.18 The supporting strategic objectives are set out in section 3.3 of the existing 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

2.2.19 It is important to note that the issues, vision and strategic objectives of the existing Local Plan are partly influenced by the London Plan<sup>4</sup> and the Community Strategy<sup>5</sup>

<sup>4</sup> Existing Local Plan paragraphs 1.1.3, 1.2.5 – 1.2.6, 4.3.2

<sup>5</sup> Existing Local Plan paragraphs 1.1.7, 1.2.11 – 1.2.13 and Chapter 44

for the Borough. In particular, Chapter 44 sets out the existing Local Plan’s “Relationship to the Community Strategy”.

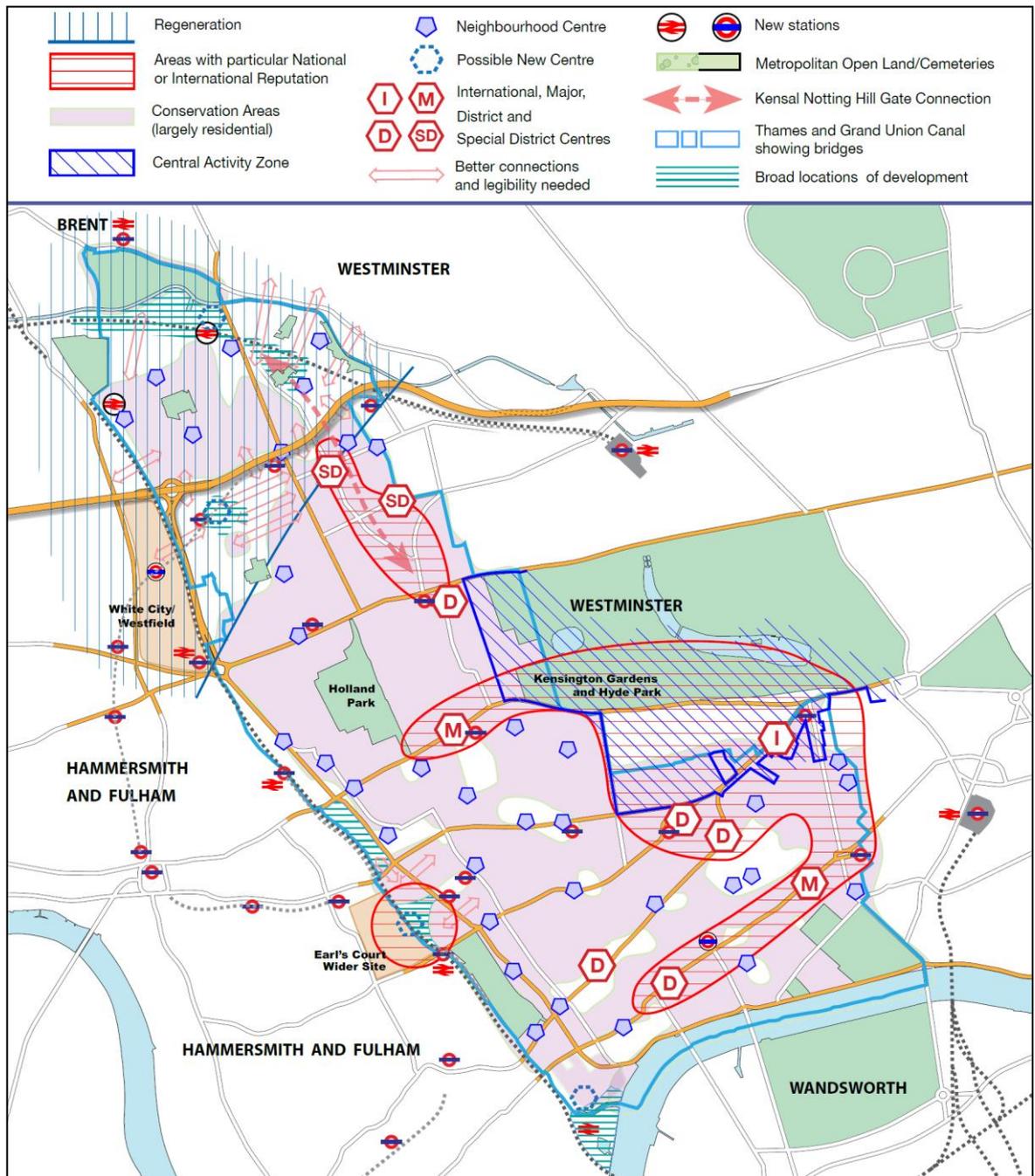


Figure 2.1: The Key Diagram of the existing Local Plan

## SUMMARY

Date	Document	Organisation
May 2004	<a href="#">Planning and Compulsory Purchase Act 2004</a>	HM Government
Mar 2015	<a href="#">Deregulation Act 2015</a>	HM Government
Apr 2012	<a href="#">The Town and Country Planning (Local Planning) (England) Regulations 2012</a>	HM Government
Mar 2012	<a href="#">National Planning Policy Framework (NPPF)</a>	DCLG

Date	Document	Organisation
Mar 2014	<a href="#">National Planning Practice Guidance (NPPG): Local Plans</a>	DCLG
May 2014	<a href="#">London Planning Statement Supplementary Planning Guidance (SPG)</a>	Mayor of London
Jun 2013	<a href="#">2020 Vision: The Greatest City on Earth</a>	Mayor of London
Apr 2013	<a href="#">Jobs and Growth Plan for London</a>	London Enterprise Panel
Jan 2015	<a href="#">London: 2036: An agenda for jobs and growth</a>	London Enterprise Panel and London First
Dec 2013	<a href="#">Norland Neighbourhood Plan</a>	Norland Neighbourhood Forum
Nov 2015	<a href="#">St Quintin and Woodlands Neighbourhood Plan Referendum Version</a>	St Quintin and Woodlands Neighbourhood Forum
Mar 2016	<a href="#">The London Plan</a>	Mayor of London

## 2.3 EVIDENCE BASE

### COMMUNITY STRATEGY 2008-2018

- 2.3.1 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).

### THE ROYAL BOROUGH 2028

- 2.3.2 The Council published a document called 'The Royal Borough 2028' which develops views of 'probable', 'possible' and 'preferred' futures for the Borough and sets out a vision for the Borough to 2028.

