

LOCAL PLAN ISSUES AND OPTIONS – COMMENTS BY THE KENSINGTON SOCIETY

Submitted: 04/10/2021

SECTION 1: INTRODUCTION

Overall Vision for the New Local Plan

The Planning Acts require each local planning authority to identify the strategic priorities for the development and use of land in its area. We intend to do this through the New Local Plan Review (NLPR), with an ambitious and succinct overall vision that reflects our ambitions and our priorities for future development.

This vision must be guided by and reflect the priorities identified in the Council Plan following extensive public engagement. We have reflected on these suggestions. In particular that we will need to:

- narrow the inequality
- put green issues and the environment at the heart of all new development
- further enhance the Borough's outstanding townscape

Q1.1: What do you think should be included in the New Local Plan's vision?

A. Narrowing Inequality:

The New Local Plan must:

- **Support additional truly affordable homes**
- **Support need for maintaining access to local jobs**, especially for areas with poor access to non-local jobs (ie Low PTAL areas)
- **Support equality of access** a range of everyday facilities. We need to plan for improved access and maintain access to local social facilities and services, such as planning for future distribution of education, health, shops and access to cash – build on strengths of existing walkable/ 5-minute neighbourhoods/ walking catchments and support and strengthen local neighbourhood centres to improve access for all communities. This is a key social inclusion issue.
- **Develop policy for promoting 5-minute neighbourhoods.** Update 2008 evidence base for Walkable Neighbourhoods, to identify areas both with high and low accessibility to key local services. Maps and evidence base on identifying boundaries of genuinely walkable neighbourhoods need to be improved in Draft LP.

B. Green issues & Environment

The New Local Plan must

- **Develop policies that will lead us to a less polluted and eventually carbon neutral borough.**

- **Demonstrate RBKC to be a leader on environmental issues**, going beyond the minimum central requirements (e.g. in the London Plan). For every policy we should be requiring improvements rather than “no worsening”.

C. Enhance the Borough’s outstanding townscapes

The New Local Plan must:

- **Recognise formally views in the Local Plan** including views within, into, across and out of the Borough (This is currently within the Building Heights SPD, but this has been enriched by Conservation Area Appraisals).
- **Identify areas within the Local Plan where tall buildings may be appropriate**, after recognising areas where they would be inappropriate or highly sensitive to tall buildings (currently within Building Heights SPD).
- **Support town centres** and key town centre activities, as key locations for shops, services, entertainment, and, in particular, key social infrastructure.

Figure 1.4: Accessibility of various services within a 15/10/5 - minute walk

In a borough like Kensington and Chelsea, the “**15-minute walk**” (1,200m) criterion would only apply to “higher level” services, such as hospitals, sports centres, libraries, secondary schools, and large supermarkets.

The **10-minute walk** (800m) level is most suitable for GP group practices, post offices, dentists, pharmacies, cinemas, and tube stations.

The **5-minute walk** (400m) walk is most suitable for local shops, pubs, local open space, primary schools, bus stops, ATMs and cafes.

However, a 15-minute walk (each way) is far too crude and should not be used as a measure of accessibility except for strategic social infrastructure.

The emphasis should be on assessing which facilities should relate to 5-minute (400m) & 10-minute (800m) actual walking distances, as was used in the evidence base for the 2010 LDF.

There seems to be confusion between walkable neighbourhoods and a 15-minute city!

The table below, taken from an RBKC Residents’ Panel Survey indicates how far residents expect to walk to local facilities. There is a clear difference between highly local and less local facilities.

In line with paragraph 93 of the NPPF, there is a need to plan positively to maintain or reconfigure the distribution of key social facilities, such as primary health care.

How far should people be prepared to walk to reach facilities?

Total	<5 minutes	5-10 minutes	11-20 minutes	> 20 minutes	DK/NA	No response
Local Shops	26%	50%	17%	2%	1%	4%
Post Office	17%	54%	23%	2%	4%	0%
GP Surgery	14%	46%	33%	3%	1%	5%
Library	4%	22%	54%	13%	2%	6%
Sports facilities	2%	22%	47%	17%	5%	7%
Hospital	3%	17%	46%	26%	3%	5%

RBKC Residents' Panel Survey

Very local = <10 mins/<800m: local shops, post offices; GP surgery

Local = 10-20minutes/800-1600m: library, sports, hospital

SECTION 2: KEY CONCEPTS

Section 2 of the Issues and Options paper sets out four key concepts that should underpin the NLPR and run as a common theme across what we are trying to achieve. These are:

- An Inclusive Borough
- Connected Borough
- Green Borough
- A Beautiful Borough

Q2.1: Please give us your views on the key concepts, should there be any others?

Agree generally. However, we would like to see added “**A more equal borough**”. This is not quite the same as “An inclusive borough”. The local plan should in particular aim to implement the policies in Paragraph 93 Of the NPPF, so as both to strengthen our local communities and to overcome inequality of access to services.

A. An Inclusive Borough:

- Equality of access to services, social infrastructure and open space

B. Connected borough should aim to:

- Enable walking and cycling to meet everyday needs and underpin walkable communities. It must make walking and cycling more attractive and safer;
- Promote active travel – and reduce dependence on car use;

- Support town and local centres as focus for key activities;
- Make the pedestrian environment more attractive.

C. Green Borough

- **Role of electric vehicles** – the take-up may be lower than replacement of existing cars, leading to reduction in the number of vehicles and of short-distance trips by car.
- **Electric Vehicle charging points** – there needs to be consistency in the application of parking policy for new developments. To require additional off-street parking spaces, which would be contrary to London Plan residential parking standards. We are opposed to on-site residential parking in new developments and endorse permit-free development, but now is the time to activate the promise of car-free developments. On-street spaces for EV charging should be reserved for that purpose.
- **Tall buildings are much less sustainable than high-density low-rise development** taking account of the full life-cycle greenhouse gas emissions.

D. A Beautiful Borough should aim to:

- **Protect our heritage assets.** In particular, we need to avoid the accumulation of small alterations leading to damaging change – something the planning system is bad at doing.
- **Not be too prescriptive on design,** as beauty is in the eye of the beholder. In particular, we should avoid restricting innovation.
- **Avoid one-size fits all** – given the differing character of the different parts of the borough.
- **Take account of local views.** All views that have been identified for protection should be named in the plan, just as the London Plan does for strategic views.

SECTION 3: PLACES

The current Local Plan has identified eleven "Places" or areas which would benefit from local visions to help shape their nature in the future. The Issues and Options paper groups these Places into two broad categories:

- Areas that can accommodate growth
- Areas with a particular national or international reputation

The Places are set out in the maps and tables in Section 3 of the Issues and Options paper. These include a precis of the existing visions for these areas. The full visions can be viewed in the relevant place chapter within the current Local Plan.

Q3.1: Please let us know your views on these areas of change.

We think that the text given to detailed plans for places should be shorter in the new Plan and should focus on the key priorities. The current Place chapters are often out of date and restrictive in that they can discourage new and better ideas.

We would be concerned if too much weight was given to the Characterisation Study. Prepared by consultants, its content lacks deep local knowledge. We have no idea what it will say and how it might be used. There is no clarity on this issue.

We **support** distinct places, but “places” are as much about the cluster of uses and activity not just about “character” or townscape.

Places should not be limited to town centres. Other “places”, such as the Chelsea Riverside, the Royal Parks, Kensington Palace, Holland Park and Brompton and Kensal Cemeteries, which are also places with a national reputation, deserve recognition, especially in terms of their sensitivity to and need to protect views and the skyline from harmful development, such as tall buildings.

There are parts of the Boroughs which have never been picked out as ‘Places’. In particular, residential areas with historical buildings should also be recognised as places, as they are a very large part of what gives the borough its character. The Plan should encourage local people to be pro-active and influence development in these areas through e.g. neighbourhood plans and community-led design codes.

We **support** the area around Grenfell Tower and Lancaster West being subject to co-design with the local community. (Paras 3.4 to 3.8) Other “places”, such as town centres, will also need co-design.

Figure 3.1: Places with a particular national or international reputation

This is the wrong title – these are two areas of major change, one site that will soon be complete and seven site allocations

These are primarily existing site allocations, although the green “shading” would appear to be more extensive and include number of completed developments.

1. Kensal Canalside:

We dispute the numbers of home and jobs proposed, especially since these have not been revisited since a Crossrail station (see Transport) is unlikely to be built and the capacity of the sites and the feasibility of creating 2,000 jobs/20,000sqm of offices has not been established. The 2013 consultation on Kensal Canalside identified 3,500 new homes as a maximum of three options and this remains the 2021 London Plan ‘indicative’ figure. No rationale has been provided for increasing this to a 5,000 minimum in the recently adopted SPD, when public transport prospects have shrunk rather than increase.

We strongly oppose tall buildings on grounds of unsustainability due to lifecycle emissions of greenhouse gases and the choice of locations with poor public transport accessibility levels, such as Kensal Canalside.

It is Important to mention the amount/proportion of community housing.

2. Edenham Way:

We are **opposed** the scale of the 14-storey building immediately next to Grade II*-listed Trellick Tower which appears insensitive to the context and importance of the tower. The map refers to this 'area of change' as No.2 Golborne, which is confusing. There ought to be a mention of community housing and the need to confirm the protection of Meanwhile Gardens, through designation by the Council as a Local Green Space.

3. Wornington Green:

We agree that this should be removed as a site allocation as it will have been completed before the Plan is issued.

4. 1-14 Latimer Road:

The StQW Neighbourhood Plan in 2016 identified the potential of this location as a mixed-use area which could attract cultural businesses. New policies were introduced on permissible uses. The pace of change has since proved to be slow. The new RBKC Design Code should provide greater certainty on development potential, but development viability in the area remains marginal due to poor public transport access.

5. Warwick Road sites:

These are nearly complete, but we still await the delivery of the green corridor included in the SPD.

6. Earl's Court:

This is essentially the existing site allocation. We would be very concerned if this scheme were to be replaced with much larger/taller buildings.

7. Harrington Road:

This site allocation is not part of "proposes for SDistrict Centre.

8. Lots Road:

To avoid confusion, the terminology should be not "Extra care homes" but "Extra-care homes".

Q3.2: Last time you told us that we had identified the correct Places. You can let us know your views again.

We agree that these are the right places subject to the comments below.

