

**Royal Borough of Kensington and Chelsea Local Plan Partial  
Review**

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Jonathan Wade  
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Royal Borough of Kensington and Chelsea

31 May 2017

**By email via the Programme Officer**

Dear Mr Wade,

**Examination of Kensington and Chelsea Local Plan Partial Review  
Initial Questions to the Council**

Further to your submission of the Royal Borough of Kensington and Chelsea Local Plan Partial Review (the Partial Review), I have completed an initial read of the plan, the supporting evidence and the duly made representations.

Based on what I have read, I have a number of initial questions and requests for further information, which are set out below. The Council's response to these matters will help to inform the main issues and questions for subsequent discussion at the hearings. I may have further questions as the examination progresses.

Scope of Review

1. I note the explanation given in section 2 of your covering submission letter and the list of topics in the LDS (Sub 14) regarding the matters to be covered in the Partial Review. However, a number of representations suggest the Review should be addressing other changes in response to new and updated government policy and other publications. For example non-rail transport infrastructure requirements under Policy CT1, sports and open space needs under Policies CK1 and CR5, local green spaces and waterways under Policy CR5, and heritage at risk under Policy CL4. Please explain how the Council has determined what should fall within the scope of the Partial Review and why the above and other excluded policy issues should be reserved for a future full review of the Local Plan.

Timing of the Partial Review

2. I note that a new draft of the London Plan is to be published in late 2017, to include amongst other things an updated housing requirement and distribution for London based on the most recent population and household forecasts and a revised apportionment of waste streams. In the light of this, please explain the reasoning for publishing a Partial Review of the Kensington and Chelsea Plan now.

### Plan Period

3. Paragraph 1.1.1 of the Partial Review confirms that the Plan period remains unchanged covering the period up to 2028. However, there appears to be some inconsistency in the periods over which development is being planned for. The housing target relates to the London Plan housing requirement for the period 2015-2025, but has been rolled forward with a housing trajectory and land supply to 2031 beyond the end of the Plan period. Office floorspace is being provided for the period to 2028 but retail floorspace only for the period to 2023. I would be grateful for the Council's justification and explanation for how these differential target dates contribute to an effective long term plan for the Royal Borough.

### Place and Vision Policies

4. I note the explanation for and justification of the revisions to the Place and Vision policies (in Sub 43) with an overarching Policy CP2 which applies the visions, principles and priorities in each of the place chapters to new development. However it appears that the Visions (CV5-15) are still referred to as policies in the boxes inviting responses to the consultation on the publication Plan. For clarification, please advise whether the Visions are to be regarded as policies for the purposes of the development plan?

### Housing Need and Requirement

5. The Plan sets a housing target of 733 dwellings per annum (dpa). I recognise this is in line with the requirement in the adopted London Plan and compares to an OAN of 575dpa in the Council's SHMA. However, both of these documents rely on the 2012-based household projections. Since the adoption of the London Plan and the publication of the SHMA, the DCLG has published 2014-based household projections in July 2016. Please would the Council provide a comparison between the 2014 and 2012-based figures for the Royal Borough and advise what, if any, implications there may be for the assessment of OAN in Kensington and Chelsea?
6. The SHMA confirms that affordable housing need in the Royal Borough is around 1,170dpa, more than twice the OAN and significantly greater than the proposed housing target. In the context of this shortfall, has the Council considered whether a further uplift in the housing target may be necessary to deliver additional affordable housing in the borough? What are the Council's reasons for not pursuing this option?

### Affordable Housing

7. I note the justification in the evidence for reducing the threshold for affordable housing to 650 square metres (sqm) in Policy CH2. This is below the threshold of 1,000sqm at which affordable housing obligations may be sought as set out in the Written Ministerial Statement (WMS) of November 2014 and the PPG. Please provide evidence of any precedent in case law or otherwise which suggests a departure from the WMS and PPG could be contemplated in setting development plan policy.

8. Paragraph 35.3.43 of the Partial Review states that vacant building credit (VBC) does not apply to development in the borough because all sites are brownfield. I note the evidence provided to justify this and recognise that the courts allow decision makers on planning applications to determine the weight to be attached to VBC. However, the PPG does not permit scope for the blanket removal of VBC through development plan policy. As with question 7, please provide evidence of any precedent which may support a departure from the PPG in setting development plan policy regarding VBC.

#### Gypsy and Traveller Accommodation

9. I note the joint evidence on the need for and supply of gypsy and traveller accommodation within the boroughs of Kensington and Chelsea and Hammersmith and Fulham. The evidence appears to focus on the current and future needs arising from the occupants of the existing site at Stable Way. However, it is not clear what account has been taken of needs arising from elsewhere within the borough, including travellers on unauthorised sites or living in bricks and mortar who may need a pitch, or beyond the borough boundaries from migration or travelling showpeople. Please advise what account has been taken of those needs and how the Duty to Co-operate on wider needs has been fulfilled beyond the two boroughs?
10. I also note the requirement for 9 pitches across the two boroughs and the assessment of sites, but the Partial Review does not appear to identify a 5-year supply of deliverable sites or a supply of developable sites for years 6-15 of the plan period to meet this need as expected under the PPTS. How does the Council intend to address this matter?

#### Fostering Vitality

11. The Partial Review and the supporting studies identify a need for a further 9,700 sqm of retail floorspace and 6,000 sqm of A3-A5 floorspace up to 2023, and an undersupply of 84,600sqm of B1(a) floorspace. To provide for this it appears to rely on vacant retail floorspace of 11,300sqm and allocations for around 2,000sqm of retail and 20,000sqm of office floorspace. Paragraph 23 of the NPPF expects local plans to allocate sites to meet the scale of retail, leisure and office development needed. It appears the Partial Review would not achieve this. Please explain how the Plan addresses this shortfall.
12. What is the evidence to justify the local threshold of 400sqm for retail impact assessments in the Royal Borough set out in paragraph 31.3.8 of the Partial Review?
13. Paragraph 31.3.65 provides an exemption from the retail impact assessment for ancillary retail and café uses within arts and cultural institutions. Should this be included within Policy CF7?
14. The preferred option for new hotels in paragraph 4.4.3 of the Policy Formulation Report on Fostering Vitality (Sub 31) is to support the creation of new hotels and bed spaces 'across the borough'. However, the scope for hotels to be developed 'across the borough' does not appear to be reflected in the revisions to Policy CF8, which limits the

location of new hotels to higher order town centres. Please explain this apparent inconsistency.

Waste

15. I note there is an emerging Memorandum of Understanding (MoU) between the authorities in the Western Riverside Waste Authority, which appears critical to the pooled approach to managing the shortfall in meeting the Royal Borough's waste apportionment figure. Please advise on the progress of this MoU and when a signed copy will be made available for the examination.
16. Please outline the Duty to Co-operate discussions and exchanges which have taken place with the main recipients of the Royal Borough's exported waste, including the London Borough of Bexley in relation to the resource recovery facility at Belvedere.

I would be grateful for your response to these questions by Friday 16 June 2017. If that is not possible, please let me know when you will be able to complete your reply.

I look forward to hearing from you.

Yours sincerely,

*Mike Hayden*

INSPECTOR