

# Response Form – New Local Plan Review: Draft Policies Consultation (Regulation 18)

**Six-week consultation from 9 February to 23 March 2022**

---

The Council is undertaking a New Local Plan Review (NLPR), the document which will help shape the nature of development across the Borough over the next 20 years. It will include our vision for future development and the planning policies needed to achieve this vision. It will also include sites suitable for development as well as those areas where conservation is of particular importance.

We are consulting on our Draft Policies. These reflect what you have already told us at the earlier “Issues” and “Issues and Options” stages of the Local Plan process. Your responses on the Draft Policies will help us prepare our “Publication Policies” document later this year.

It will be helpful if your responses are as precise as possible, so please include reference to specific policies and paragraph numbers where appropriate.

The Council is consulting on Draft Policies for six weeks, from **9 February to 11:59PM on 23 March 2022**. The document is available to view and download on-line

<https://planningconsult.rbkc.gov.uk/NLPR/consultationHome>

## How to respond

**Online:** This response form is designed to follow the structure of the Draft Policies paper. **The most efficient way of responding to the consultation is to do so on-line using the link above.** The Council is also running a quick poll, asking about the proposed Local Plan’s vision. This can also be accessed through the link above.

**Email:** Complete the response form available on the link above and email it to [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk) Please ensure you state ‘NLPR Draft Policies Consultation’ in the subject line.

**Post:** Complete this response form and post it to:

NLPR Draft Policies Consultation  
Planning Policy Team  
Planning and Place  
Kensington Town Hall  
Hornton Street  
London W8 7NX

### Personal/Contact Details

Please note that if you respond to this consultation your response will be publicly available. This will include your name, who you represent and the company/organisation but not personal contact details such as address or email.

<b>Your Name</b>	HENRY PETERSON
<b>Address</b>	95 HIGHLEVER ROAD LONDON W10 6PW
<b>Company/Organisation</b>	ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM AND ST HELENS RESIDENTS ASSOCIATION
<b>Representing (e.g. - Self/ client name or organisation)</b>	THE ABOVE TWO BODIES, WHICH CHARE THE SAME MEMBERSHIP OF 370 LOCAL RESIDENTS IN THE ST HELENS AND DALGARNO WARDS
<b>Email:</b>	sthelensassn@aol.com

If you no longer wish to receive communications about planning policy consultations, please let us know by emailing [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk) and we will remove your details from our database.

## Chapter 1: Introduction

This chapter explains what a Local Plan is, the nature of the policies within it and the timescale for the production of the plan. It also sets out the overall vision for the new Local Plan.

*In our consultation response, as set out below, we use italics for our comments. **Bold black text** is used for emphasis. **Red bold text** is used where we are suggesting specific changes to draft policies or to supporting text.*

### **Policy V1: Vision for the Borough**

Qu 1: Please provide your comments on the proposed vision for the Borough.

*The third bullet of this vision statement is 'Liveable'. The text then refers to the Borough's 'outstanding townscape' and its 'cultural offer and internationally recognised town centres'. For most residents the qualities of an area which make it 'liveable' are more to do with it being a 'walkable neighbourhood' with local amenities at hand, being 'neighbourly' and feeling safe for people of all ages, and thirdly having good access to public transport. 'Outstanding townscape' and a cultural offer are 'nice to haves' but not top of the list in terms of quality of life for many citizens.*

*We realise that the 'Inclusive' bullet covers the even more fundamental issue of access to housing in a notably 'rich/poor' part of London. In a planning document 'inclusivity' can be interpreted more narrowly than intended (i.e. as meaning 'accessibility' for those with disabilities. No doubt the Department has discussed this topic at length and a succinct and meaningful 'vision' statement is always a challenge.*

*As noted in other parts of our response, the removal of a theme and chapter on 'Keeping Life Local' has meant the loss of a part of the Local Plan which we feel resonated with many residents.*

*The 'issues and options' paper consulted on in 2021 included a set of 'four key concepts' underpinning the vision. These are no longer referred to. We do not have a problem with this, as there was already some overlap*

*Appendix 4 of the Plan lists indicators which will be used for monitoring purposes. These will not provide any measurable overview on how the Borough is faring in terms of the Council's commitment to 'narrowing inequality'. If the Local Plan is to set this as a primary objective, some high-level measures and indicators are surely needed? 2021 Census and ONS data should provide some sources, on data which is broken down to local authority level.*

Qu 2: Do you have any other comments on Chapter 1?

*We welcome the explanation of neighbourhood plans at 1.27 (where there is a misspelling of 'pans' for 'plans'. We also welcome the commitment at 1.28 that 'Whilst this Local Plan postdates each Neighbourhood Plan we fully endorse, and aim to implement, all the policies within the Neighbourhood Plans'.*

*As discussed at consultation sessions, we feel that this draft for a period of 2023 onwards does not yet reflect the extent to which the lives of Londoners have changed and will continue in the 5 years before a further local plan review.*

*We see aspects of a ‘planner’s perspective’ and a continuation of certain traditional spatial planning orthodoxies which no longer apply to 2022 London to the extent they did in the past. This applies in particular to the concept of an ordered hierarchy of major town centres through to neighbourhoods, each level with its preferred and pre-defined ‘uses’ along with building heights seen as ‘appropriate’. We think this comment applies to policies relating to the ‘world of work’ generally. Changes in patterns of working, commuting, and retailing have been fast in recent years and (in our view) will not be reversed ‘post Covid’.*

*The Council’s site allocations and policies on demand for different forms of commercial floorspace include some surprisingly specific assumptions on demand for future office and retail floorspace – at a time when London is having to adapt uses of buildings at speed.*

*There are other planning orthodoxies which we see as continuing to be very relevant, but not reflected in this Regulation 18 Draft. **These include the principle that high-trip generating functions and high-density housing should be located only where there is a good choice of public transport.** See our comments on pages 17/18 on housing density and the need for an explicit density policy in a final Local Plan.*

*The document recognises in places that the introduction of the E use class has implications in removing from planning control a wide range of matters. We suggest that review of certain 2019 policies has not gone far enough in questioning ‘will this policy be possible to apply, and are we anyway sure of our reasoning in attempting to exert this particular control over building uses?’*

*As an example, paragraph 8.8 of this Regulation 18 Draft reads ‘The Council has a borough-wide Article 4 direction in place which means that planning permission is still required for the change of use of any Class E use to a new home. Whilst the Council generally welcome the provision of new homes, this must not be at the expense of business uses’.*