The mini vision for **Latimer Road** overplays the potential for change in this street, where existing light industrial/warehouse units are in multiple ownerships and redevelopment potential remains marginal as explained above. Much is dependent on individual building owners coming forward to redevelop their industrial units/warehouses. While the StQW Neighbourhood Plan promotes the street as a 'creative hub' and RBKC has prepared a Design Code, the pace of redevelopment will depend on market conditions.

Figure 3.2 Places with a particular national or international reputation:

The supporting text at 3.2 implies that the attractive features of these areas are for tourists and visitors and not for residents. This sets up policy tensions as at South Kensington station and Portobello as to whether a 'place' works well for visitors or for residents who live there 24/7.

Some of these areas are overgenerously or wrongly drawn, especially:

- **Portobello Road and Notting Hill Gate:** there is a significant gap (a residential area) between Notting Hill Gate and Portobello Road (see Fig. 8.1: RBKC Town Centres Page 91) They are not connected and there should be a gap on the map between the two areas.
- **Portobello Road and Golborne Road** should be a single seamless place as they are now a continuous market area.
- **Notting Hill Gate** should also include the northern part of Kensington Church Street, which is still important as a centre of high-end antique dealers.
- **South Kensington cultural area** – this is only north of Cromwell Road, the area to the south is/should be a district town centre.
- **King's Road/Sloane Square:** This embraces large tracts of residential streets.

The Thames Policy Area from the London Plan should be shown. (See also Building Heights in chapter 13) See also draft Thames CAMP.

Q3.3: The Council will look again at the existing visions for these Places and consider whether they remain appropriate. Do you have any views on the shortened visions for the Places as drafted in the table above? Is there anything else we should include?

The mini-visions in Table 3.2 will need expansion to elaborate the character, role and activities. To create a stronger vision and reflect the work being done on town centres. We would wish to be involved in articulating the new visions, and the involvement of residents is also important.

Notting Hill Gate – we are not entirely sure that it is correct to say that Notting Hill Gate has a 'long-standing reputation for arts and culture'. It was a useful local shopping centre with a mix of small independent shops and branches of chain stores. There has long been argument about what it should now be. A plaza to accommodate the farmers market and other events should be in the vision, along with maximum step-free access at the Underground station. The district's status as a transport hub should also be built upon. Otherwise, any vision needs to be put on hold until it is known whether the new owner of the Newcombe Tower site intends to implement the existing planning permission.

Kensington High Street: we believe that the sentence *The High Street will capitalise upon its traditional role as the civic heart of the Royal Borough* overstates the importance of the civic facilities to Kensington High Street, although the Central Library is borough-wide facility. Fewer and fewer people visit the Town Hall as transactions are done increasingly online. This trend will we suspect have been increased due to the pandemic, especially as the Town Hall has been largely empty for the last 18 months. Kensington High Street should be treated above all as a shopping and services centre and (to a lesser extent) cultural centre.

4. A Zonal Planning System

Government's White Paper proposals

4.1 The Queen's Speech in May 2021 outlined the Government's intention to bring forth a Planning Bill in the coming Parliamentary term. However, the Speech did not reveal more details following the Government's White Paper proposals of August 2020. A zonal planning system in the future with changing local plans so they *"provide more certainty over the type, scale and design of development permitted on different categories of land"*

remains on the cards. It is understood that the Government received over 40,000 responses to the Planning White Paper and is considering those responses. In the absence of more detail, we have provided a summary of the White Paper proposals as these will affect the production of the NLPR in due course.

4.2 The White Paper proposes that Local Plans should identify land under three categories: 1) Growth areas suitable for substantial development; 2) Renewal Areas suitable for development; and 3) areas that are protected. Figure 2.3 provides an indicative illustration of where these areas may be across the Borough.

- **Growth Areas** – the Government will define the term ‘substantial’, and the White Paper indicates that this is land suitable for complete redevelopment. We have two such areas in the Borough currently classed as “Opportunity Areas” – Kensal Canalside and Earl’s Court. Sites annotated under this category in the Local Plan will automatically have outline approval.
- **Renewal Areas** – these cover existing built areas where smaller scale development is appropriate. It could include gentle densification and infill of residential areas and development in town centres. There would be a statutory presumption in favour of granting permission for uses specified as being suitable in each area.
- **Areas that are Protected** – These include conservation areas which cover about three-quarters of the Borough.

Figure 4.1: We strongly question this whole map and its designations There is in particular a crude assumption that anything that is conservation area or Council housing is protected and anything else is “suitable” for redevelopment, including Trust housing. There are probably grey areas, suitable for small-scale development, housing.

SECTION 5: LOCATIONS FOR FUTURE DEVELOPMENT. ‘A CALL FOR SITES’

As a central and highly built-up area, with extraordinarily high land values, Kensington and Chelsea has very little space that is free for development. Most land that has not been built on is strongly protected for either its historic or landscape value. However, we would be interested to hear of any additional sites which may be suitable for new development, and which may have the potential to contribute to the Borough’s future needs.

In the responses to the Borough Issues paper consultation, 13 sites were suggested as suitable for new development. The proposed sites have gone through the first stage of the sifting process to assess their suitability for being designated as new site allocations.

Q5.1: Are you aware of any sites that might be suitable for new development?

If so, please provide us with:

- the site location
- the potential type of development
- the scale of development; and,
- possible constraints on development such as historic buildings, parks and open space or protected uses such as offices, education and medical uses.

We have no additional sites to propose but have the following comments.

Table 5.1: Sites proposed in issues consultation as suitable for development

The RBKC New Homes Programme has identified a series of sites in North Kensington for the '600 new homes' committed by RBKC after Grenfell. Construction is underway on several. We are not confident that RBKC housing staff and the planners liaise sufficiently closely on this programme, and we also wonder why the sites in progress are not listed as allocated sites? This would prevent them being suggested all over again.

Allocated Sites:

3. Atlantic House: This has been in educational use since the 1880s, most recently as part of the Richmond University Campus. Its proposed use should be education. Its description as having a development capacity of 40-50 homes would be excessive in relation to the 3-4 storey character and context of Kensington New Town.

4. Newcombe House: Extend uses to include proposed GP Group Practice, public square and step-free access to one side of the District/Circle Lines.

5. South Kensington Station: This should identify step-free access as requirement. The current planning application is highly controversial.

11. Unit 12 Latimer Road in RBKC ownership for community use. The Council has the opportunity to include this site in its New Homes programme and to deliver an exemplar redevelopment that meets the new Design Code for Units 1-14.

15. Holiday Inn, Cromwell Road: This is not supported by residents, let alone the Kensington Society. This site should be deleted.

Q5.2: How do you feel about the sites that were identified in the first round of call for sites? Do you find them suitable for development? Do you agree with their current categorisation?

Atlantic House – housing capacity is too high – likely to stay in education use

Newcombe House – identify the major public benefits, eg partial step-free, public square, GP group practice, public realm improvements

Holiday Inn, Cromwell Road – this should be omitted as redevelopment is unlikely to happen within 10 years

Edenham Way – should be a site allocation.

Notting Hill Police Station – an allocated site for community use.

SECTION 6: BLUE-GREEN FUTURE

Issue 1: Climate change and building design

The Local Plan will be one of the key documents in achieving the Council's target to be a carbon neutral borough by 2040. It can set out how we expect the energy efficiency of both new and existing buildings will be improved.

A series of options for policy approaches towards the reduction of toxic emissions are set out under Issue 1 of Section 6 of the Issues and Options paper.

Q6.1: Which of these options do you support? You can pick more than one.

COMMENT: NICE has produced guidance in 'plan making' for the LAs. It is important that the issued addressed by NICE be incorporated into the revised plan and translated into clear, implementable policies. See <https://www.nice.org.uk/guidance/ng149/chapter/Recommendations#prioritising-indoor-air-quality-in-local-strategy-or-plans>

Circular Economy: Option 1:

Agree generally, but for this to work there would need to be active implementation, ongoing monitoring and enforcement. This will need to be designed in, and practicality and cost could both be problems.

The option refers to 'circular economy principles. As stated in the justification section, much of the borough's development will be smaller than the limited major sites available. If smaller sites are not controlled, we may see more smaller sites. Although it may be over the top to require all development proposals to have a circular economy statement, some way needs to be found of ensuring the principles are applied to many of the proposals which do not qualify as "major", e.g. residential refurbishments.

Whole Life-Cycle Carbon: Option 1:

Agree. But it is important that all aspects are taken into account: the materials which are used (material sourced in China may be cheaper but is globally more polluting), the amount of heat the building generates and/or reflects and more.

Energy hierarchy – Be Lean: Option 1: Agree

Option 2:

Disagree: We disagree with the benchmark as a "reduction". If the existing building uses a load of energy, then the replacement building could have the same and there is no reduction. A 45% reduction may be insignificant. We should be going for all new development to be carbon neutral regardless of the existing.

Option 3:

We must address both the energy required for interior fit out to Cat A set out as well as addressing the energy consumption which is presently unregulated. Unregulated energy is building energy consumption resulting from a system or process that is not 'controlled', i.e. energy consumption from systems in the building on which the Building Regulations do not impose a requirement. For example, this may include energy consumption from systems integral to the building and its operation, e.g. IT equipment, lifts, escalators, refrigeration systems, external lighting, ducted-fume cupboards, servers, printers, photocopiers, laptops, cooking, audio-visual equipment and other appliances. Some buildings can have unregulated energy accounting for 50% of total energy use.

Unlike regulated energy use, unregulated energy consumption is usually only determined very late in the design process; it can also vary throughout the building lifecycle. This is because buildings may have different occupants or uses.

It is possible to set the unregulated emission through lease restrictions on energy consumption.

Again, there is a problem of monitoring and enforcement.

Energy hierarchy – Be Clean: Option 1:

In principle agree but “explore” is a totally ineffective word.

Energy hierarchy – Be Green: Option 1:

Agree. There is a need for clear policy as well as guidance on solar panels and solar tiles on listed buildings and on buildings in conservation areas.

Energy hierarchy – Be Seen: Option 1:

Agree but this will only work if the systems are monitored to “ensure” the targets are met; and there need to be consequences if they are not. Powers would probably be needed for the council have to impose fines or requirements for installation of improved system.

Third-Party Standards: Option 1:

Agree but the criteria for the "certain residential development schemes" should be widely drawn (including for instance any significant extension) and viability more restrictively accepted as a block.

Overheating: Option 1:

Agree. The new Building Regulations Part L and F also apply and should be mentioned.

Q6.2: Do you have any other options to suggest?

Water consumption: There is no mention of water consumption. There is much non-essential use of water that cannot be controlled by planning – e.g. use of sprinkling systems. But thought should be given to possible ways that the planning system can be used to design out unnecessary usage of water.

