

Local Plan Partial Review Issues and Options Consultation Summary



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Section 5: Infrastructure and planning contributions

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

S106 vs CIL categories

Option 1

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

Option 2

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

15 responses. Key points:

- Most in support of Option 1, some support for Option 2
- Kensal Gasworks site has a 'nil' CIL charge so S106s can still be sought
- Community should be consulted on contributions

Standard charges and pooling

Option 1

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

Option 2

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

14 responses. Key points:

- Most in support of Option 2, some support for Option 1
- S106s must be negotiated on a case-by-case basis to meet the legal tests
- Existing 'standard charges' are no longer appropriate as this approach was adopted as part of the Planning Obligations SPD in 2010 which pre-dates new S106 legal tests and CIL
- 'Standard charges' approach provides a degree of certainty

Question 1

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

11 responses. Key points:

- CTMP monitoring and enforcement
- Noise monitoring and enforcement relating to air conditioning units and heat pumps
- Clearing up litter from takeaways
- Enforcing conditions and a helpline for residents
- S106s should be used for the betterment of the area, not for temporary measures such as CTMPs which should be the responsibility of the developer
- The Council should limit S106 agreements only to where absolutely necessary – they are expensive for applicants to prepare, especially for smaller applications
- The Council should not seek S106 monitoring costs in light of the S106 legal tests and recent appeal and legal cases

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

4 responses. Key points:

- Mayor of London suggested that it would be prudent to wait until the outcomes of the DCLG's current CIL Review are reported before formalising approach on S106/CIL
- S106 payments should benefit local residents affected by development
- The Council should seek S106 payments towards residents' parking permits to have the charge reduced

Issue 2: Public art

Option 1

Local Plan policy should confirm a 'standard charges' approach to seeking S106 financial contributions for public art.

Option 2

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

Option 3

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

22 responses. Key points:

- Public Art Panel suggested that it should be involved in any selection of artists by developers or by the Council
- Public Art Panel recommended a hybrid of Options 1 and 2 and rejection of Option 3 although expressed concern over whether Options 1 and 2 would be in accordance with the S106 legal tests
- Breakdown of respondents (including Public Art Panel):
 - Option 1 = 6 supporters
 - Option 2 = 7 supporters
 - Option 3 = 6 supporters
- Support for public art in the South Kensington Strategic Cultural Quarter and Exhibition Road
- Public art contributions should not be at the expense of other infrastructure e.g. community facilities, schools, pavements, step-free access, cycle routes, green walls, play equipment, trees, benches, flowers
- Communities should be involved in the design of public art
- Current approach of 'standard charges' for public art S106 contributions results in trivial or modest individual contributions, possibly resulting in mediocre public art as part of a tick-box response
- Current approach of 'standard charges' provides transparency and certainty
- Definition of 'art' should be broader to include architecture, design and engineering

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

4 responses. Key points:

- Capitalise on Chelsea's history with Victorian artists
- V&A would welcome discussions with RBKC to progress public art initiatives
- Definition of 'art' should be broader to include architecture, design and engineering
- S106s for public art should fund temporary installations e.g. at Exhibition Road

Issue 3: Open space

Option 1

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

Option 2

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

14 responses. Key points:

- No clear steer in support or against Options 1 or 2
- Council should seek the maximum amount of public open space in any development for all residents and not 'gated'
- No net loss of open space and trees
- Low rise housing with less open space is preferable to high rise with more open space
- Any development in Latimer and Silchester East and West should include significant increase in public open green space

Issue 4: Infrastructure planning

Question 1

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

7 responses. Key points:

- Medical/dental facilities, Kensington High Street station, streets (litter, dog waste, detritus, litter bins)
- Adapting libraries to the digital age
- Quality of life
- Pedestrianise Pelham Street, South Kensington
- Primary care health facilities in North Kensington
- Social and community facilities and, in particular, schools (and treatment of independent and state schools under Policy CK1)

- 'Call for sites' should have included school sites

Issue 5: S106 thresholds

Question 1

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

5 responses. Key points:

- Seeking S106s for developments of just 1 unit (e.g. for parking permits, education and community facilities) is burdensome – the Council should just focus on larger developments
- Existing list of infrastructure items for S106s duplicates some of those in the Regulation 123 List – the Planning Obligations SPD needs updating accordingly
- If any local authority in the UK can hold developers to a high standard of S106 contributions, it should be this Council

Issue 6: Viability and transparency

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

Viability and transparency issues are covered in Section 10 Housing