***Is the Council wholly sure of why it is saying this?** Have residents given a clear message, from Lots Road to the northern end of the Borough, that this new Local Plan has got this balance right – particularly when housing numbers have to be delivered through high density/high rise?*

*As discussed at consultation sessions, **the outcome of DHLUC’s consideration of the Council’s Borough-wide Article 4 Direction will be very significant for this Draft Local Plan. While the current Article 4 is mentioned briefly at e.g. paragraph 8.8 it is not clear from this Draft how a Regulation 19 version may need to be further adapted.***

## Chapter 2: Places

This chapter sets out the many distinctive places within the Borough with varying levels of expected growth and sets out the strategy for change. These Places are grouped into four broad types:

- The Opportunity Areas
- Other areas with potential for some change, including the Employment Zones
- Our larger town centres
- Our local centres and neighbourhoods

<p><b><u>Visions PLV1 – PLV Visions for the places</u></b></p> <p><b>PLV1: Kensal Canalside</b></p> <p><b>PLV2: Earl’s Court</b></p> <p><b>PLV3: Lancaster West Estate and Wider Area</b></p> <p><b>PLV4: The Westway</b></p> <p><b>PLV5: Kensal Employment Zone</b></p> <p><b>PLV6: Freston/ Latimer Road Employment Zone</b></p> <p><b>PLV7: Lots Road Employment Zone</b></p>	<p><b>Town Centres</b></p> <p><b>PLV8: Kensington High Street</b></p> <p><b>PLV9: Portobello Road</b></p> <p><b>PLV10: Notting Hill Gate</b></p> <p><b>PLV11: South Kensington</b></p> <p><b>PLV12: Kings Road (East)</b></p> <p><b>PLV13: King’s Road (West)</b></p> <p><b>PLV14: Earl’s Court</b></p> <p><b>PLV15: Brompton Cross</b></p> <p><b>PLV16: Westbourne Grove</b></p> <p><b>PLV17: Knightsbridge</b></p> <p><b>PLV18: Fulham Road (West)</b></p> <p><b>PLV19: Walkable Neighbourhoods</b></p>
--	---

Qu 3: Do you have any comments on the visions for any of these Places? You can comment on more than one.

*Paragraphs 2.5-2.11 cover Opportunity Areas in general terms. We suggest that these could set out more of a RBKC view on the merits of the London Plan approach to Opportunity Areas, on the balance of control between the Mayor and the Borough, and whether the OA concept has proved a success over the past 30 years. Would RBKC prefer to have the future planning of Earls Court and Kensal Canalside in its own hands, freed from London Plan targets for housing and employment? We welcome the recognition that these targets are ‘indicative’ only.*

**PLV1: Kensal Canalside**

*Given the proximity of this Opportunity Area to the StQW neighbourhood boundary, our forum/association members take a close interest in the development proposals for this location. Several attended the RBKC Development Forum in November 2021. Our concerns on very high density and high rise development, on sites with poor public transport accessibility, are already well known to the Council. We have met with both sets of developers and attended onsite exhibitions during 2021.*

*In terms of the 'vision' statement for the OA, we consider it unrealistic to claim that this location 'will be transformed from a former gasworks and railway depot into a thriving, well-connected mixed and inclusive community'. As many local residents reiterate at every opportunity, the OA is the opposite of 'well-connected' and has a single vehicular access and exit point on Ladbrooke Grove. No significant new transport infrastructure, in terms of road, rail or Overground/Underground is assured. We comment in more detail at page 8 of this response on the content of the site allocation SA 1.*

### **PVL6 Freston Road Latimer Road**

*We recognise and welcome the fact that several of our previous comments on the content of 'Place' section on Latimer Road (as in the 2021 publication) have been taken on board. Now that the Government has abandoned plans for a new 'zoning' approach to local plans, the implications of an area being badged in a local plan as 'an area with potential for some change' are less feared by local residents.*

***We consider the proposed 'vision' for PVL6 to be appropriate for the Freston Road part of the currently designated Employment Zone, but to be inappropriate and unrealistic for the four separate sections of Latimer Road currently designated with EZ status.***

*For a decade, and during the independent examination of the StQW Neighbourhood Plan, we have argued consistently that the future of Latimer Road should be as a mixed use street (as it was when built in the 19<sup>th</sup> century with its own rail station on what is now the West London Line).*

*The street was separated from the Freston Road part of the EZ by the building of the Westway and since then has clearly failed to flourish as a location for office and commercial floorspace. With a lack of good public transport access and of amenities that office workers expect, the street risks continuing to fail to compete with newer floorspace at White City and Wood Lane.*

*The 10 year delay in implementing the proposed pedestrian/cycle underpass between Latimer Road and Wood Lane has further undermined confidence in Latimer Road as an employment location. We understand that Imperial College continue to progress their plans for the underpass but no start and completion date has been made known.*

*In a 2015 submission to the Council (re-attached) we set out the history of the transfer of the western side of Latimer Road from LBHF to RBKC as a result of boundary changes. When designating four sections of the street as part of a wider Freston/Latimer EZ, the Council's Planning and Conservation Committee (April 1997) noted possible drawbacks as follows:*

- *'presents barriers to market-led development...*
- *an unconstrained focus on B class development might inhibit uses that provide an essential service to the Employment Zone*
- *a dedicated and physically defined Employment Zone may be relatively deserted at night time and weekends, so increasing the perceived and real fear of crime (as opposed to a mixed use area where people are about at all times of day).*

- pro-active property development might be needed by the Council or other bodies in order to achieve employment objectives, particularly in terms of small scale and incubator units.'