### AMBITIOUS FOR TOMORROW

- 2.3.3 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

- 2.3.4 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.

2.3.5 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.

2.3.6 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.

2.3.7 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.

#### 2.3.8 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.

#### 2.3.9 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.

#### 2.3.10 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.

#### 2.3.11 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.

#### 2.3.12 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.

#### 2.3.13 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.

### **OTHER EVIDENCE BASE DOCUMENTS**

- 2.3.14 Chapter 2: Issues and Patterns: Our Spatial Portrait of the Local Plan Partial Review summarises findings from a range of other evidence base documents, including those relevant to the other topic chapters, some of which are included in the summary table below.

#### **SUMMARY**

Date	Document	Organisation
2008	<a href="#">Community Strategy 2008-18</a>	K&C Partnership
Feb 2009	<a href="#">The Royal Borough 2028</a>	The Futures Company
Dec 2012	<a href="#">Census 2011 RBKC Summary</a>	RBKC
Dec 2014	<a href="#">Ambitious for Tomorrow</a>	RBKC

Date	Document	Organisation
Dec 2015	<a href="#">Strategic Housing Market Assessment (SHMA)</a>	Cobweb Consulting for RBKC
Dec 2015	<a href="#">Monitoring Report 2015</a>	RBKC
Oct 2016	<a href="#">Local Plan Partial Review Integrated Impact Assessment (Stage B) Report</a>	Arcadis for RBKC

## 2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 The Issues and Options consultation document<sup>6</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

2.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

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

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  
(paragraph 182)

### VISION

2.4.4 The options and alternatives considered are:

<sup>6</sup> <https://planningconsult.rbkc.gov.uk/consult/ti/LPPR/consultationHome>