Whole life carbon use: The assessment of whole life carbon use of buildings should be made compulsory part of all planning applications which involve alterations to building systems

Listed buildings and buildings in conservation areas: We are concerned that so little is said on the application of these policies to listed buildings and buildings in conservation areas, since they cover most of the borough and account for the majority of planning applications. There should be a “conservation-proofing” of the document to ensure that the reasoned justification for all these policies covers their application to all these policies to heritage assets. There may also need to be more guidance for owners.

It is also important that, in considering **household planning applications**, the environmental effect is treated as a material consideration and discussed in the officer’s report. There may well be cases where a minor harm in conservation terms could be outweighed by environmental benefits.

The recent NICE recommendations include planning guidelines on **building materials** and products which should be incorporated into the local plan, e.g. specifying materials and products that emit low levels of formaldehyde and volatile organic compounds (VOCs) should be specified.

Lighting in and outside empty buildings: A policy is needed to discourage the waste of electricity through lighting both inside and outside buildings when they are empty (e.g. on hanging signs). This is difficult, but it would help if shopfront policy could include a provision requiring light visible through shopfronts when the shops are closed to be only at a level that is needed for security, and lighting on external signage to be turned off when the establishment is closed.

Issue 2: Air Quality

In this borough, we remain concerned about concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}), and the whole borough has been declared an Air Quality Management Area (AQMA).

We must reduce emissions of nitrogen dioxide and particulate matter as well as addressing the negative effect of climate change in order to become more resilient. A series of options for how we can control air pollution through the New Local Plan are set out under Issue 2 of Section 6 of the Issues and Options paper.

Q6.3: Which of these options do you support? You can pick more than one.

Comment:

Again there are new NICE recommendations on designing heating and ventilation systems that need to be incorporated in the local plan:

Option 1: We **disagree** with the “not worsening” position. If the carbon factor is high this implies that making a bit better is acceptable. That will not reach the 2030 target and ‘Air Quality Neutral’. We expect major new developments (1,000sqm or 10 homes) to be air quality positive – achieving an improvement in air quality. This may be something for the Environmental Impact Assessment for large buildings.

Option 2: the demolition of Earl’s Court should have taught us that “air quality monitoring” does not control the dust release. The policy needs to be strengthened with conditions and enforcement to control immediately and not delayed for assessment time. There is also a particular problem with basement excavations, so they need to be covered even if they would not normally count as “major”.

Option 3: controlling the emission is a first step. Just as we are all being called on to reduce our use of cars, so the construction industry needs to improve the deliveries and reduce the distances.

We **oppose** the use of ineffective terms as "as far as practically possible".

Q6.4: Do you have any other options to suggest?

Construction traffic. There needs to be stronger controls over construction traffic. When KS commented on the 80 HGV movements in and out for over many months for Dukes Lodge, the reply was that since Dukes Lodge was on the edge of the borough it was quickly not the borough’s problem. That type of attitude must stop.

More needs to be done to control the quantity of construction HGV going to and leaving a site. There should be a requirement to confirm where the HGV is coming from and set limits for journey distances.

Disposal of Construction waste. Both basement soil removal and general material for building demolition is a major cause of site traffic. There should be a requirement that the materials removed from site are environmental disposed of and not merely landfill.

Issue 3: Noise and vibration

Pollution also comes in the form of noise and vibration which can seriously affect the amenity of residents and visitors both during the construction and operation of new development. The Council is committed to protect residents' amenity and quality of life from development where noise and or vibration is generated.

A series of options for how we can control noise and vibration in the Borough are set out under Issue 3 of Section 6 of the Issues and Options paper.

Q6.5: Which of these options do you support? You can pick more than one.

Option 1: Agree, but "maintain" is not sufficient. Need to change existing policies to reflect the Covid and most likely the future working practices.

Option 2: Agree. This is an increasing problem especially with the increase/uncontrollable reliance on air conditioning. Air condition is massive energy greedy and contrary to the direction of greening. We should be promoting increases in central fans and natural ventilation. Ventilation must be addressed in basements in particular.

Option 3: Agree, but this should not apply just to gyms and fitness centres. All sorts of uses can cause nuisance. Late-night venues such as nightclubs or restaurants/pubs with late evening licences are a particular problem, as is increased noise from delivery motor bikes/push bikes congregating outside a restaurant for late night delivery.

Option 4: Agree, but more is needed. There is a particular problem with the increase in food court type service: each food area has its own needs which increase the requirement for more and more commercial kitchen ventilation and extraction systems. There needs to be limits set on the level of ventilation and above that level not allowed.

Q6.6: Do you have any other options to suggest?

The new **Code of Construction Practice** which addresses construction issues was adopted in April 2019. Since then, the world has faced the Covid pandemic and home working has almost become the norm. Previously most homes were empty during the day or, at least, most of the day. Now they are workplaces and the level of noise from construction is such that many people found it impossible to work from home. We need to revisit the Code and question how we can reflect this change. The Code of Construction Practice and enforcement of S.60/S.61 agreements is not good enough or not effective and this needs review.

Issue 4: Flood risk

There is no doubt that increasing global temperatures will lead to more intense rainfall and severe weather. Therefore, we need to plan for more surface water (rain) and sewer water flooding, the main types of flooding that we expect across our borough.

A series of options for addressing flooding and flood risk in the Borough are set out under Issue 4 of Section 6 of the Issues and Options paper.

Q6.7: Which of these options do you support? You can pick more than one.

Option 1: Agree, subject to definition of the “breach level” and more understanding of how “permanent barriers” would work. There is also an enforcement problem. The “gym” in basements almost always has a full bathroom and easily becomes the bedroom as soon as built. A planning condition requiring new consent for changes may be part of the answer, but there needs to be a legal requirement that appears on the deeds. There needs more industry pressure here so that such rooms become uninsurable if used as bedrooms.

Floods cannot be avoided completely, so the planning system should be used as far as possible to ensure that basements are resilient to flooding and can quickly be returned to use. Pumps are only part of the answer. The drainage levels for everything in basements (including toilets) should be high, as should electrical fittings. Tiling should be used and floodgates installed where appropriate.

Option 2: Agree, but this will need to be defined and enshrined in a Local Plan Policy if such policies are to come forward.

Option 3: Agree

Option 4: We oppose any run-off. Developments should be designed to retain and re-use any surface water run-off – on which see below on other options. We would support a policy of zero site water run-off.

Option 5: Disagree with allowing flexibility. What exact is a flexible solution? Sounds like a trade-off: more water run-off if there is a green infrastructure. If green infrastructure, then it should absorb the water and not run in it the sewers. This sounds very tricky.

Option 6: Agree. Ties into Option 4.

Q6.8: Do you have any other options to suggest?

We are not sure if the Council is planning a **study of the basement flooding around Portobello Road** caused by the recent floods, but we think this should be useful to inform policy.

SUDS: there needs to be a stricter application of the policy on SUDS, with less willingness to accept that the cost (viability) and the lack of available land the reasons as an excuse for not applying the-policy. There should be no acceptance of any form of increase reliance on the already overtaxed sewer system for site drainage.

Garden buildings: CL7 basement policy requires:

a) states “not exceed a maximum of 50 per cent of each garden or open part of the site. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens”.

The specific requirement is to “allows better drainage, and continuity of larger planting supporting biodiversity”.

There is a growing fashion for structures in gardens. These cover space that could be planting. Structures with hard standing should be resisted in the interests of maintaining permeable surfaces and reducing flood risk, the loss of biodiversity with discourage wildlife and loss of green, open space and planting. They are often unsightly for neighbours with the loss of privacy and increase in the sense of enclosure. There are, therefore, multiple reasons for better control.

We are aware that some garden structures are classed as permitted development. Again, however, given the imperative of combatting climate change, we believe that there is a strong case for an Article 4 direction. In this context, we note that in the old 2009 Planning Policy Statement 25 (PPS25) on development and flood risk it is suggested (para 5.57) that:

“Where it is considered to be a local problem, LPAs might consider whether there is a case in a flood risk area to also remove permitted development rights for impermeable surfacing of gardens other than front gardens, or for impermeable surfacing of private roads, by making a direction under article 4 of the 1995 General Permitted Development Order.”

The latest NPPF is therefore a retrograde step (although paragraph 71 does say that ‘Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’).

We also note that little attention is given to the fact that gardens provide open green spaces in urban areas and it is therefore highly important that any reduction in the green space provided by gardens should be resisted for reasons of air quality and prevention of overheating.

Extensions: the same situation as with garden room exist with extensions both side and rear. There should be recognition of the need for the retention of planted gardens in policy on both garden rooms and extensions.

Paved areas: the recent floods demonstrated the problems caused by run off from paved areas. At present there is a policy only on front gardens. There needs to be a policy on the paving of all gardens. This should encourage planting for CO2 reduction, with minimal paved areas, and where there is paving or artificial lawn, it should be permeable.

Existing sites which are totally paved should not be exempted from flood risk management. This is problem with large brownfield sites. All too often the argument put forward is that there will be no increase. That may be so, but it does not address the problem. We must reduce all on-site surface water run-off to reduce our flooding and look for a policy which reduces existing paved areas.

Basement policy – wider effects: There should be a requirement to show that development especially basements do not create a knock-on effect to the adjoining properties.

Basement policy – escape routes: This cannot be brushed aside as a building regulations issue. There needs to be two means of escape and the distance from a protected exit to the

building exist should be at least 9m. Planning Permission should not be granted if it does not meet the exit requirements. There might be a requirement for FLIPs. All expensive but also lifesaving.

Basements – electrics: All electrical fittings in basements should be at 1.2m above finished floor level.

Fat from restaurants: Fatbergs contribute to flooding, particularly in areas such as Portobello Road with many restaurants. Ideally, conditions should be imposed on restaurants and similar food outlets requiring adequate fat traps. This is difficult now the restaurants are within Class E, and there may be a case for a narrow Article 4 direction.

Issue 5: Biodiversity

A new Environmental Bill is expected to become an Act of Parliament (law) later this year, which will introduce a requirement for all developments to provide a biodiversity net gain.

A set of options for policy approach to biodiversity in the Borough are set out under Issue 5 of Section 6 of the Issues and Options paper.

Q6.9: Which of these options do you support? You can pick more than one.