*All these drawbacks have become evident over the past 40 years. The Council has never invested in creating small-scale and incubator units in the street.*

*The Council in 2020 prepared and adopted a design code for redevelopment of Units 1-14 in Latimer Road, in an effort to bring forward mixed use redevelopment. We believe that such a transition of this one section of the street will remain very slow. Despite the mixed use policy introduced for these premises by the StQW Neighbourhood Plan (in force since 2016) only one building owner has as yet carried through a redevelopment project.*

*For the commercial buildings at the southern end of the street, neither the Design Code nor the StQW policy LR1 (allowing mixed use on upper floors) apply.*

***On PVL6 and a future vision for Latimer Road, we argue that the time has come for de-designation from EZ status for the four sections of Latimer Road.*** *In 2021 the Council designated other sections of the street as a conservation area (a decision which the StQW Forum and residents in the street supported). The juxtaposition of EZ and CA sections of a single street makes even less sense, as a combination of planning policies.*

*We do not see that continued EZ designation for these four sections of Latimer Road has any positive policy impacts. It brings these parts of the street under a Borough-wide Policy CF5 (to become BC1 in the new Draft Plan). This policy will remain protectionist in requiring a 'significant uplift' in quality and quantity of commercial floorspace in buildings where mixed use is introduced.*

*Viability for redevelopment of outdated office/commercial buildings in the street is now (we contend) below the waterline given significant increases in construction costs and the RBKC EZ policy context. The Design Code for Units 1-14 restricts building heights and requires high quality design and materials, combining to make viability marginal given increased building costs.*

*As demonstrated by the map at 8.1 in the Regulation 18 Draft, there are very many streets in the Borough which include individual or small clusters of business premises, above or alongside residential. These streets and their businesses appear to be doing fine without forming part of an Employment Zone or being made subject to Borough-wide EZ policies. The balance between commercial/office floorspace and residential in all these parts of the Borough will have varied over the years and will continue to do so.*

***We are therefore strongly urging the Council to include in the new Local Plan the de-designation of the four EZ sections of Latimer Road.*** *The Freston Road designation area would continue unchanged and be known as Freston Road Employment Zone (which many people think is the case already).*

*On two minor points:*

- *we suggest that paragraph 2.42 be deleted. The Design Code for Units 1-14 will have an impact on Latimer Road but is highly unlikely to impact on the 'wider employment area' (assuming this must be Freston Road or to Kensal EZ?).*
- *In PVL6 A can 'complementary' please be spelled correctly?*

Qu 4: Do you have any other comments on Chapter 2?

*We welcome the name now given to the 'Place' PLV3: Lancaster West Estate and Notting Dale', and that there is no longer a 'Place' badged as 'Latimer' in the Local Plan. The was a source of confusion for the public, given that this 'place' did not include Latimer Road.*

## Chapter 3: Site Allocations

The Council needs to identify sites (site allocations) across the Borough which will allow us to deliver our vision for good growth and provide for the new homes, businesses and social and community uses needed by our residents.

We have divided these allocations into three categories, the Opportunity Areas, large sites and small sites.

### Opportunity Area Sites

#### **Site allocation SA1: Kensal Canalside Opportunity Area**

Qu 5: Please provide your comments on the proposed site allocation

*We consider that the claim at 3.6 to be overstated, in suggesting that this OA 'has the potential to and act as a catalyst for the regeneration of the whole of this part of northwest central London as it will be developed before Old Oak and Park Royal'. The current proposals for Kensal Canalside (well advanced) are for high density/high rise housing similar to that which has appeared in many parts of London, with a replacement Sainsburys as its main feature.*

*If and when built out, this form of development is 'more of the same' as in many London locations including Scrubs Lane and parts of Old Oak. Even the HS2/Crossrail station at Old Oak Common is not to date having much impact as a 'catalyst' for regeneration in northwest central London.*

***We remain of the view, expressed in responses to previous consultations including that on the Kensal Canalside SPD, that a Site Allocation of 'a minimum of 3,500 new homes' remains too high.*** This is an indicative target set in the London Plan, based to an extent on earlier RBKC capacity studies from a time when this figure was the highest of 3 options and based on a Crossrail station at the heart of the Opportunity Area.

*The 2013 RBKC consultation on options for Kensal Canalside gave **2,500 new homes** as a 'middle option' assuming mixed use development with mansion blocks of 6 storeys. This option assumed a Crossrail station. Since 2013 RBKC policy has shifted to 'at least 3,500 new homes' with no such station. **We see no 'plan-led' justification for this change. It appears to arise from RBKC failing the housing delivery test coupled with developer aspirations.***

*The main concerns of our members, living to the south-west of the Opportunity Area, are*

- *the impact of very tall buildings on the setting of the Grand Union Canal and townscape views in North Kensington*

- *the increased traffic congestion likely to arise from (ultimately) an additional 4,000 homes on a site with a single entrance/exit point on Ladbroke Grove.*

*We note the fact that the range of ‘appropriate heights’ included in SA1 includes 98m or 31 storeys as a maximum (as compared with the 35 and 36 storey buildings shown by the two sets of developers at the November 2021 Development Forum). But this height parameter would still bring to North Kensington three examples of a building type alien to the Borough, at a time when many factors may well be bringing an end to London’s tall building boom (see also our comments below on Draft Policy CD7).*

*The Opportunity Area is a large part of North Kensington at 15.4 hectares. When it comes to meeting the London Plan Policy D9 requirement for local plans to identify and map ‘suitable locations’ for tall buildings, **we do not consider Figure 3.1 to be adequate without more detail of ‘suitable locations’**. ‘Location’ is a term which requires a more specific identifier than coloured bands across an area of this size.*

*The SPD identified four specific locations for tall buildings. We assume that these had been chosen on the basis of the consultancy studies now published as part of the evidence base for the Local Plan. Sub paragraph J of the SA1 policy statement give some supplementary guidance on locations more or less suited for tall buildings but (in our view) leaves the outcome too open to satisfy Policy D9 Part B requirements.*

*Given that this London Plan Policy is having to work harder to ensure successful design-led solutions on major sites (in the absence of the former 2016 London Plan D3 and Density Matrix) it is increasingly important that inevitable developer aspirations to maximise density are moderated through the local plan.*

*We are aware that housing developments at Kensal Canalside would (in theory) be largely car-free. But ‘car-free’ policies do not mean ‘delivery van free’ and ‘Uber/taxi free’. The western parts of the Opportunity Area will be reliant on new bus routes which even an agreement between developer and TfL cannot guarantee in perpetuity. Proposed road connections between Kensal Canalside are dependent on new tunnels beneath the West London Line which may or may not materialise, even if promised in the Infrastructure Delivery Plans of both OPDC and RBKC. These road connections remain unfunded proposals as far as the OPDC IDP is concerned.*

*A pedestrian/cycle bridge linking the north and south parts of the OA, and through the Barlby Road, will be of limited help in limiting yet further traffic congestion in the area and at the Ladbroke Grove Junction in particular. We do not accept assertions by developers that a revised junction layout will solve this problem..*

*Sub-paragraphs K and T of Policy SA1 refer to a separate new pedestrian/cycle bridge over the canal, and sub-paragraph U refers to ‘access through the cemetery and a linking bridge over the canal’. We are in touch with the Kensal Triangle Residents Association (KTRA) the membership of which see this proposition as unworkable given risks to pedestrian safety of a long and enclosed footpath through the cemetery.*

### **Site allocation SA2: Earl's Court Exhibition Centre Opportunity Area**

Qu 6: Please provide your comments on the proposed site allocation

*No further comments beyond those above on the 'vision' for both Opportunity Areas in the Borough (page 5 above).*

### **Large Sites (sites of 0.25 hectares or more)**

Qu 7: Do you have any comments on the allocation for any of these sites?