Option	Status	Reason
1 Maintain existing vision	Reasonable alternative	Would not provide an up-to-date vision for the Borough based on the latest evidence base documents and context. Would not be consistent with more recent national and regional policy
2 Amend vision to explicitly reference 'areas of change', increasing the quantum of housing, factual and context updates	Preferred option for Draft Policies	Provides an up-to-date vision for the Borough based on the latest evidence base documents and context. Consistent with more recent national and regional policy
3 Amend vision to prioritise residential use over other uses	Reasonable alternative	The NPPF requires objectively assessed need (as evidenced) for uses, other than housing, to be met too and recognises the importance of other uses in contributing to sustainable development
4 Amend vision to: make reference to avoiding 'absentee' owners, supporting national and international cultural institutions, ensuring settled community retains right to remain in areas experiencing regeneration	Not a reasonable alternative	The elements are too detailed for an over-arching vision but can be considered in more detailed objectives supporting text, policies and reasoned justification.

## OBJECTIVES

2.4.5 The options and alternatives considered are:

Option	Status	Reason
1 Maintain existing objectives and supporting text	Reasonable alternative	Would not provide up-to-date objectives for the Borough based on the latest evidence base documents and context. Would not be consistent with more recent national and regional policy

Option	Status	Reason
2 Amend “Diversity of Housing” strategic objective and supporting text to explicitly reference boosting the supply of housing to further the aim of sustainable development	Preferred option for Draft Policies	Provides an up-to-date objective for the Borough based on the latest evidence base documents and context. Consistent with more recent national and regional policy
3 Maintain existing objectives but amend the supporting text to reference cultural institutions	Preferred option for Draft Policies	Highlights the importance of cultural institutions in contributing to the strategic objective of Fostering Vitality
4 Maintain existing objectives but amend the supporting text to reference transparency and accountability, air quality, historic environment and river-based transport	Reasonable alternative	Transparency and accountability is a wider Council obligation and is not just confined to the Local Plan Air quality is already included within the strategic objective of Respecting Environmental Limits The strategic objective of Better Travel Choices already refers to public transport which could include river-based transport

## KEY DIAGRAM

2.4.6 The options and alternatives considered are:

Option	Status	Reason
1 Maintain existing Key Diagram	Reasonable alternative	Would not provide an up-to-date Key Diagram for the Borough based on the latest evidence base documents and context
2 Amend Key Diagram to include: new site allocations, South Kensington Cultural Area	Preferred option for Draft Policies	Would provide an up-to-date Key Diagram for the Borough based on the latest evidence base documents and context
3 Amend Key Diagram to extend Central Activities Zone (CAZ) to cover Kensington High Street to the Design Museum	Reasonable alternative	Would not be justified by evidence and would not be necessary for the Local Plan policies to be effective

## 2.5 DRAFT POLICY

### DRAFT POLICY

- 2.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

#### **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 areas of change North Kensington** through the provision of better transport, better housing and better facilities, aiding better health.

By 2028 regeneration ~~in North Kensington~~ of areas of change 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. A significant quantum of 2-3000 new homes will have been built, both private market and affordable, addressing the serious shortfall in local 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. New development should establish the 'Conservation Areas of the future', reflecting and matching the high quality urban design that already exists in the borough.

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~~ ensuring sufficient primary and 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~~ enhanced with new and improved employment floorspace and some supporting residential development providing a mix of uses and ~~be~~ thriving centres for small businesses and the cultural and creative industries sector.

The north of the borough will be at the heart of environmental sustainability through, for example, including a the 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. The unique character of Golborne and Portobello Roads will have flourished, including the antiques and street market, adding to the vitality of the area.

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. Construction will have started on a Crossrail 2 station at King's Road, scheduled to open in 2032.

~~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. Opportunities to promote Kensington High Street as a cultural hub will have been taken following the opening of the new Design Museum.

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 and Conservation Areas of the Future.

A significant quantum of nNew homes will have further diversified housing tenure, and provide high standards of environmental performance to further the aim of sustainable development, including through the use of Council assets.