Option 1: Agree. However, implementation, applying the London Plan 2021 policies, is worthless. 61-63 Pelham Street's approved allowed a site which was partial developed with the remaining land tarmacked and a building 4587m² to be approved for 10,647ms, an increase of 116%. There was zero biodiversity uplift even though required in the London Plan 2021. Until the council has the teeth to require for planning permission, the requirements of the London Plan including Biodiversity, such options are meaningless.

Option 2: Agree.

Q6.10: Do you have any other options to suggest?

Bird migration: The west border of RBKC has a designated bird migration flyover for migrating birds. This should be mentioned and should be noted for the future tall building effect.

Open space: there should be appropriate designations and policies for the protection and creation of open space to meet needs and address deficiencies. In assessing open space in development proposals, only true open space should count. The council should, for instance, no longer accept low use roads and balconies as meeting open space needs. When open space is provided as part of a major residential development, it should be truly accessible to the public – unlike one other recent case where the space was available to the inhabitants of the market housing but not the those in the affordable housing.

Dark areas: communal gardens and the larger residential gardens provide a valuable wildlife resource, but this can be compromised if the buildings around emit too much light at night. This is an increasing problem in the communal gardens where the backs of properties give directly onto the garden, and where there are blazes of light from picture windows and/or lights in private gardens abutting the communal garden. There needs to be a policy on light pollution that gives weight to this aspect.

Issue 6: Green Infrastructure

Green infrastructure can be found in cities in the form of parks of different sizes, front and rear gardens, grassed areas, street trees, allotments, hedges, green roofs and green walls. It can have lots of benefits including reducing pollution, enhancing biodiversity, reducing the risk of flooding and as a space of children. The NLPR will build on the benefits of green infrastructure and ensure a holistic approach to increase not only the greening cover in the Borough but also its quality.

A set of options for policy approaches to green infrastructure in the Borough are set out under Issue 6 of Section 6 of the Issues and Options paper.

Q6.11: Which of these options do you support? You can pick more than one.

COMMENT: Too much reliance should not be placed on the acceptance of green walls as an alternative to open space. In many places, green walls will only grow with lighting, heating and water, and they can too easily be neglected.

Option 1: **Disagree.** This should not be limited to major developments.

Option 2: **Strongly agree.**

Option 3: We **oppose** the "contribution" methods. Equivalences would be hard to calibrate, and there is a risk that it would be the approach as an easier solution for the developer but damaging in the long run.

Q6.12: Do you have any other options to suggest?

Trees: Trees are not properly protected. We are concerned about the number of cases where no objection by the council has been raised to the felling of garden trees, although the reasons given for the felling were flimsy, and within a short period an application is made for a basement or other extension which would otherwise probably have been refused had the tree still been there. A nursery-grown replacement tree is not a substitute for a mature tree.

Issue 7: Waste Management

People, businesses and new development generate waste. The Mayor of London wants as much waste as possible to be managed in London and encourages a move towards a circular economy to reduce the amount of waste that is produced. The current Local Plan approach to managing waste is to work closely with other London boroughs to ensure that there is enough capacity to manage this amount of waste, this approach will continue.

A set of options for policy approaches to waste management are set out under Issue 7 of Section 6 of the Issues and Options paper.

Q6.13: Which of these options do you support? You can pick more than one.

Options for strategic waste management

Option 1: OK as a temporary fall back but not a long-term solution.

Option 2: Fine for a meanwhile park but what happens later.

Option 3: We **disagree** that that fall back of not being able to manage existing and future waste needs is to approach other London boroughs. We have been there with the failed LBHF scheme. What we need is to face our own waste management with more pro-active and forceful methods. To see a pile of rubbish made up of boxes and boxes of delivery packaging is not managing our waste. Insofar as it can be achieved through Council regulation and action, we should aim for a situation where all plastic is returned to the producer or the producer fined. Delivery companies such as Amazon, when deliveries are to collection points, to collect the boxes on their next delivery.

Options for waste management in new developments – Option 1:

Agree. All too often housing units are not properly planned to provide locations for waste bins and proper provisions on type of bin for ease of access for the rubbish men, separation of uses. Composting within major development should also be a requirement.

Q6.14: Do you have any other options to suggest?

Composting: we are disappointed that little effort is made to encourage composting, e.g. through brown food bins.

SECTION 7: HOMES

Issue 1: Delivering the homes that we need

Every Council in the country needs to have a housing target and is required by the Government to deliver this. Our housing target is set through the London Plan 2021 and is 448 homes per annum. We need to plan proactively, and make sure that each site optimises its potential if we are to deliver it. However, it is also essential that we do not compromise on the quality of new developments.

A set of options for how we support the delivery of new housing in the Borough are set out under Issue 1 of Section 7 of the Issues and Options paper

Q7.1: Which of these options do you support? You can pick more than one.

Preliminary comment: The NPPF requires that “Plans should be: “b) be prepared positively, in a way that is aspirational but deliverable”. We fear that some of the aspirational targets set are not deliverable.

Option 1: We **object** to the unqualified use of the term “maximise”. This does not accord with the London Plan terminology of optimising the use of sites. Para 7.7 uses the correct term.

'Maximising' is appearing in many developer documents, implying that they have no choice but to go for the numbers they want as a commercial result, and that this is something required by Government, the Mayor and RBKC. 'Optimising' is sufficiently challenging!

Option 2: We **strongly prefer** this option, which avoids the current emphasis on large or even very large units. The Council needs to review the current housing size-mix policy - there are already a large number of such units within the existing housing stock – additions to the stock should better reflect the need for smaller units in the market housing sector, whilst the community housing sector has a shortage of large units. This will mean limiting the addition of large units in the market housing sector.

Q7.2: Do you have any other options to suggest?

We need a Plan B.

We are very concerned that the whole of the strategy for the New Local Plan is based on attempting to accommodate an impossibly large "housing requirement" imposed directly by the Government. What is needed is the more realistic scenario. The Borough's annual housing target will be 448pa until there is a revised London Plan target, which will be negotiated to reflect capacity and then allocated to boroughs through the London Plan.

The emphasis in this scenario would be high-density, medium rise development which would relate to the traditional townscape and would be sufficiently dense to support local neighbourhood centres and the range of services and infrastructure to support walkable neighbourhoods.

Issue 2: Protecting existing homes

The loss of existing homes makes it more difficult for us to meet our housing target. One of the main ways we lose homes is when a number of smaller flats are amalgamated to create a single larger unit.

A series of options for how we can protect existing homes through the New Local Plan are set out under Issue 2 of Section 7 of the Issues and Options paper.

Q7.3: Which of these options do you support? You can pick more than one.

We **support** all three options.

We strongly **support** the current policy of stopping the loss of existing homes through both amalgamations and conversions, but we are **opposed** to the figure of 170sqm, which is far too large.

We are very concerned about the loss of private-rented stock and loss of HMOs to large housing units and to short-term holiday lets, and **strongly support** the Council supporting HMOs. The losses in 2019/20 was the loss of 115 homes for 1-person households, though it counted as a loss of 64 units.

HMOs still play an important role in the Borough's housing stock, providing more affordable market housing for single people who could not qualify for Council housing. Loss of HMOs and student housing not only counts as losses to off-set against completions, but more importantly they reduce the supply of specialised housing which does not get replaced. All too often the excuse for refurbishment is the size of the rooms and the condition of the property. The condition of the property should not be a reason for refurbishment if there is loss of units.

Option 3: This might provide compensating increases in the number of units – well worth trying. It is particularly important that we discourage yet more large luxury flats that tend to be bought for investment or by people who only live there for a small part of the year. In addition, if refurbished there should be a S106 Agreement legal agreement that requires the units to return to the HMO market. All too often the go on to the short-let market which is impossible to police.

As in **Option 2**, refurbishment with the excuse of the room size should not be allowed. Where an existing building is replaced by one occupying a larger footprint and/or with extra floors, the number of units required should be increased pro rata, so that valuable development space is “optimised”.

Q7.4: Do you have any other options to suggest?

No.

Issue 3: RBKC Community Housing

The Council adopted a new planning document entitled RBKC Community Housing in June 2020. 'Community Housing' is the term we use to describe genuinely affordable housing in the Borough. Within this term we prefer three housing products that we consider to be genuinely affordable – social rent; London affordable rent and intermediate rents set at London Living Rents at the lowest ward level (currently Notting Dale).

Our current policy requires at least 35 per cent affordable housing on residential development that is 650 sq. m or more. However, national policy says we should be requiring this only where 10 homes are being created or there is a floorspace of 1,000 sq. m. In addition, the Government has introduced a new requirement that 25 per cent of the affordable housing provision should be First Homes ([Planning Practice Guidance NPPG: First Homes](#)).

A set of options for policy approaches to affordable housing are set out under Issue 3 of Section 7 of the Issues and Options paper.

Q7.5: Which of these options do you support? You can pick more than one.

General comment: We **support** affordability and access to open space as the two top priorities.

Options for when community housing is triggered

Option 1: We **strongly support** retaining, as a minimum, the 650sqm trigger for providing affordable housing – this is reinforced by the high housing values which can support provision from schemes smaller than the national average. We believe, however, that a

much tougher approach is needed towards developers. The £400,000 in contributions does not compensate for the loss of potential affordable housing. The loss is long term. Rightmove state “The majority of sales in Kensington during the last year were flats, selling for an average price of £1,563,608”.

Option 2: If this proves a viable option, we would **support** this.

Option 3: We **oppose** this as it would be a highly regressive step.

Options for percentage of Community Housing:

Option 1: We **support** seeking 35%, but in the case of public land the London Plan policy of 50% should be sought.

Options for mix of Community Housing products to be secured:

Option 2 is the most realistic option.

Options for which community housing products to secure: We do not consider First Homes to be a viable product in most of this Borough, whilst the unmet need for social-rented homes is huge.

We **support** the tenure split of Community Housing products.

Options for payments in lieu: We **object** to payment in lieu.

Option 2: We would accept payment in lieu for small sites but insist that the payment is not viability assessed and reduced. It needs to be assessed on the market value of the development and not on the lowest price somewhere in the borough.

Q7.6: Do you have any other options to suggest?

No.

Issue 4: Housing for older people

Our existing Local Plan policy provides support for all types of older people’s housing. However, to be more effective the policy needs to be revised to be finer grained and reflect the future need for the various types of specialist older people’s housing in the Borough. This includes an understanding of the need that can be fulfilled by private provision and that which needs to be genuinely affordable.

A set of options for policy approaches to older people’s housing in the Borough are set out under Issue 4 of Section 7 of the Issues and Options paper.

Q7.7: Which of these options do you support? You can pick more than one.