#### **Site Allocation SA8 Latimer Road Units 1-14**

*As explained above, we believe that the Latimer Road sections of the Freston/Latimer Employment Zone should be de-designated.*

*This would include the sites of Units 1-14 on the western side of the street. This new site allocation **SA8** reflects and responds to StQW Policy LR1 which reads 'To allow residential use of upper floors in redeveloped B class buildings at Units 1-14 Latimer Road provided that the ground floor (and any mezzanine floor) remains in commercial use.'*

*The StQW Neighbourhood Plan identified redevelopment of Units 1-14 as having the potential to deliver between 50-75 new housing units, given the new StQW policy LR1 allowing mixed use above ground and mezzanine floors. RBKC's Site Allocation **SA8** now proposes the upper figure. The reality on the ground has been that in the 6 years since this policy took effect, the redevelopment of Unit has been the only scheme to obtain planning consent and be implemented. This redevelopment includes 8 flats above commercial space and is nearing completion.*

*Given that all but two of these fourteen light industrial/warehouse units in the Site Allocation remain in separate ownerships, and that the Council's refusal of proposals for Unit 11 has been upheld at appeal (on grounds of design rather than building height) we are not clear why the Council thinks it realistic to include in the Site Allocation and overall housing trajectory an assumption of 75 new homes? **The figure of 10 housing units in Years 0-5 seems plausible, but a further 65 in Years 6-10 is very questionable in the current site context.***

*The Council owns Unit 12 and we have several times suggested that this site could be included in the RBKC New Homes Programme. When does the Council intend to firm up plans for the long-term future of this property in its ownership?*

*Were the proposed new pedestrian/cycle underpass between Wood Lane and Latimer Road to be built, this would significantly improve viability for redevelopment in the whole of Latimer Road. This S106 commitment agreed between LBHF and Imperial College has proved extremely slow to progress since the S106 was agreed in 2013. Any further support that RBKC can provide in making the project happen would be welcome.*

*The 2021 Design Code for Units 1-14 was prepared via a project group involving StQW/St Helens RA, building owners, and a group of residents in the street. The outcome sets height and massing parameters and design requirements which impact on viability. Borough-wide policies on separate entrances for commercial and residential floorspace, and for storage of bicycles, mean that the ground floor of any redevelopments at Units 1-14 generates little by*

way of any financial return – given the limited plot size. Limited availability of loan finance for commercial redevelopment is a street which is **not** viewed as a successful business area is a further factor.

The StQW Forum/SHRA foresees that the realism of the Borough’s housing trajectory (with its ‘stepped’ or backloaded profile’) will be a key issue at the Examination of the new Local Plan. We continue to support and promote a future for Latimer Road as a very liveable mixed use street contributing more to the wider neighbourhood, with some retail floorspace, workshop space for creative industries, and housing.

**We consider that Site Allocation SA8 should be amended to a target of 40 new homes in Years 5-10 of the new Plan, unless the Council agrees to de-designate the current EZ sections of the street in which case the current target of 75 homes would be realistic for the street as a whole..**

### Small sites (sites less than 0.25 hectares)

<b>SA10: Harrington Road Car Park</b>	<b>SA13: 3-5 Crowthorne Road</b>
<b>SA11: Emmanuel Kaye Building</b>	<b>SA14: Colebrook Court</b>
<b>SA12: 142A Highlever Road</b>	<b>SA15 Holland Road Triangle</b>
Qu 8: Do you have any comments on the allocations for these sites?	
<p>The sites at 142A and at 3-5 Crowthorne Road were identified as potential development opportunities in the StQW Neighbourhood Plan. The StQW Forum/SHRA continues to support these allocations subject to detailed proposals coming forward, at which stage the impact on neighbouring buildings can be assessed.</p> <p>The numbers of housing units proposed in the allocations seem realistic (6 units at 142A Highlever and 8 units at 3-5 Crowthorne Road, with 1,700 sq m of commercial floorspace).</p> <p>The fact that both these sites were allocated in the StQW Neighbourhood Plan, but that that neither has come forward in six years since this plan was in force, shows that viability for any form of development in this corner of the Borough remains very marginal. A new Local Plan needs to ensure that multiple designations, policies and guidance which impact on viability are imposed only when needed and their efficacy kept under review.</p>	

Qu 9: Do you have any other comments on Chapter 3?

*No further comments.*

## Chapter 4: Blue-Green Future

This Chapter is concerned with the environment in its widest sense. It is concerned with energy and net zero carbon; improving air quality, light pollution, odour, noise and vibration; managing

flood risk; protection and enhancement of green infrastructure, biodiversity and trees; as well as waste and contaminated land.

**Qu 10**

**Policy G1: Circular Economy**

The policy considers how development should minimise waste during the building process.

*We support a requirement for a Circular Economy Statement for major applications.*

*The explanation of the term 'circular economy' could useful be moved from paragraph 4.4 to 4.3, where it first appears. The term means nothing to most of the public.*

**Q11**

**Policy G2: Whole Life-cycle Carbon**

This policy is intended to ensure that the carbon generated over the life-time of a building is reduced.

***The supporting text could emphasise that increases in building heights have a relationship to whole life carbon use (see Pomponi report and evidence from Professor Phil Steadman from the UCL Energy Institute to the London Assembly Planning and Regeneration Committee October 21<sup>st</sup> 2020).***

**Qu 12**

**Policy G3: Energy and Net Zero Carbon**

This policy is intended to ensure that new development reduces energy demand and that major development is net zero carbon.

*We support the footnote saying that the numerical targets in this policy will be reviewed in line with new Building regulations, when published. Homeowners will need more information and guidance on how to meet Policy G3(B)3 which reads 'Minor development must make on-site reduction of regulated carbon emissions of at least 31% beyond Building Regulations 2013 Part L22.'*

**Qu 13**

**Policy G4: Sustainable Retrofitting**

This policy is concerned with how best to ensure that historic buildings can improve their energy efficiency, without harming their special historic interest.