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.

**CO1 Strategic objective for Keeping Life Local**

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

**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.

**CO3 Strategic objective for Better Travel Choices**

Our strategic objective for better travel choices is that walking, cycling and public transport are safe, easy and attractive, and preferred by our residents to private car ownership and use.

**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.

**CO5 Strategic objective for Renewing the Legacy**

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

**CO6 Strategic objective for Diversity of Housing**

Our strategic objective is to boost the supply of housing to further the aim of sustainable development including ~~have~~ a diversity of housing ~~is~~ that at a local level, ~~it~~ will cater for a variety of housing needs of borough residents, and is built for adaptability and to a high quality.

**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.

**KEY DIAGRAM AND PROPOSALS MAP**

- 2.5.2 Related to the draft policy, the following changes are required to made to the Key Diagram and the Proposals Map:

	Proposals Map	Key Diagram
Updated site allocations	✓	✓
Updated Conservation Areas	✓	Already on
South Kensington Strategic Cultural Area	Already on	✓
Updated town centre designations	✓	✓
New Crossrail 2 station	✓	✓
Updated broad locations of development / areas of change	✓	✓
Confirm Central Activities Zone boundary	✓	✓

## 2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 2.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>7</sup>.
- 2.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>8</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>9</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>10</sup>.
- 2.6.3 Figure 2.2 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

Strategic issue	Relevant prescribed bodies <sup>11</sup>	Council actions
		Prescribed bodies’ strategies, plans and policies which the Council has had regard to
Vision, objectives and key diagram	Environment Agency	All prescribed bodies were consulted as part of the Issues and Options consultation
	Historic England	
	Natural England	
	Mayor of London/HCA	Only Historic England and the Mayor of London responded with specific reference to the
	Civil Aviation Authority	
	West London Clinical Commissioning Group	

<sup>7</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>8</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>9</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>10</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

<sup>11</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Strategic issue	Relevant prescribed bodies <sup>11</sup>	Council actions  Prescribed bodies' strategies, plans and policies which the Council has had regard to
	NHS England	<p>vision and strategic objectives topic and others responded with reference to other topics (including the Impact Assessments – see the Integrated Impact Assessment (IIA))</p> <p>The documents to which the Council has had regard to are summarised in section 2.2 of this Policy Formulation Report and in the relevant topic Policy Formulation Reports</p>
	Office of Rail Regulation	
	Transport for London	
	Integrated Transport Authorities	
	Highway Authorities	
	Marine Management Organisation	
	London Enterprise Panel	
	Local Nature Partnership (London Wildlife Trust)	
	City of Westminster	
	London Borough of Hammersmith and Fulham	
	London Borough of Wandsworth	
	London Borough of Brent	
	Other London Boroughs	

*Figure 2.2: Duty to cooperate strategic issues, prescribed bodies and Council actions*

## 3. ISSUE 2: THE DUTY TO COOPERATE AND NEIGHBOURHOOD PLANNING

### 3.1 INTRODUCTION

3.1.1 The Council has also considered the existing Local Plan's definition of what is 'strategic' and how this relates to the 'duty to cooperate' and neighbourhood planning, which are new provisions since the Local Plan (then known as the Core Strategy) was adopted in 2010.

3.1.2 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.

### 3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### NATIONAL

#### DUTY TO COOPERATE

3.2.1 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".

3.2.2 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<sup>12</sup>:

- 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

3.2.3 Paragraph 157 of the NPPF makes clear that "Local Plans should ...be based on

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<sup>12</sup> Paragraph 156, see also 178-180

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

3.2.4 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).

3.2.5 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 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.

3.2.6 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

- 3.2.7 The London Plan references neighbourhood planning and states that the Mayor “is preparing guidance on how [the London Plan] can be used” for preparing neighbourhood plans (paragraph 0.2A).

## LOCAL

### EXISTING LOCAL PLAN POLICY

- 3.2.8 Chapter 29 ‘Policies and Actions’ of the existing Local Plan reiterates 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 necessary be the case in all situations.