Option 1: We **support** a higher proportion of older persons’ housing should be built to a higher standard of accessibility. We see affordability and access to open space as the two top priorities.

Option 2: We **support** a stronger emphasis on housing provision for older persons, but with a much stronger emphasis on incorporating affordable units, avoiding exclusive housing

for high net-worth individuals which needs to draw on a wider housing market area and produces little or no “trickle down” effect through the release of local housing.

Option 3: We **support** the provision of affordable extra-care housing from extra-care housing schemes- this is absolutely essential – it must be designed in, not as a reluctantly acceded afterthought.

Option 4: We **prefer** option 3, as the main shortage in the extra-care housing sector is for affordable extra-care housing.

Option 5: We **agree** that care homes (C2 use class) should not have to provide community housing.

Q7.8: Do you have any other options to suggest?

Care homes need to be redefined so that the definition cannot be used to disguise what are effectively luxury flats.

Issue 5: Other housing products

The Borough's residents may benefit from a range of different types of housing, including Build to Rent Homes, shared living, co-living or houses in multiple occupation.

A set of options for policy approaches to other housing products in the Borough through the New Local Plan are set out under Issue 5 of Section 7 of the Issues and Options paper.

Q7.9: Which of these options do you support? You can pick more than one.

Options for build to rent:

Option 1: Build to rent housing may be acceptable outside Opportunity Areas within an agreed quantity, but not within them, as OAs must produce a full contribution (35%+) of community housing.

The Build to Rent business model, in bases where the developer is also the long-term manager, carries risks and downsides. This model is being widely used in the OPDC area by City & Docklands and even Imperial College. Thousands of such units are being built at North Acton and Scrubs Lane. Incoming renters can be lured by initial rents, coupled with ‘extras’ of bars, gyms and leisure facilities, only to find that rents and service charges escalate within a few years.

Kensal Canalside looks likely to follow in terms of levels of Build to Rent.

Option 2: Build to rent should produce the right amount, right size mix and the right mix of community housing – recent schemes seem to focus on small, studio or 1-bedroom units, with few if any larger units. The appropriate housing size mix, as indicated by the SHMA, should be for a mix of sizes. Too many but-to-rent developments are increasing their number count by producing almost exclusively studios flats.

Other forms of housing

Option 1: The co-living option for single people should be fully explored as other options for single people has greatly diminished, especially due to losses of HMOs. Nearby examples are the 700-unit Collective in Old Oak Lane and proposals from HUB/Women's Pioneer in Wood Lane. Living in a small studio with communal work and living spaces lost much is charm when the communal areas were shut during lockdown, as was also the case for much student housing.

Option 2: Given the shortage of sites, self-build is not a realistic option. The recent report from Richard Bacon MP (endorsed by the then Secretary of State should be considered and the scope for RBKC supporting small co-ownership bodies on small-scale infill schemes or refurbishment of redundant floorspace. As per RBKC policy and actions in the late 1970s, when the council provided 100% mortgages with 99-year leases.

Option 3: We support continued protection for hostels and other accommodation for vulnerable people.

Options for Student Accommodation:

Option 1: We would consider that allowing change of use from student housing to other types of shared living.

Option 2: We totally object to this option, which would incentivise the loss of student accommodation whilst involving loss of units. We are concerned about the scale of losses of student accommodation usually to market housing or short-let. The issue is not whether it produces new housing but the scale of loss of the existing student accommodation, for instance as in the case of Heythrop College.

Option 3: Apart from the application for 253-259 Kensal Road (2013), there have been no applications for new student housing. Unlikely to be applications as market housing can outbid this type of accommodation.

Option 4: This would be supported.

Option 5: This could be supported.

Option 6: This could be supported.

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Gypsies and Travelers Accommodation

Option 1: This is the status quo, and we endorse it.

Option 2: Expansion should be dependent on the level of need.

Q7.10: Do you have any other options to suggest?

No.

Issue 6: Estate renewal policy

The Council made a commitment to end estate regeneration on Council owned estates. There is no change to this commitment. However, the current Local Plan retains a policy on estate renewal from 2010, which helps guide developments on housing estates owned by registered providers. Certain elements of this policy should be updated to reflect the London Plan 2021. For example, we would like to make it clear that in such schemes we will be looking not just for the replacement of the existing homes but net additional community homes. A series of options for doing so are set out under Issue 6 of Section 7 of the Issues and Options paper.

Q7.11: Which of these options do you support? You can pick more than one.

- | | |
|------------------|---|
| Option 1: | Policy CH5 should be retained for non-LHA estates. |
| Option 2: | We support provided that for refurbishment the residents are re-housed within the borough and have her right to return following the refurbishment. |
| Option 3: | Any replacement must be within the Borough. |
| Option 4: | We are opposed the demolition of existing housing estates, both as affordable and as community housing. |
| Option 5: | This should be decided by the estate residents. |

Q7.12: Do you have any other options to suggest?

No.

Q7.13: We consider that most parts of the retained policy CH5 are still fit for purpose, but it can be updated to be further strengthened as described above. We would be guided by the community on this. Please provide us with your views.

- | | |
|-------------------|---|
| CH1a: | The London Plan target should be retained, only to be replaced when a revised London Plan target is formally adopted. |
| CH2c/CH2e: | We strongly support on-site provision of community housing. except in exceptional circumstances. |
| CH3: | The Local Plan should specify housing size mix and standards based on the SHMA, although this needs to be reviewed to put more emphasis on smaller units, reflecting the fact that the existing stock already contains a high proportion of large units. However, the size of units should be expressed in terms of floorspace (GIA). |
| CH5: | This policy may need tweaking/amending in the light of community engagement. |

SECTION 8: TOWN CENTRES

Issue 1: Covid-19 recovery and maintaining the vitality of our centres

Town Centre First

The NPPF and the London Plan require a “town centre first approach” and a “sequential test” for any new town centre use. This means that councils are expected to direct new shops and other commercial town centre uses to existing centres. These principles have served the Council well and we intend to take these principles forward into our new Local Plan. However, the NLPR is an opportunity to revisit some of the details around these tests, and to consider whether we need to change our current approach.

Options for policy approaches to town centres are set out in Issue 1 of Section 8 of the Issues and Options paper, under Town Centre First.

Q8.1: These options are not mutually exclusive. Do you support these options?

Option 1: We **support**. Smaller retail uses should still be steered to local centres to strengthen these centres as the hub for local neighbourhoods.

Option 2: New office floorspace – as in the current Local Plan – should, in addition to being steered to town centres, and/or be in areas of high public transport accessibility levels (PTAL 4 or higher). This is in line with the NPPF (see glossary for edge-of-centre) and the London Plan. Offices should not be proposed in areas with low public transport accessibility.

In addition, the Employment Zones will need to be maintained as a focus for local employment uses.

Out-of-centre employment sites will need to be conditioned to preclude change of use to E Use Class uses which are subject to town centre first policy.

Q8.2: Do you have any other options to suggest?

Support new offices as long as a portion of the sqm is affordable offices offered on a reduced rent but at the same standard.

Mix of Uses in our Centres

Recent changes to planning regulations means that planning permission is no longer required for one “commercial, business or service” use to change to another. The NLPR must reflect these changes and can no longer have detailed frontage policies which set out the proportion of shops that we can expect in different parts of our town centres.

Options for policy approaches to deliver a mix of uses in our centres are set out in Issue 1 of Section 8 of the Issues and Options paper, under Mix of Uses in our Centres.

Q8.3: Which of these options do you support? You can pick more than one.

General comment:

It is not clear which social and community uses in our town or local centre would cease to be protected – all of these uses listed in para 18.3.4 of the Local Plan are either not in the E Use Class or are protected, such as health facilities. In addition to the loss of retail uses, there will be increases in cafes and restaurants in the main shopping frontages, along with the loss of upper-floor office uses in the higher-order town centres

Option 1.

New commercial floorspace is likely to be quite rare in town centres and elsewhere, unless explicitly included as part of a mixed-use development. Planning conditions could be used to secure ground-floor E Use Class uses which generate footfall, to discourage uses which do not require constant customer access or do not generate vitality. Site allocations and, in particular, major developments in Growth Areas need to plan positively for commercial uses in mixed-use development.

Option 2.

Combining pubs and takeaways is unlikely to be successful. These are two very different sui generis uses and separate policies would be supported.

We are **opposed** to hot food takeaways, particularly because of the impact of delivery riders. Despite “protection” of the Use Classes Order as ‘sui generis’ uses, securing premises could be difficult and, in the case of hot-food takeaways, concentrations could be problematic.

Despite “protection” of the Use Classes Order as ‘sui generis’ uses, securing premises could be difficult and, in the case of hot-food takeaways, concentrations could be problematic.

There is a particular problem with shops that are not hot takeaways and are therefore included in Class E. They often cause a nuisance because they use delivery riders to deliver cold food and drink. This may be a case for a narrow Article 4 direction requiring planning permission so that the Council can impose conditions on the congregation of delivery riders outside these shops, especially in residential areas.

Option 3:

We are opposed the Government’s regulatory changes. Greater creativity will be needed to retain competitiveness, but we are concerned that the licensing controls are not robust enough to control these uses and, if they are to be relied upon, must be strengthened.

Q8.4: Do you have any other options to suggest?

We welcome the recent changes to the PPDO giving additional protection for shopfronts in conservation areas (when shops are converted to other uses) to protect the character and activity of the area. This will need to be reflected in a new policy.

Residential uses within our centres

A recent change to planning regulations means that a Council can only consider a narrow suite of issues when deciding whether most town centre uses can be used for housing. We intend to make what is known as an “Article 4 direction” to ensure that planning permission will continue to be required. However, this is a long process, which cannot be confirmed until at least August 2022.

Q8.5: Do you support us making an Article 4 direction to ensure that planning permission will continue to be required for changes of use of commercial, business and service uses to residential? If so, should the direction cover all of our town centres?

We **strongly support** both propositions.

We **strongly support** the Council’s proposal to make an Article 4 Direction to ensure that planning consent is still required for changes of use from commercial uses to housing.

We **support** the use of these powers in the higher-order centres, but particularly in local centres which may be more vulnerable.

Town centre frontages in conservation areas should be defended on the basis that loss of shopfronts and the activity generated would be detrimental to the character and appearance of the conservation area.

Q8.6: Do you have any other options to suggest?

No.

Issue 2: The future nature of our town centres

An attractive town centre which provides a range of unit types will be best placed to make a strong and lasting recovery in the future. Options for policy approaches to guide the future of our town centres are set out under Issue 2 of Section 8 of the Issues and Options paper.

