

KENSINGTON AND CHELSEA NEW LOCAL PLAN REVIEW

RESPONSES TO THE INSPECTOR'S MATTERS, ISSUES AND QUESTIONS FROM THE ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM AND ST HELENS RESIDENTS ASSOCIATION

Matter 8: Conservation and Design, Tall Buildings **Tuesday 18 July 2023**

Q.115. How do Policies HO2, CD1, CD2, CD11 and CD14 relate to CD7 and each other? Is there duplication which would lead to policies which were not 28 effective, overly restrictive, and not justified? What is meant by 'beautiful' in Policy CD1? How is the amenity of those living or working nearby protected by the design policies of the plan? What is the relevance of National Model Design Code to the design policies of the Plan and is the approach to design consistent with paragraphs 126-136 of the Framework?

The group of 'CD' policies in the NDLP have been refined and revised over successive RBKC Local Plans. Our Forum, as with many other amenity bodies in the Borough, are familiar with their content and interpretation. This brings benefits, even if there is some level of overlap between the policies.

We feel that the NDLP underplays the relevance of the National Model Design Code, and in particular the Code's analysis of urban building typologies at page 14. The densities identified for *Example Area Types (Town/City Centre, local centre, Urban neighbourhood)* at page 14 of the Code bear little relation to the super-densities which developers are proposing in terms of 'intensification' at the Kensal Canalside and Earls Court OAs.

We wish to see more explicit reference to the National Model Design Code in the supporting text to the final Local Plan.

116. Does Policy CD7 provide an effective policy framework for the special consideration of proposals for tall buildings? Is the policy consistent with national policy, in particular paragraphs 64-71 of the National Design Guide and in general conformity with the London Plan and justified by appropriate evidence.

119. Is there duplication with Policy D9 of the London Plan?

We consider that the extent to which the RBKC NDLP achieves (or fails to achieve) sufficient conformity with London Plan Policy D9 to be one of the critical aspects of this Examination.

In the period since the then Secretary of State issued his Direction to the Mayor of London in December 2020, requiring new wording to be inserted in Draft London Plan Policy D9, this amended policy on Tall Buildings in London has been the subject of much scrutiny.

There have been few Local Plans which have been examined during this period. The Hillingdon judgment by Mrs Justice Lang (and her view that Part B of D9 should not be treated as a 'gateway') is seen by many as having weakened the clearly expressed intentions of the Secretary of State in his letter to the Mayor and his Direction Overview.

London Plan Policy D9 Part B reads as below:

Locations

B 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.

2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

During the Examination of the Draft Local Plan for area covered by the Old Oak and Park Royal Development Corporation, one of the questions asked by the Planning Inspector was ***To what extent does London Plan policy D9 B require specific or generalised locations to be defined in a local development plan (as opposed to any supplementary planning document)?***

The meaning of the word ‘location’ was discussed at an EIP hearing on the OPDC Local Plan in January 2022. The StQW Forum (along with its counterpart the Old Oak Neighbourhood Forum) argued that ‘location’ has the ordinary English meaning of a ‘particular place’. This is not the same meaning as applied by many local authorities in their Local Plans, in identifying large expanses of land as ‘appropriate areas’ for tall buildings.

In the RBKC NDLP Figure 4.4 shows a map titled *Suitable locations for tall buildings and their maximum heights*. **We accept that the site allocations marked as numbers SA 3-10 show points specific enough to meet the definition of a ‘location’.** We question whether the same can be said for SA1 and SA2 (the two Opportunity Areas). These are large areas of land of 15.4 hectares (Kensal) and 7.43 hectares (Earls Court).

The Secretary of State’s purpose in issuing a Direction¹ is undermined by a lack of specificity if ‘suitable locations’ are not adequately identified at the consultation stage of local plan preparation.

The 2022 Kensal Canalside SPD includes a map which shows locations seemed suitable for tall buildings with greater precision. But as a SPD this document does not form part of the development plan.

A [2021 survey](#) by the GLA showed that few Borough or MDC Local Plans can be said to be fully compliant with London Plan Policy D9. Interpretations of this policy by the GLA Planning Decisions Unit have proved to be notably flexible and developer-friendly, particularly since the Hillingdon judgment.

¹ The covering letter from the Secretary of State sent with the December 2020 Direction states: *I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don’t reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such **developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London.** I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital* (our emphasis)

RBKC has proved in the past to hold the line on building heights, as compared with its neighbours to the west (Hammersmith & Fulham, OPDC, and Ealing). The Royal Borough has long shown (with some exceptions) that high density residential areas can be planned and built at heights which remain at a human scale.

Given the prominence of this issue as a public concern, we repeat the requests from our Regulation 19 representations on RBKC Draft Policy CD7:

*a minor rewording of Criterion B to read Proposals that meet or exceed the definition of a tall building in criterion A will be assessed in accordance with **all parts of** London Plan Policy D9.*

*An extra sentence should be added to paragraph 4.53 of the supporting text stating **In accordance with London Plan Policy D9(B) proposals for tall buildings should come forward only in locations identified as suitable in the Local Plan.***

St Quintin and Woodlands Neighbourhood Forum

June 2023