## NEIGHBOURHOOD

- 3.2.9 It is important to note that there are currently two Neighbourhood Plans in the Borough Norland (‘made’) and St Quintin and Woodlands (passed referendum).
- 3.2.10 It should also 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).
- 3.2.11 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.

## SUMMARY

Date	Document	Organisation
Nov 2011	<a href="#">Localism Act 2011</a>	HM Government
Mar 2012	<a href="#">National Planning Policy Framework (NPPF)</a>	DCLG
Mar 2014	<a href="#">National Planning Practice Guidance (NPPG): Duty to Cooperate</a>	DCLG
Mar 2014	<a href="#">National Planning Practice Guidance (NPPG): Neighbourhood Planning</a>	DCLG
Dec 2013	<a href="#">Norland Neighbourhood Plan</a>	Norland Neighbourhood Forum
Nov 2015	<a href="#">St Quintin and Woodlands Neighbourhood Plan Referendum Version</a>	St Quintin and Woodlands Neighbourhood Forum
Mar 2016	<a href="#">The London Plan</a>	Mayor of London

### 3.3 EVIDENCE BASE

3.3.1 N/A – see section 2.3.

### 3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

3.4.1 The Issues and Options consultation document<sup>13</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

3.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

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

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

<sup>13</sup> <https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome>

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  
(paragraph 182)

## STRATEGIC OBJECTIVES AND POLICIES

3.4.4 The options and alternatives considered are:

Option	Status	Reason
1 Maintain existing Local Plan’s definition of strategic objectives and strategic policies	Reasonable alternative	
2 Amend Local Plan’s definition of strategic objectives and strategic policies to reflect national policy and guidance	Preferred option for Draft Policies	

## 3.5 DRAFT POLICY

### DRAFT POLICY

3.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan paragraph 29.1.3 is proposed to be amended as follows (replicated from the Draft Policies consultation document):

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. To meet the ‘basic condition’ of being in ‘general conformity’ with the strategic policies of the Local Plan, Neighbourhood Plans should assume this approach.
- Corporate and Partner actions follow. This section summarises other strategies, and plans and actions 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 necessary be the case in all situations.~~

## KEY DIAGRAM AND PROPOSALS MAP

3.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

## 3.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

3.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>14</sup>.

3.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>15</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>16</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>17</sup>.

3.6.3 Figure 3.1 shows that neighbourhood planning, in itself, is not considered to be a strategic issue. Nevertheless, Figure 3.1 sets out the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

Strategic issue	Relevant prescribed bodies <sup>18</sup>	Council actions Prescribed bodies’ strategies, plans and policies which the Council has had regard to
Duty to cooperate and neighbourhood planning	Environment Agency	All prescribed bodies were consulted as part of the Issues and Options consultation  The documents to which the Council has had regard to are summarised in section 3.2 of this Policy Formulation Report and in the relevant topic Policy Formulation Reports
	Historic England	
	Natural England	
	Mayor of London/HCA	
	Civil Aviation Authority	
	West London Clinical Commissioning Group	
	NHS England	
	Office of Rail Regulation	
Transport for London		

<sup>14</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>15</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>16</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>17</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

<sup>18</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Strategic issue	Relevant prescribed bodies <sup>18</sup>	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
	Integrated Transport Authorities Highway Authorities Marine Management Organisation London Enterprise Panel Local Nature Partnership (London Wildlife Trust) City of Westminster London Borough of Hammersmith and Fulham London Borough of Wandsworth London Borough of Brent Other London Boroughs	

*Figure 3.1: Duty to cooperate strategic issues, prescribed bodies and Council actions*

## 4. ISSUE 3: QUANTA OF DEVELOPMENT

### 4.1 INTRODUCTION

4.1.1 The existing Local Plan policy CP1 'Quanta of development' deals with four different topics. Changes to each of these different topic areas is dealt with in a dedicated Policy Formulation Report for that topic, as set out in Figure 4.1:

Policy CP1 subsection	Topic	Section of this consultation document
1/a	Housing units	Housing
2/b	Office / business floorspace	Business uses and hotels
3/c	Retail	Shops and centres
4/d	Infrastructure	Infrastructure and planning contributions

Figure 4.1: The subsection topics of existing Local Plan policy CP1 and the corresponding Policy Formulation Reports

4.1.2 For example, as set out for the separate Housing topic, 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).

## 4.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

### NATIONAL AND REGIONAL

4.2.1 Already introduced earlier in this document.

### LOCAL

### EXISTING LOCAL PLAN POLICY

4.2.2 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.

#### **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.

## 4.3 EVIDENCE BASE

- 4.3.1 Update with any relevant information from Monitoring Report 2015 which was published since the Issues and Options consultation was published.
- 4.3.2 Already introduced earlier in this document.

## 4.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

- 4.4.1 The Issues and Options consultation document<sup>19</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council's response to each comment
- **Consultation Summary** – a summary of the consultation comments

- 4.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

- 4.4.3 The Council has considered the options particularly in light of the 'tests of soundness' which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

<sup>19</sup> <https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome>

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

## QUANTA OF DEVELOPMENT

4.4.4 The options and alternatives considered are:

Option	Status	Reason
1 Maintain existing policy	Reasonable alternative	
2 Amend Policy CP1 to reflect changes in other Local Plan Partial Review topic policies i.e. housing units (including London Plan housing target of a minimum of 733 dwellings per year), office/business floorspace, retail and infrastructure	Preferred option for Draft Policies	

## 4.5 DRAFT POLICY

4.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

<p><b>Policy CP1 Core Policy: Quanta of Development</b></p> <p>The Council will <b>provide</b>:</p> <ol style="list-style-type: none"> <li>1. <b>seek to meet and exceed the London Plan target for new homes in the borough, which is currently a minimum of 585 733 net additional dwellings a year based on the overall housing target of 5,850 net additional units</b>; of which a minimum of <b>200 units a year 40% of residential floorspace on qualifying sites</b> will be affordable;</li> <li>2. <b>seek to provide 9360,000sq.m</b> of office floorspace to 2028;</li> <li>3. <b>seek to provide 26,1509,700sq.m of comparison retail floorspace to 204523 across in the south of</b> the borough;</li> <li>4. <b>seek to provide</b> infrastructure as set out in the infrastructure <b>delivery</b> plan, including through <b>developer planning</b> contributions.</li> </ol> <p>To <b>help</b> deliver this the Council has, in this document:</p> <ol style="list-style-type: none"> <li>a. allocated strategic sites with the capacity for a minimum of 5300 dwellings;</li> <li>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;</li> <li><del>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;</del></li> </ol>
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etc. set out current infrastructure requirements, to be updated as part of the regular infrastructure delivery plan review process.

## KEY DIAGRAM AND PROPOSALS MAP

4.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

## 4.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

4.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>20</sup>.

4.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>21</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>22</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>23</sup>.

4.6.3 Figure 4.2 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

Strategic issue	Relevant prescribed bodies <sup>24</sup>	Council actions Prescribed bodies’ strategies, plans and policies which the Council has had regard to
Vision, objectives and key diagram	Environment Agency	All prescribed bodies were consulted as part of the Issues and Options consultation
	Historic England	
	Natural England	
	Mayor of London/HCA	Only Historic England and the Mayor of London responded with specific reference to the vision and strategic objectives topic and others responded with reference to other topics
	Civil Aviation Authority	
	West London Clinical Commissioning Group	
	NHS England	
	Office of Rail Regulation	
Transport for London		

<sup>20</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

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

<sup>22</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>23</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

<sup>24</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Strategic issue	Relevant prescribed bodies <sup>24</sup>	Council actions  Prescribed bodies' strategies, plans and policies which the Council has had regard to
	Integrated Transport Authorities	(including the Impact Assessments – see separate section)
	Highway Authorities	
	Marine Management Organisation	See MR15 + I&O Scoping
	London Enterprise Panel	
	Local Nature Partnership (London Wildlife Trust)	
	City of Westminster	
	London Borough of Hammersmith and Fulham	
	London Borough of Wandsworth	
	London Borough of Brent	
	Other London Boroughs	