Q8.7: Do you support any of these suggested strategies for our town centres?

South Kensington: South Kensington District Centre is not a “cultural destination” – but it has become dominated by a “food and beverage” offer for visitors to the South Kensington Museums (TfL Retail Survey 2017), at the expense of its role as a District Centre serving South Kensington. There is no need to “build on its strength ... as a place to eat out and meet friends”. There is an urgent need to rebalance its offer toward serving its residential hinterland. This needs a major rethink and the Council should work with the major property owner.

Kensington High Street: This is only in part a cultural attraction, although not necessarily by residents. Some of the main attractions include that it is a key office/ employment centre,

provides a wide range of services, shops, eating, leisure and entertainment. Needs a rethink on strategy.

Portobello Road: The results of the recent markets consultation exercise should be used to inform policy on the Portobello and Golborne markets.

Knightsbridge: OK

Notting Hill Gate: We question whether it is right to major on its reputation as a centre for arts and culture; this has always been a minor adjunct to its usefulness as a local centre for shopping and services. “Evening economy” should not be allowed to morph into a “night economy, given that the area is also highly residential. See also answer to Q3.7.

Q8.8: Do you have any other options to suggest?

No.

A review of a local plan also offers an opportunity for us to review the boundaries of our town centres. There may be parts of some of our centres which are struggling and may be best “de-designated” if we are to concentrate the shops that we do need in the areas best placed to take advantage of them. Conversely, there may be other areas where an expansion of a centre, or the creation of a shop outside of a centre, may be appropriate. It may be that new development outside of an existing centre provides an opportunity to attract visitors and help create the distinct and special places that we are looking to support.

Q8.9: Are any areas or parades which should be added to, or removed from an existing centre? Please be specific and explain why.

We do not think that there are any areas that should be removed.

There are areas that should be added, including.

Kensington Church Steet. The northern section should be included in Notting Hill Gate and the southern section, south of the brief purely residential area, in Kensington High Steet.

Westbourne Grove and Ledbury Road insofar as they are in RBKC. They should not be merged with Portobello as totally different in character.

Shops on north side Holland Park Avenue, west of the Underground station.

Side streets. In most town centres, there are shops round the corner in side streets. Town centre boundaries and conservation area boundaries should be reviewed to cover unprotected shopping frontages.

Is it suitable to retain any existing Local Plan policies?

8.19 Our policies will need to recognise that we cannot fine tune the mix of uses within our town centres as we once did. However, the Council does not intend to change the overall ambition of maintaining “vital and viable” town centres.

8.20 The protection and promotion of new arts and cultural uses, both within, and outside of our town centres will also continue to have an important role to play.

8.21 We intend to take the following policies forward into our new Local Plan

- Local Plan Policy CF1. We will continue to follow the planning policy guidance issued by the Government within the National Planning Policy Framework and endorse the “town centre first” approach for new retail floorspace.
- Local Plan Policy CF2. This policy explains how the Council intends to promote the vitality and vibrancy of its town centres, and to ensure that the type and scale of development reflects the role that each centre plays within the Town Centre Hierarchy. This approach remains as valid today as it did at adoption of the current Local Plan.
- Local Plan Policy CF4 is intended to ensure that street markets remain as part of the Borough’s retail offer. We do not intend to change it.
- Local Plan Policy CF7. This policy seeks to support new and existing arts and cultural facilities whilst allowing some changes where this “enables” an overall improvement on overall provision in the borough.

Is it suitable to retain any existing Local Plan policies?

The Kensington Society proposes that the following policies be retained:

CO2: Retain Strategic Objective for Fostering Vitality

CF1: Location of new shop uses

- a. Support new shops within town centres, including local centres
- b. Require new retail of 400m² or more to be in town centres (NPPF and London Plan)
- c. Permit new shops < 400sqm in areas of retail deficiency
- d. Support new centres in Kensal Canalside and Earl’s Court Opportunity Areas

CF3: Diversity of uses within town centres

CF4: Markets

Further review of the other policies is required.

SECTION 9: BUSINESS AND CULTURE

Issue 1: The provision of offices

The Council values offices as a use which can support the local and the wider economy. In a borough such as ours, where residential property values are generally significantly higher than any other, new offices rarely come forward unbidden. To meet our need for new office floorspace we try to stop the loss of any existing offices; and encourage the provision of new offices in appropriate locations.

This approach has proved successful however, it is now timely to consider whether this approach is still appropriate. Options for policy approaches to office space in the Borough are set out under Issue 1 of Section 9 of the Issues and Options paper.

Q9.1: Which of these options do you support? You can pick more than one.

Option 1:

We **support** continued protection, unless it can be demonstrated that there is no long-term future for that use. The evidence must be such that it is proven to be truly unviable. Too often a space is allowed to become undesirable by its condition and low maintenance. Or the market report is opinion presenting the case without applicable evidence. This cannot be the justification for the change of use. The Borough's local economy is heavily dependent on offices, and especially small firms, whilst focused in higher-order town centres, they, especially small offices, are widely distributed throughout the Borough. New offices need to be encouraged in town centres, locations with high public transport accessibility (PTAL 4 or higher) and, small offices, in Employment Zones.

Option 2:

Oppose. Selective release of offices will need clear evidence to support it and clear criteria. This would be a one-way trip!

Option 3:

Release of offices to specific social and community uses, such as premises for voluntary sector organisations or surgeries, may be appropriate.

Option 4:

We would **support** business-led, mixed-use developments in Employment Zones, with additional housing but no net loss of business uses.

Option 5:

We **strongly support** the Council's proposal for an Article 4 Direction.

Q9.2: Do you have any other options to suggest?

We support a review of town centre boundaries and to add to conservation areas where there are gaps along the street frontage.

Any large development in town centres should provide enhancements to the public realm which will directly support the centres. e.g. Newcombe House, Odeon.

Issue 2: Light industrial uses

The Council promotes the widest range of business uses to ensure that the Borough can benefit from the talents of all those who live here. To this end we have tried to support light industrial uses where we can, and to resist their loss to residential. However, this ambition must be seen in the context of planning regulations which have long allowed one business use to change to another without the need for planning permission.

Options for policy approaches to light industrial uses in the Borough are set out under Issue 2 of Section 9 of the Issues and Options paper.

Q9.3: Which of these options do you support? You can pick more than one.

Option 1:

We **support** promoting the provision of light industrial workshops as part of mixed-use developments. However not limited to large developments. Side streets or mews often have light industrial units and we would support the retention of such services.

Option 2:

We would **support**/welcome any protection that an Article 4 Direction could provide.

Q9.4: Do you have any other options to suggest?

Do not limit protection or encouragement for light industrial to large developments. Side streets or mews often have light industrial units, and we **strongly support** the retention of such services. See response to Q9.3.

Issue 3: Affordable workspaces

A Council can require the provision of an affordable workspace when granting planning permission for a large new commercial development. However, it will have a "cost" on the development which may mean that other benefits cannot be provided.

Options for policy approaches to affordable workspaces are set out under Issue 3 of Section 9 of the Issues and Options paper.

Q9.5: Which of these options do you support? You can pick more than one.

Option 1:

We **support** a diversity of provision of employment spaces within new larger-scale commercial schemes.

Option 2:

Other London boroughs must be facing the same issues – ask London Councils and the GLA.

Option 3:

Oppose the “no requirement for formally discounted space”. Without a policy it will never happen. We **support** developers being required to provide a range of sizes and rents in new developments.

Q9.6: Do you have any other options to suggest?

No.

Issue 4: Hotels/Visitor Accommodation

In pre-Covid times tourism was one of the borough's key economic drivers. Whilst current uncertainty and restrictions means that it may not be until 2024 when we might expect to welcome visitor back in the numbers we have before, the good times will return.

Platforms such as Airbnb, TripAdvisor and HomeAway are relatively new and provide visitors with many more options in addition to the traditional hotels. The NLPR should provide a supportive environment balancing other issues they can create for residents in the quieter parts of the Borough.

Options for policy approaches to hotels and visitor accommodation are set out under Issue 4 of Section 9 of the Issues and Options paper.

Q9.7: Which of these options do you support? You can pick more than one.

General comment: No-one can forecast future demand for hotels/visitor accommodation in five years' time, let alone over the 10-year Local Plan period or the 20-year forecasting period. Unlike other London boroughs, Kensington and Chelsea was forecast not to need to cater for any significant increase in bedspaces. However, it is too soon to make an informed policy choice.

The effect of Airbnb and other short-term lets' effect on the hotel industry needs to be investigated and assessed and not ignored. The loss of housing to short-lets needs to be assessed and perhaps should be counted as a reduction in the borough's housing numbers.

Option 1:

We **support** the retention of existing hotels

Option 2:

What few hotels that are left would very quickly be turned into housing. Supporting evidence must be provided. The condition of the property should not be a reason for agreeing to a change of use.

Option 3:

There is already a great diversity of choice. Not sure what is mean by "new models of operations". Needs explaining.

Q9.8: Do you have any other options to suggest?

As regards which existing plan policies to retain:

CF9: We strongly support a much tougher approach to short lets – if the loss of permanent homes is to be addressed. At present the scale of loss of housing is not apparent, although the Borough has one of the highest numbers of advertised short-let properties. However if there were full disclosure of the scale of "change of use" to short-lets, this would identify the scale of losses to the housing stock.

CF10: This should be retained.

CF11: This should be retained and expanded It needs to state that the residential streets surrounding the area should be protected and Exhibition Road will remain as a road and not pedestrianised.

SECTION 10: SOCIAL AND COMMUNITY USES

Issue 1: Types of social and community use

The current Local Plan identifies five broad categories of social and community use. These are:

- medical or quasi-medical uses
- education uses
- sports facilities
- uses supporting the emergency sectors
- other 'valued use'

Options for policy approaches to identifying and defining types of social and community uses in the New Local Plan are set out under Issue 1 of Section 10 of the Issues and Options paper.

Q10.1: Which of these options do you support? You can pick more than one.

General comment

Option 1: We see no objection to a separate category of cultural uses so long as Policy CF7 continues to apply, including a sequential approach (CF7c). It should include auction houses, exhibition spaces, cinemas and studios.

Option 2: We support the expansion to cover river- and canal-based recreation.

Option 3: Totally agree. Parks and open spaces to be mentioned with a cross-reference to Policy CR5, which must continue to apply.

Q10.2: Do you have any other options to suggest?