*Policy is also required on sustainable retrofitting for ordinary houses, in addition to historic buildings. The current CL policies on minor alterations and extensions are due to be 'saved'*

*in unaltered form and need updating in respect of the balance between achieving net zero while minimising harm in conservation terms.*

*We note that the Council will raise the profile of its publication [Householder Guide to Greening](#). The content of this document could be made available as web-based material, as in LBHF (see that council's web page on [climate change and planning](#)). A further step would be to use consultants to assess one of each of (say) 6 construction types in RBKC and use their software and energy modelling to work out the best approach.*

#### **Qu 14**

##### **Policy G5: Overheating**

This policy is concerned with how to reduce the reliance of major development on air conditioning.

*We are seeing a growing number of applications in the neighbourhood for installing air conditioning as part of major refurbishment projects for Edwardian/Victorian houses. This applies particularly to large basement projects. In existing terraced housing the risks of noise nuisance to neighbours is significant.*

***A Part B could be added to this policy requiring applicants for air conditioning to provide an explanation and justification of why passive ventilation is no longer adequate in their property. This could apply to non-detached/terraced housing and flats/maisonettes.***

#### **Qu 15**

##### **Policy G6: Air Quality**

This policy is concerned with how to ensure that development is undertaken in a way which minimises its impact on air quality.

*While the StQW neighbourhood does not lie within one of the three Air Quality Focus Areas in RBKC, residents are very concerned about air quality. We support the requirements of new development as set out in this policy.*

#### **Qu 16**

##### **Policy G7: Construction Management**

This policy is concerned with how to ensure that developments minimise construction impacts.

*The StQW Neighbourhood Forum/SHRA continues to support the RBKC Construction Code'.*

**Qu 17**

**Policy G8: Noise and Vibration**

This policy is concerned with how to ensure that the impact of noise and vibration generating sources are minimised during both the construction and operational phases of development.

*The StQW Neighbourhood Forum/SHRA supports this new policy. We note that it will apply to ground- and air-sourced heat pumps as well as to air-conditioning units.*

**Qu 18**

**Policy G09: Odour**

This policy is concerned with how to ensure that odour is properly taken into account in the planning process

*The StQW Neighbourhood Forum/SHRA supports this new policy*

**Qu 19**

**Policy G10: Light Pollution**

This policy is concerned with how to ensure that light pollution is properly taken into account in the planning process.

*Light spillage from extensively glazed side and rear extensions is becoming a growing issue, affecting neighbour amenity in terraced streets of the StQW neighbourhood area. This policy needs to make clear that 'Developments' applies to all form of development and not just major new buildings.*

*This policy will presumably not apply to semi-permanent garden pergolas and awnings used (with extensive lighting) as outdoor sitting and entertainment areas?*

**Qu 20**

**Policy G11: Flood Risk**

This policy requires flooding, flood risk and safety to be considered for any relevant planning application.

*Since the July 2021 flash floods affecting the StQW neighbourhood, we have objected to large basement applications which include bedrooms. We consider that allowing sleeping accommodation in basements in Critical Drainage Areas presents a risk to life, mitigating only if RBKC has the capacity to ensure that Flood Risk Assessments are adequately scrutinised.*

*We are not suggesting an amendment to RBKC basement policy at this stage. We note that Policy G11 will apply only to self-contained basements. For the elderly and infirm, basement*

*flooding from surface water can pose a real threat, if e.g. electrical appliances such as fires and heaters are submerged in even a foot of water.*

*We will await the outcome of reports on the July 2021 floods, and consult locally on a stronger policy resisting all basements with sleeping accommodation, as part of a review and updating of the StQW Neighbourhood Plan.*

*Part C of G11 stating that 'Sleeping accommodation below the breach level will not be allowed' applies (as we understand) to fluvial flooding rather than storm flooding. So is not relevant to the StQW neighbourhood*

#### **Qu 21**

##### **Policy G12: Surface Water Run-off**

This policy is concerned with surface water flooding and Sustainable Drainage Systems.

***Our members remain unconvinced that this policy will prove sufficient to address surface water run-off in the StQW part of North Kensington, given its geographical position immediately above the course of Counters Creek and the failed performance of the Counters Creek sewage system in July 2021 and on previous occasions.***

*We await the outcome of reports on the July 2021 flooding before commenting further.*

#### **Qu 22**

##### **Policy G13: Water Infrastructure**

This policy is concerned with the provision of water and sewage infrastructure, waterways and residential moorings.

*No comments.*

#### **Qu 23**

##### **Policy G14: Green Infrastructure**

This policy is concerned with the provision of green infrastructure, or parks, grassed areas, street trees and physical greening. It is also concerned with the quality of the green infrastructure being provided.

*Paragraph 4.96 reads The Council receives a large number of minor planning applications a year which could potentially enhance the Borough's green infrastructure. It is important that green infrastructure is maximised in these developments as they will help reduce flood risk and increase biodiversity, supporting biodiversity net gain.*

*This statement is not policy as such. It should be cross referenced to proposed Policy G12 D which states that 'Impermeable surfaces in gardens and landscaped areas will not be permitted as part of the development'.*

**Qu 24**

**Policy G15: Parks, Gardens and Open Spaces**

This policy is concerned with the provision of new and protection of existing parks, gardens and open spaces.

*We welcome part B(iv) of this policy which confirms that 'the Council will protect .... iv. Local Green Spaces where these are designated in a neighbourhood plan or other development plan document'.*

***Many of the public are not familiar with LGS designations and it would help if the supporting text explained that this is a strong protection against any form of development, on private or public land, equivalent to Green Belt designation. The term Local Green Space should also be included in the Glossary.***

**Qu 25**

**Policy G16: Biodiversity**

This policy is concerned with the protection of existing, and provision/ enhancement of new features to support biodiversity.

*No comments*

**Qu 26**

**Policy G17: Trees and Landscape Parks, Gardens and Open Spaces**

This policy is concerned with the protection and provision of trees and landscape design.

*'Complements' is mis-spelled in Part G of the Policy. No further comments.*

**Qu 27**

**Policy G18: Waste Management**

This policy is concerned with the Borough's strategic waste targets and local site specific waste management principles.

*No comments*

**Qu 28**

**Policy G19: Contaminated Land**

This policy is concerned with how new development must address the issue of contaminated land and water pollution.