*Figure 4.2: Duty to cooperate strategic issues, prescribed bodies and Council actions*

## 5. ISSUE 4: PLANNING ENFORCEMENT

### 5.1 INTRODUCTION

- 5.1.1 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.
- 5.1.2 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.
- 5.1.3 The Council will therefore take enforcement action whenever it is expedient to do so, having regard to development plan policies and other material considerations.

### 5.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### NATIONAL AND REGIONAL

- 5.2.1 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)

- 5.2.2 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)

#### LOCAL

#### EXISTING LOCAL PLAN POLICY

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

## SUMMARY

Date	Document	Organisation
Mar 2012	<a href="#">National Planning Policy Framework (NPPF)</a>	DCLG
Mar 2014	<a href="#">National Planning Practice Guidance (NPPG): Ensuring Effective Enforcement</a>	DCLG

## 5.3 EVIDENCE BASE

- 5.3.1 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%.
- 5.3.2 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.
- 5.3.3 The Council intends to publish a Local Enforcement Plan as a separate document to the Local Plan.

## SUMMARY

Date	Document	Organisation
Dec 2015	<a href="#">Monitoring Report 2015</a>	RBKC

## 5.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

- 5.4.1 The Issues and Options consultation document<sup>25</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:
- **Consultation Schedule** – a table setting out all of the consultation comments and the Council's response to each comment
  - **Consultation Summary** – a summary of the consultation comments
- 5.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.
- 5.4.3 The Council has considered the options particularly in light of the 'tests of soundness' which are set out in the NPPF:

<sup>25</sup> <https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome>

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  
(paragraph 182)

5.4.4 The options and alternatives considered are:

Option	Status	Reason
1 Include no Local Plan policy on planning enforcement	Reasonable alternative	A lack of a Local Plan policy on planning enforcement can reduce the effectiveness of its other policies when it comes to planning enforcement
2 Include a Local Plan policy on planning enforcement making high-level reference to a Local Enforcement Plan	Preferred option for Draft Policies	<ul style="list-style-type: none"> <li>• Positively prepared in seeking sustainable development and setting the framework for a positive strategy for planning enforcement</li> <li>• Justified in light of increased enforcement activity</li> <li>• Effective in assisting delivery of the Local Plan's policies</li> <li>• Consistent with national policy in the NPPF and NPPG</li> </ul>
3 Include a Local Plan policy on planning enforcement with detailed policies on how enforcement should be managed and prioritised	Reasonable alternative	A detailed Local Plan policy on planning enforcement would be unnecessary for a development plan document and would make it more difficult to review enforcement policy and approaches in response to changing circumstances

## 5.5 DRAFT POLICY

- 5.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

### **Policy C2 Planning Enforcement**

The Council will investigate reported breaches of planning control in accordance with its Local Enforcement Plan, once adopted. Cases will be prioritised according to the harm to amenity caused and resources available. Investigations will be carried out proportionately in relation to the breach of planning control identified.

Where informal negotiations fail to resolve the identified breach of planning control, and where it is considered appropriate and expedient to do so having regard to the provisions of the development plan and any other material considerations, formal action will be taken.

### **KEY DIAGRAM AND PROPOSALS MAP**

- 5.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

## 5.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 5.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>26</sup>.
- 5.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>27</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>28</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>29</sup>.
- 5.6.3 Figure 5.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

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<sup>26</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>27</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>28</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>29</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

Strategic issue	Relevant prescribed bodies <sup>30</sup>	Council actions  Prescribed bodies' strategies, plans and policies which the Council has had regard to
Planning enforcement is not considered a strategic issue	All prescribed bodies	All prescribed bodies were consulted as part of the Issues and Options consultation and none of them responded to the issue of planning enforcement

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

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<sup>30</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012



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