We agree with the existing five broad categories of social and community uses but the definitions need to be provided and expanded. In particular,

“other valued use” needs to include community halls, such as church halls and social meeting places and day centres.

“sports facilities” should include leisure facilities such as parks, open spaces and playgrounds.

“education uses” should include student halls of residence, which are directly related to specified academic institutions, especially if they provide meals.

Note: Even though any losses count against housing numbers, the loss of halls of residence means that students need to find housing in the general housing stock.

Issue 2: The protection of social and community uses

The starting point within the existing Local Plan is that existing social and community uses should be protected. The Government recently changed planning regulations, which mean that the Council is no longer able to protect all social and community uses. Any new policy must reflect the freedoms offered by the new regulations.

Options for policy approaches to the protection of social and community uses are set out under Issue 2 of Section 10 of the Issues and Options paper.

Q10.3: Which of these options do you support? You can pick more than one.

- | | |
|------------------|--|
| Option 1: | Strongly support: Retain sequential approach in Policy CK1. |
| Option 2: | Opposed: Sequential approach in Policy CK1 provides a more coherent sequence. |
| Option 3: | Opposed: Too much is discretionary and open to argument from developers. |

Q10.4: Do you have any other options to suggest?

There is a need to include in the policy the necessary provisions to protect low-value social and community uses from high-value uses, such as market housing. We are concerned, for instance, that the current definition of social and community uses does not cover facilities such as the Sheppard Trust.

Kensington and Chelsea has one of the highest densities of population and the highest house prices/rents, and, left to the market, all non-residential uses, and particularly social and community uses, would rapidly be converted to high-value housing. The Council's policy, including the sequential approach used to make decisions, is absolutely essential to maintaining such uses as the community needs.

Very few of the social and community uses are within Use Class E – and the few that are (e.g. GPs, dentists, health centres (E(e)), and creches, day nursery, day centre (E(f)), have been exempted from PDRs to housing. However, there is still a need to protect further these uses.

Issue 3: The need for new social and community uses

The Council will carry out a review of the current and projected need for social and community uses to ensure that the right uses are provided in the right places. We are also preparing an updated Infrastructure Delivery Plan (IDP) which will set out the type of infrastructure required to support development in the Borough.

The proposed policy approach to support delivery of new social and community facilities in the Borough through development is set out under Issue 3 of Section 10 of the Issues and Options paper.

Q10.5: Do you support the option proposed?

Option 1.

We agree in principle with seeking contributions toward social infrastructure. However, we have not seen much that has been delivered by this approach (and CIL has not delivered to areas of the borough most in need). It is important that the money be ring-fenced for community use.

Q10.6: Do you have any other options to suggest?

We welcome the proposed review – we would like to be engaged in this analysis, assessing need and identifying opportunities for improving access to local social infrastructure and the identification of sites.

Strategies for social infrastructure should be integrated with efforts to deliver accessible/walkable/sustainable neighbourhoods.

Some infrastructure, such as primary health facilities need to have a strategy for their location in ten years' time, some perhaps sooner, and, if possible, to identify locations.

Some facilities may need to be delivered within major developments, such as in Opportunity Areas (Kensal Canalside and Earl's Court). Leaving them to be delivered, such as has happened for the Warwick Road sites, has not proved effective. The argument that the housing is not sold to families is not acceptable. As time passes these units may become family homes (we hope) and the infrastructure for family living will not be there. We need to plan for long-term use of the homes and not just investment opportunities. Playspace should be required of the developer's expressed target group. The council needs to apply its policy on this much more strictly so as to take account of future needs.

SECTION 11: TRANSPORT

Issue 1: Increasing active travel

Whilst the private car will always remain important, walking and cycling can improve health and are good for the environment.

The proposed policy approach to supporting and facilitating walking and cycling in the Borough through new development is set out under Issue 1 of Section 11 of the Issues and Option paper.

Q11.1: Do you support this option? You can pick more than one.

Option 1:

We generally **support** this option. The increase in home deliveries, however, means that there is likely to be significant continued vehicular use in these streets unless other measures are taken.

Q11.2: Do you have any other options to suggest?

The challenge of climate change and the need to move towards net zero will require a much more active response to achieve real change before 2030.

Planning, environment and transport policies need to reduce the degree that residents depend on car use, especially for local trips. The move to electric vehicles may reduce local pollution levels, but it will merely maintain business as usual rather than tackle the need for a significantly lower level of car use within the next 10 years. e-scooters are likely to have only a very small role and they have a number of disadvantages – bad for road safety; difficult to enforce where they may go and obstruction of the footway.

If the level of car use is to be reduced, the Borough needs to maintain or improve access to local services and facilities by:

- strengthening the range of day-to-day needs that can be met within town and local neighbourhood centre
- improving the attractiveness of our higher-order centres as places to work, shop, find leisure and entertainment, and as places to meet and in which to spend time; and
- improving the attractiveness and safety of walking and cycling to local destinations, including town centres, public transport, open spaces, etc.
- reducing off-street parking provision in new developments – the Local Plan should adopt the London Plan parking standards, encourage car-free and permit-free developments in areas of high public transport accessibility; and
- ensuring that high trip-generating developments, whether major offices, supermarkets or large developments, are located in places with high public transport accessibility.

Issue 2: Traffic congestion

The majority of the Borough's streets were designed and laid out before the advent of the car. They are often dominated by traffic, despite borough residents having some of the lowest levels of car ownership in the country.

Options for policy approaches to controlling traffic congestion in the Borough through the New Local Plan are set out under Issue 2 of Section 10 of the Issues and Options paper.

Q11.3: Which of these options do you support? You can pick more than one.

Option 1:

Support: Car-free housing should be the preferred option, not least to provide greater housing choice and lower housing costs for households who do not want or do not have a car. Car-free should be required not just in areas of high public transport accessibility (PTAL 4 and above). We are very concerned that large housing projects in less accessible locations, especially Kensal Canalside, Warwick Road and South-West Chelsea, will increase rather than decrease dependency on car use.

Option 2:

We **support** on-site space for consolidation of deliveries and servicing, but it will only be appropriate for large developments (1,000sqm or 10 units or more), such as Earl's Court, Kensal Canalside and Warwick Road sites. We should face the reality of home deliveries and plan for a strategy such as requiring a centre delivery location. That would be difficult for home food delivery, but the reality must be faced. We should investigate requiring large delivery services to consolidate their deliveries.

Q11.4: Do you have any other options to suggest?

We are opposed to the acceptance of on-street loading and delivery when an existing site has off-site delivery. Off-site delivery must be retained.

Issue 3: Pollution

Poor air quality is increasingly one of our residents' main transport-related concerns, and with justification. There are high levels of pollutants, nitrogen dioxide (NO₂), particulates (PM₁₀) and fine particulates (PM_{2.5}) on the Borough's arterial roads.

Electric vehicles are becoming more prevalent and new developments are required under the London Plan to provide on-site charging. Whilst a move to electric vehicles will greatly reduce tailpipe emissions, it will not solve the issue of fine particles generated by braking and tyre wear. Any reductions in pollution that serve to encourage more walking and cycling will be self-reinforcing. These could potentially be achieved by requiring the use of electric vehicles, where it would be reasonable to do so, or securing additional tree planting and green infrastructure.

Options for policy approaches to electric vehicles (EVs) and EV charging infrastructure are set out under Issue 3 of Section 11 of the Issues and Options paper.

Q11.5: Which of these options do you support? You can pick more than one.

Preliminary comments: It is odd the entire session on Pollution is taken up with discussions and options for EVs. There is more to consider within the major issue of pollution than EVs. The scope for off-street EV charging will be limited. Indeed, for many housing schemes where off-street parking of any vehicles will be limited by London Plan parking standards, we fear that the proposal for an EV charging point for every new home would be both unworkable, unsustainable and would make housing even less affordable.

Option 1:

We **support** new permit-free and/or car-free housing developments. However, providing parking and charging points for EVs is not the answer to current levels of car use – it would merely maintain “business as usual” and undermine the benefits of this policy-

Option 2:

Rapid EV charging in major developments with off-street delivery and servicing space for such vehicles would be acceptable.

Option 3:

The limited provision of off-street parking spaces in new developments, especially housing but also in shops and offices, would limit the number of off-street EV charging points.

Q11.6: Do you have any other options to suggest?

No.

Issue 4: Improving access to public transport

Public transport accessibility is generally good in much of the Borough but there are areas in the northwest, along parts of the western boundary, along the River Thames and in the south west that are less accessible, particularly in terms of accessibility to the Underground network. It is important that everyone can travel spontaneously and independently on public transport services.

Options for policy approaches to improving public transport accessibility in the Borough through the Local Plan are set out under Issue 4 of Section 11 of the Issues and Options paper.

Q11.7: Which of these options do you support? You can pick more than one.

Option 1: While we support this option, it will not help Kensal Canalside.

Option 2:

We **support** further improvements to the West London Line. The current Local Plan Policy CT2B supports the case made by the StQW Neighbourhood Forum for an additional station, between Shepherds Bush and Willesden Junction. Given that OPDC has conceded since 2019 that there is no prospect of a WLL station at Hythe Road, and RBKC now accepts no likelihood of a Crossrail station at Kensal Canalside, the case for such a station at 'Westway Circus' would seem evermore persuasive. The OPDC Draft Local Plan includes no proposals for an eastern vehicle access to the Old Oak Common HS2/Crossrail interchange. The north-western part of RBKC will continue to have poor PTAL levels and limited access to Overground/Underground or rail services.

Option 3:

We strongly support step-free access to underground stations and agree "where new development present such opportunities". Any contribution must be ring-fenced for that station and not diverted elsewhere in the system. Our support for South Kensington Station and Notting Hill Gate was dependent upon guaranteed delivery. We were concerned about Heythrop College being justified by an apparently gratuitous financial contribution for contributing to step-free access to High Street Kensington station. We are also keen to get improvements to Gloucester Road, Ladbrooke Grove and Latimer Road, Earl's Court (access currently limited to District Line) and West Brompton Stations: step free should be required in any planning permission for Earl's Court development.

Q11.8: Do you have any other options to suggest?

We welcome the recognition that there will be no further progress in trying to secure a Crossrail station within the lifetime of the Local Plan. This now needs to be reflected in greater realism about the capacity of Kensal Canalside.

SECTION 12: STREETS, PARKS AND OUTDOOR SPACES

Issue 1: Parks and play space

In a built-up area like Kensington and Chelsea the provision of safe and stimulating play facilities are vital for children's' well-being and development.