*No comments*

**Qu 29: Do you have any other comments on Chapter 4?**

*No further comments*

## Chapter 5: Homes

This chapter is concerned with how the Council can use the planning process to provide the diverse range of homes to meet our current and future housing needs.

**Qu 30**

### **Policy HO1: Delivery and protection of homes**

This policy is concerned with how the Council will support the delivery of new homes, protect the homes that we have, but also set out those circumstances where the loss of a home may be appropriate.

*We have two main comments on the first part of the housing chapter of the Regulation 18 Draft*

*As discussed at the consultation webinar on Housing, **the StQW Neighbourhood Forum/SHRA considers that a new RBKC Local Plan needs an explicit policy on housing density.** This is for these reasons:*

- The 2021 London Plan no longer includes the former Policy D3 and Density Matrix. We recognise that the specific density bands in the Matrix had over 15 years become routinely exceeded, through a combination of developers seeking to maximise density and a willingness of most London Planning authorities to give way to such pressures.*
- The fact that the Matrix needed revision does not mean that a policy linking housing density to levels of access to public transport is an unnecessary feature of good urban planning in a global city. This longstanding spatial planning principle remains part of London Plan Policy D3, albeit weakened.*
- The London Plan and local plans now place greater emphasis on a 'design-led approach' to masterplanning of major sites. The public have diminishing confidence in the ability (and capacity) of planning departments to resist proposals at extreme densities which will never make for successful and sustainable long-term communities.*
- Government has now abandoned its plans for radical planning reforms, including the concepts of 'zoning' and 'coding' and a greater emphasis on character studies and*

design codes. This reduces the potential of these tools to influence density of new developments at the very early stages.

- The National Model Design Code sets out examples of building typologies and housing densities appropriate to a range of locations (High Rise City, Town City Centre, Urban Neighbourhood etc). These bear little relationship to what London developers are seeking to achieve through 'optimisation' of sites in RBKC and neighbouring areas (OPDC and LBHF, and now at Kensal Canalside).

The Council has in the past promoted and granted planning consent to successful examples of large new housing schemes, including social housing (e.g. Catalyst's Wornington Phase 1 and Peabody's Silchester development opposite Latimer Underground Station. The Peabody scheme won a Civic Trust award for its architecture. These developments were at densities which met or were close to London Plan Density Matrix levels. They did not involve extreme building heights..

**We suggest that an explicit policy on housing density should be added to the New Local Plan.** This policy could

- Reflect 2021 London plan Policies D3 and D9 on Tall Buildings, helping to achieve full conformity with the London Plan and its objectives of 'Good Growth'.
- Provide more clarity and guidance to developers and landowners at a very early stage as to the likely acceptability of proposals.
- Help to avoid situations in which developer expectations continue through the stage of extensive pre-application advice and PPAs, only for the outcome to arouse such strong opposition from local residents that schemes are refused by the Council's Planning Committee.
- Help the public to understand, from looking at the Local Plan, what sort of building typology and building heights are likely to emerge in different parts of the Borough (supplementing information on new Policy CD7).

A density policy can be set out via maps with zones and areas (in the same way as is to be used for the new CD9 on Tall buildings). The policy can define what it considers to be ranges of high, medium and low densities for new development.

Our understanding is that RBKC used to consider housing densities of 300-350 dwellings/hectare to be 'high density'. This is a range higher than the National Model Design Code identifies in its examples (in which density for a 'Town/City centre' is described as 'A typical dense city typology with over 120 dwellings per hectare (dph) and a strong mix of uses, and an Urban Neighbourhood at 60-120 dph').

Previous versions of the Local Plan used to claim that RBKC had one of the highest housing densities in Europe, as a result of its historically well-designed layout of streets and squares and use of mansion blocks. If this claim remains true, it should feature as a Key Fact at the start of this chapter. **If no longer true, residents need to know how housing densities are**

**varying over time and in relation to other parts of the city, and what density levels the Council aims for in the future.**

### **Housing Delivery Test**

*Paragraph 53 onwards explains the national and London system of housing targets. It does not make clear that RBKC is currently amongst the dozen local authorities at the top of the list of 'under-delivering' local authorities.*

*We accept that this situation may not last, as Government continues reviews target methodology. But for the time being we think that local residents need to be made aware of the implications. This context explains the urgency of the search for new sites (especially smaller infill sites).*

*Residents also need to appreciate the increased likelihood of successful appeals by developers if RBLC policies in the new Local Plan are not robust and interpreted correctly by decision-makers (give the 'tilted balance').*

***A further Key Fact on the Delivery Test could be added to the present list, and updated, removed or modified at any stage up to and including Examination, should the Borough be removed from the DHLUC list of sanctioned local authorities.***

### **Qu 31**

#### **Policy HO2: Small Sites**

This policy is concerned with how the Council will support the delivery of new homes on small sites.

*Part B of this policy reads B. 'Well-designed upward extensions creating new homes that respond sensitively to the surrounding context will be supported'.*

***The supporting text does not offer explanation of this policy and needs to.*** *How does this relate to permitted development rights on blocks of flats?. Does Part B apply to terraced housing in conservation areas, or would other RBKC policies override? There is a danger of raising false expectations of existing homeowners.*

### **Qu 32**

#### **Policy HO3: Community Housing**

This policy is concerned with the nature and quantum of RBKC community housing which will be required on relevant sites.

*We appreciate that the Council has introduced the term 'Community Housing' following consultation on the June 2020 SPD. And that terms such as 'affordable' and 'genuinely affordable housing' are not meaningful definitions in a Borough with the rents and house values of K&C.*

*But there remains a risk of confusion for readers of the Local Plan. The Council's website on its New Homes Programme starts with the well publicised commitment (post 2017) 'The Council is delivering 600 new homes including a minimum of 300 social rent homes, alongside open market homes to rent'. Many people are more familiar with the terms 'social housing' and 'social rent' as the forms of housing most accessible to those on modest incomes.*

***Some more explanation of the term 'Community Housing' would help along with greater clarity that this term does not include some forms of 'intermediate housing' (whereas this is included in the NPPF definition of affordable housing).***

*On the Floorspace Threshold (Policy HO3A and paragraph 5.20) the Planning Department argues that the 650 sq m threshold has worked well since 2019. But in terms of achieving housing targets on small sites, it should be recognised that this departure from the national threshold of 10 units does impact adversely on viability in areas where financing of development is marginal even for residential units (as in Latimer Road). This is one of many factors that will continue to discourage investment in new housing within Site Allocation 8A.*

### **Qu 33**

#### **Policy HO4: Housing Size and Standards**

This policy is concerned with the mix of types and sizes of homes which will be required on a site.

*The StQW Neighbourhood Forum/SHRA supports this policy. No further comments.*

### **Qu 34**

#### **Policy HO5: Specialist Housing**

This policy is concerned with how the Council will protect and support the delivery of homes for older people and other forms of supported housing.

*The StQW Neighbourhood Forum/SHRA supports this policy. No further comments.*

### **Qu 35**

#### **Policy HO6: Other Housing Products**

This policy sets out how the Council will consider proposals which include "build to rent" and "co-living" forms of housing as well as how we will protect existing student accommodation/ will consider applications for the provision of new (incomplete sentence?).

*We agree with the Council's reservations on the BTR business model. Its recent popularity amongst developers has led many first time buyers into situations where rapid increases in*

*rents and services charges leaves them regretting a decision to take up this form of housing accommodation.*

*On Co-living, this model has not proved to work successfully during a pandemic when communal spaces and facilities were closed off. We think that there may be versions of co-living, coupled with co-ownership, which may suit younger couples and older people who wish to live more communally.*

#### **Qu 36**

##### **Policy HO7: Estate Renewal**

This policy sets out how the Council will consider proposals which involve the renewal of existing housing estates. This relates to estates owned by registered providers rather than the Council, as the Council has made a commitment not to carry out any wholesale estate regeneration on Council owned estates.

*As discussed at the consultation webinar of Housing, **it is important that the wording of the policy and the supporting text (e.g. paragraph 5.64 does not give the impression that the Council has given up on all forms of investment in its estates, in terms of their refurbishment, maintenance, and improvement in the quality of the homes, and retrofitting for climate change.***

*On HO7 D on 'co-design' this term has been much used since the Grenfell tragedy. The supporting text could usefully explain more on how this is being achieved in practice in the Borough, as well as referring to Mayoral ballots and the Mayor's Guidance on Estate Regeneration.*

#### **Qu 37**

##### **Policy HO8: Gypsy and Traveller Accommodation**

This policy sets out how the Council to seek to protect, improve and if possible, increase Gypsy and Traveller accommodation in the Borough.

Please provide your comments on the proposed Draft Policy HO8 below:

*The search for any alternative site to the current location beneath the Westway roundabout has now lasted four decades. It may well prove that the site outlasts the structure of the Westway itself.*

#### **Qu 38**

Do you have any other comments on Chapter 5?

*No further comments*

## Chapter 6: Conservation and Design

This chapter is concerned with design policies, or how we ensure that new development, of any scale, will maintain and enhance the Borough's character and distinctiveness.

### Qu 39

#### Policy CD1: Context and character

This policy sets out how the Council requires new development to respect the existing context, character and appearance of an area.

*We fully support a Local Plan that recognises that the Borough includes areas which differ widely in terms of context and character. The much reduced Place chapters have helped to shorten the document, at no great loss, given that these chapters did not include place-specific policies which impacted as a material consideration in determining applications.*

***We do not see it as helpful for this chapter to start with an assertion 'The Borough is one of the most vibrant and recognisable in London'.*** This self-congratulatory tone has been a feature of past Local Plans and irritates those who live in parts of the borough less economically active, and where re-investment in the fabric and maintenance of buildings is at low levels. 'Most vibrant' as compared with e.g. Hackney and other parts of East or South London? 'Most recognisable? On what measures?

*Consultation sessions have discussed the fact the different parts of the Borough not only have different 'contexts and characters' but also need different planning policies. A neighbourhood plan (as in the StQW area) is one way of achieving this differentiation, but is not an easy process for local neighbourhoods to undertake.*

*As a reworking of current RBKC Policy CL1, draft CD1 has some new elements. We suggest some further changes to reflect the fact that*

- *Context and character is not static – and the next five years in London is likely to see a higher rate of change resulting from new patterns of working, commuting, retailing, and delivering services which will not revert fully to those of the last decade.*
- *Government flexibilities on permitted development mean that change in the use of office and commercial premises is now beyond Local Plan control*
- *The final outcome of Government decisions on the RBKC Article 4 proposals will lead to new contexts and new characters emerging in many neighbourhoods across the Borough. A Local Plan needs to allow for responsiveness and change, rather than prove an obstacle.*

*In this new environment, we suggest the amendments to CD1 as shown below in red text:*

A. 'Development is required **to take account of** the existing **and emerging** context, character and appearance **of its surroundings**, including historic characteristics'.

Where relevant, development should:

1. Enhance the quality and character of buildings.

2. Improve connectivity **and foster walkable neighbourhoods**

**3. For E1 use classes, contribute to the successful and inclusive functioning of the neighbourhood..**

G. Carefully consider how development in backland sites is integrated into the existing urban structure, including:

1. ensuring vehicular and pedestrian access is properly integrated into the surrounding street network.
2. that the scale and massing respect the hierarchy of the existing urban block so as to enhance the character of the area.

**3. ensuring the backland green spaces and levels of biodiversity are maintained**

*In line with comments earlier in this response on Opportunity Areas, we think the wording of the new **sub-paragraph J needs revision**. The current wording 'to positively relate to existing context, even where development is at a scale that it can set a new character in itself' is not clear. The Local Plan should have a strong role in setting the character of an OA. We suggest:*

**In Opportunity Areas, to create areas of new context and character which contribute to, rather than detract from, their surroundings in terms of the three components of the overall vision of this Local Plan including liveability, functionality and connectivity across the wider area.**

**Qu 40**

### **Policy CD2: Design quality, character and growth**

This policy sets out how the Council is concerned with the quality of the design of new development.

*This policy has been varied slightly from CL2 in the current Local Plan.*

*The heading has been varied to add 'character and growth'. **The reference to 'growth' suggests that this policy applies only to new development. Is this the intention?***

***We suggest that the new B2 could be shortened to 'easy to navigate'. The term 'legibility' when used in a planning context means little to the public and is seen by the development industry as an invitation to add in a tall building. Why proffer this invitation, in a policy on design quality?***

*The new sub-paragraph B7. 'Inclusive - accessible to all' is not sufficiently clear. Does this mean that schemes with proposed open spaces or landscaped areas which remain in private ownership and which could be closed to the public at any time will be refused? Or will public access be secured through S106 agreements and/or planning conditions?*

**Qu 41**

**Policy CD3: Heritage Assets – Conservation Area**

This policy sets out how the Council will ensure that development will preserve or enhance the character or appearance of conservation areas.