The proposed policy approach to supporting provision of new parks and play spaces through the Local Plan is set out under Issue 1 of Section 12 of the Issues and Options paper.

We **do not support payment in lieu**. We are concerned that current policy does not appear to have produced any significant additional play provision. Even where it has been provided as an integral part of a development, such as the Warwick Road sites, it has not been open. We do not agree that it is "appropriate for smaller schemes to contribute to existing facilities". "Existing facilities" especially our parks are at capacity. Recent developments have managed to produce below the standard set by policy. No amount of money is going to give them more space.

Similarly, there does not seem to be evidence that these funds have been used to produce new or improved play provision. If there are contributions, they should be ring-fenced and audited.

Q12.2: Do you have any other options to suggest?

Much better application of policy CR5 which is rarely applied and often ignored.

CR5 e) requires all major developments to provide on-site external play space, including for under-fives, based on expected child occupancy. A developer can too easily produce marketing or sales statics to prove there is no need as there are no children expected in occupation the existing development has no children, but this ignores what happens in the future. This needs tightening up.

SECTION 13: CONSERVATION AND DESIGN

Issue 1: Building heights

The London Plan 2021 Policy D9: Tall Buildings requires that our NLPR should define what is considered a tall building for specific localities. Tall buildings should not be less than 6 storeys, or 18 metres measured from ground to the floor level of the uppermost storey. It also says that our NLPR should identify locations where tall buildings may be an appropriate form of development. It is therefore important that we start addressing this issue as part of this consultation.

A series of options for how we address tall buildings in the New Local Plan are set out under Issue 1 of Section 13 of the Issues and Options paper.

Q13.1: Which of these options do you support? You can pick more than one.

Preliminary comment: The Society's understanding of London Plan policy D9 is that Local Plans should henceforth give details of specific locations identified as suitable, but also what heights are deemed appropriate. Broadly identified areas or policy statements on e.g. a 'range of heights between 4 and 20 storeys' (as in the Kensal Canalside SPD) we do not consider to be adequate to meet this key policy in the 2021 Local Plan.

Definition of a tall building

Option 1:

Yes, for development purposes. The London Plan definition of a tall building is a good starting point for triggering the need for assessment of the appropriateness of tall buildings for development management purposes. It is a scoping tool, just as the Mayor uses 30m (25m in the Thames Policy Area) to trigger the need for assessment at the strategic level.

Option 2:

No, defining a building as a tall building only if it would be more than 1.5 times higher than existing buildings in the area could give the impression that buildings lower than this "limit" would be acceptable/not require scrutiny. The assessment would still be needed, but proportionate.

The Characterisation Study might be helpful – but we reserve our judgement on this.

Where are the appropriate locations for tall buildings?

Option 1:

We strongly prefer the approach advocated by Historic England (HEAN4: Tall Buildings) and used for the Building Heights SPD, which classified conservation areas as areas where tall buildings would be inappropriate and classified areas immediately adjacent as areas that would be "highly sensitive to tall buildings", leaving the remaining areas to be assessed as to their appropriateness for high-density high-rise developments.

We consider that appropriate building heights for Opportunity Areas need to be determined in relationship to the surrounding areas, especially conservation areas and other heritage assets. These need to be defined in partnership with the local community and, where appropriate Historic England. These heights limits should be brought forward through the Local Plan.

Kensal Canalside is an unsustainable location in terms of the scale of development proposed because of low public transport accessibility levels, which will not change over the life of the Local Plan.

The Earl's Court site allocation contains high-density, medium-rise buildings, which is both more sustainable and more acceptable. We do not favour an increase in building height.

Option 2:

Sites under construction or with planning consent, including existing site allocations, are often one-off development and should not be assumed to set the height for nearby sites,

especially those in a nearby borough. Those sites should still be assessed against their appropriateness in the local area and impact on heritage assets.

Edenham Way at 14 storeys would detract from rather than complement Trellick Tower. Two buildings do not constitute a cluster! Trellick Tower (Grade II* listed) is a one off and should remain so.

Option 3:

We **do not agree** with this option. We do not accept that “this would normally mean a building of the same/similar height”. Existing tall buildings which have a significantly harmful impact on their surrounding conservation areas, such as the Kensington Forum Hotel, should, if they are to be redeveloped, be consistent with Historic England Advice Note 4 (2015). In particular, the existence of a tall building in a specific location will not of itself justify its replacement with a new tall building on the same site or in the same area, as it may improve the area to replace it with a lower building (paragraph 3.8 of the Advice Note).

In accordance with paragraph 3.4 (j), the Local Plan should be used to highlight opportunities for the removal of past mistakes and their replacement by development of an improved quality and scale. Once again, we note that tall buildings are unsustainable in terms of life cycle GHG emissions. Taken together the quantity of development and the use of tall buildings are highly unsustainable. High-density medium-rise blocks would be more sustainable.

Fig 13.2/3: Clusters of existing tall buildings, Opportunity Areas and other potential locations for tall buildings:

We do not see that any of the existing tall buildings or clusters themselves provide any justification for further tall buildings. With the exception of the Warwick Road sites, there are no suitable sites. For the two Opportunity Areas, it would be premature to declare that tall buildings would be appropriate before further assessment.

Q13.2: Do you have any other options to suggest?

No.

Issue 2: Design quality, character and growth

Chapter 12 of the NPPF recognises that one of the fundamental requirements of the planning and development process is to deliver well-designed, high-quality buildings. It puts the onus on local authorities to proactively support high quality new development by working with local communities to identify the type, scale and character of new building that will be acceptable across the Borough.

The Borough’s design policies put the preservation of its character at their heart. As part of producing the NLPR we have been undertaking a Character study. This will assist us to identify areas and opportunities for growth, as well as reinforce areas for protection.

Options for approaches to design policy are set out under Issue 2 of Section 13 of the Issues and Options paper.

Q13.3: Which of these options do you support? You can pick more than one.

Option 1:

We are **not yet convinced** that a single borough-wide Character Study will produce sufficiently robust or sufficiently detailed information to provide an accurate description of the allocated sites, and to set out the main parameters. The consultation draft was a long way from providing the necessary level of detail. Design codes will still be needed for parts of an area and even individual sites where appropriate in terms of its scale and sensitivity. We welcome the statement in paragraph 3.21 that ‘These would be prepared with the community and would set out key design parameters that developers would need to follow. This will allow us to plan key sites proactively and offer more certainty for developers, as once established these will be seen as granting permission in principle for these sites.’

Option 2:

Design codes for individual allocated sites are needed to set out the main parameters – density, height, bulk, massing, setbacks from neighbouring buildings, retention of gaps, sunlight and daylight, privacy and overlooking and open spaces. All new site and existing allocations should have a design code, -existing site allocations will need updating, to set out the key design parameters, including height, floorspace (GIA), type of housing, housing size mix and type, etc.

Option 3:

We would welcome further improvements to both policies and standards.

Q13.4: Do you have any other options to suggest?

No.

Issue 3: Fire Safety

Within the national framework, fire safety matters are front and centre of major planning applications. However, the majority of planning applications are either minor or ‘other’ applications, and as such fall outside of the scope of the London Plan Policy D12(B) or the Building Safety Regulator. While it is agreed that within the planning regime, major planning applications generally have a higher risk profile than other developments, there are other development types that also have a suitable risk profile that could warrant the requirement of a Planning Fire Safety Strategy to be submitted showing that the development meets the policy objectives of London Plan 2021 Policy D12(A).

Options for approaches to fire safety policy in the New Local Plan are set out under Issue 3 of Section 13 of the Issues and Options paper.

Q13.5: These options are not mutually exclusive. Do you support these options?

Preliminary comment: As the home of Grenfell Tower, the Borough has the moral duty to adopt an exemplary approach to fire safety.

Option 1: include a fire safety strategy for all minor applications; or

Option 2: include a fire safety strategy for certain types of minor applications

All basement developments should be required to submit fire statements.

Q13.6: Do you have any other options to suggest?

No.

Q13.7: We consider that most parts of the following existing policies are still fit for purpose, but some of them can be updated to be further strengthened as described above. We would be guided by the community on this. Please provide us with your views on this.

- *Policy CL5 Living Conditions*
- *Policy CL6 Small-scale Alterations and Additions*
- *Policy CL7 Basements*
- *Policy CL8 Existing Buildings – Roof Alterations/Additional Storeys*
- *Policy CL9 Existing Buildings – Extensions and Modifications*
- *Policy CL10 Shopfronts*
- *Policy CL11 Views*

We **agree**, but they need “green-proofing”, to enable environmental benefits to be one of the balancing factors, e.g. when a proposal would cause only small harm to a conservation area.

CL1 context and character: keep, but add a requirement to preserve and enhance the setting of garden squares and communal gardens. This needs to be explicit.

CL2 design: this needs to be kept with appropriate references to design codes etc and need to consult local residents on them.

CL3 Heritage assets: keep

CL4 Listed buildings: keep. Clarification possibly needed on status of the curtilage of a listed building.

CL5 Living conditions: keep. Needs an item on light pollution as lights in gardens and on external walls are causing increasing complaints from neighbours. Reference to particular importance when lit areas abut dark areas such as communal gardens.

CL6 small-scale alterations: keep. For this policy to be effective, more Article 4 directions are needed. Add something about taking into account the environmental effects of changes. There should be a specific policy on retrofitted air conditioners, making clear that they will only be allowed on buildings in conservation areas when they can be suitably concealed or at least discreetly sited. Toughen policy on gaps which has been widely ignored. Also make clear that

CL7 basements: keep, but may need some strengthening in the light of recent floods experience.

CL8 roofs: keep but add a reference to resisting extensions where the symmetry of a terrace or group would be affected. Add protection of butterfly roof structures in a terrace.

CL9 extensions: keep.

CL10 shopfronts: keep and add something on internal lighting and lighting of signage being discreet. Consider whether more from shopfront guidelines needs to be imported in LP policy.

CL11 views: keep.

CL12 building heights: keep

We will also be commenting on the other policies, many of which we think should be retained, but need reviewing.

SECTION 14: INTEGRATED IMPACT ASSESSMENT

We have produced an IIA Scoping Report published alongside this consultation. The IIA objectives have been considered around the three key elements of sustainability. These are set out in Section 14 of the Issues and Options paper.

Q14.1: *Please have a look and give us your views.*

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Q15.1: Do you have any other comments on any part of the Issues and Options Paper? Is there anything else we should include?

We were concerned at the absence of any policy in light pollution, despite its being desirable in so many contexts – reducing electricity use, preventing nuisance and protecting biodiversity.