*While we welcome the fact that policy and supporting text are carefully worded, it remains hard for the general public to understand the meaning of the terms ‘substantial harm’ and ‘substantial public benefits’. Perhaps the revised glossary could provide some more clarity?*

*On paragraph 6.27 we agree with the concept that mixed use in streets of the Borough has always been a feature of the Borough and generally a welcome one. To say ‘The Borough contains a scatter of incidental mixed uses within its residential neighbourhoods, which offer variety, surprise and delight’ is perhaps an overstatement? For most people the feeling is not one of ‘surprise and delight’ but instead one of being glad they still have a functioning set of shops, a vet, a hairdresser, a community building and a MOT garage within easy walking distance. .*

**Qu 42**

**Policy CD4: Heritage Assets – Listed Buildings**

This policy sets out how the Council will ensure that development will protect the heritage significance of listed buildings and their setting.

*No comments other than that we support the Kensington Society response.*

**Qu 43**

**Policy CD5: Scheduled Ancient Monuments and Archaeology**

This policy sets out how the Council will ensure that development in the setting of a Scheduled Ancient Monument will protect its heritage significance.

*As for Qu 42 above*

**Qu 44**

**Policy CD6: Registered Parks and Gardens**

This policy sets out how the Council will consider planning applications within, or in the setting of a Registered Park and Garden.

*This policy (in our view) is too weighted towards heritage issues and could restrict the provision of new buildings and amenities in registered parks within the Borough.*

*Our neighbourhood forum has been closely involved for 3 years in proposals for the replacement of outdated and unsuitable buildings in Memorial Park (St Marks Park). This*

park badly needs a new café as a place to meet. RBKC Parks department is in the process of commissioning design proposals. Policy C6 parts A and C could potentially block the resultant proposals, after years of consultation with parks users and an extended process of preparing a design brief.

The Royal Parks have many examples of high quality contemporary designs being introduced to the existing setting. This policy CD6 needs rewording, we suggest a Part D

**Where original parks buildings have become unsuited to current needs, or uneconomic to repair or maintain, new and replacement buildings should be of high architectural quality.**

Qu 47

### **Policy CD7: Tall Buildings**

This policy defines what the Council considers to be a tall building, appropriate locations for such buildings and the way any applications for tall buildings will be assessed.

#### **CD7 Tall Buildings**

*This is a longer and more detailed policy than the current Policy CL12 on Building Heights. It is a key policy in a new RBKC Local Plan. The Council has a long history of resisting tall buildings in the Borough, while maintaining what has always been a high residential density overall across the Borough.*

**We believe that there will be strong public opposition to a Regulation 18 Draft which is seen as opening up the prospects for a new wave of tall buildings** – even if this is confined to the two Opportunity Areas at Kensal and Earls Court. Many Londoners feel that the developer-led wave of tall buildings in London of the last decade is at its peak and that for a series of reasons (market changes, lifts in lockdown, cladding scandals, fire safety, carbon impacts) the next decade will see a marked reduction in tall building proposals in the city.

*The new definition of a tall building creates two sets of zones in the borough, with 21m as the threshold for an area deemed suitable for tall building. We agree with the Kensington Society that the map on page 176 is not sufficiently clear on the boundaries of these zones, which need to be precisely defined. (But this figure on page 176 should also be retained in the Regulation 18 Draft, as it helpfully shows the existing position on building heights across the borough)*

*Paragraphs D and E of Policy CD7 come under a heading 'Appropriate locations for Tall Buildings'. The terminology in London Plan Policy D9 is 'suitable' locations, rather than 'appropriate'. **This former term should be used in the local plan to ensure general conformity and soundness with the London Plan.***

*'Appropriate' can be interpreted subjectively, whereas 'suitable' refers to the set of criteria in Part C of London Plan Policy D9 - which applicants and planning authorities need to respect. This comment applies also to Figure 6.4 and other instances where the term 'appropriate' is used in the current draft plan in relation to tall buildings.*

*The wording of London Plan Policy D9 (and the Direction from the Secretary of State imposing this policy on the Mayor of London) does not say that there should be any different or more liberal approach to building heights in Opportunity Areas. Optimisation of housing numbers (with consequences for densities) does not automatically generate a requirement for very tall buildings.*

*We have reviewed the RBKC supporting studies relevant to Kensal Canalside prepared by consultants Urban Initiatives (a set of Opportunity Area Heights Analysis and a Kensal Canalside Capacity Study). It is helpful that these documents have been published (albeit subsequent to public consultation on the Kensal Canalside Supplementary Planning Document). These new documents come across as consultancy input to a client brief seeking an outcome (in this case housing numbers) that is already decided on.*

*The 'suitable locations' identified and shown in the map at Figure 6.4 are (in our view) sufficiently specific to meet the requirements of London Plan D9 **in most cases, but not within the two Opportunity Areas. These are both large areas of land and we consider that an RBKC assessment of 'suitability' should enable the Local Plan to pinpoint locations with the level of precision similar to that shown in the Kensal Canalside SPD.***

*Below, we have suggested a form of words for inclusion in Policy CD7 which would allow for a degree of variation in specific locations, as part of pre-application discussion and refinement of masterplans.*

*Our suggestions of edits to this new Policy CD7, for consideration by the Council, are in red text below:*

CD7: Tall Buildings

Definition

A. Tall Buildings are defined as buildings: (i) measuring 21m or

more in height from the ground level to the top of a building in areas **shown in white on the diagrammatic map at Figure (6.4)** and (ii) measuring 30m or more in height from the ground level to the top of a building (excluding minor elements) in the area shown in pinks.

B. Proposals that meet or exceed the definition **of a Tall Building** in criterion A will be assessed in accordance with London Plan Policy D9.

C. Criterion B will not apply to single storey roof extensions on individual dwelling houses/homes.

### **Suitable Locations for Tall Buildings**

D. Tall buildings will only be acceptable within those locations that are identified as suitable for tall buildings as shown in Figure 6.4 and **at the appropriate heights** specified in the relevant site allocations. **In the case of the two Opportunity Areas, these locations are those identified and pinpointed within the boundaries of the relevant site allocation. Any variation to these specified locations would need to emerge during pre-application discussions and to be justified in agreement with the planning authority on the basis of the**

**criteria in part C of London Plan Policy D9, so as to conform with the terms of that policy.**

E. Introducing new buildings which are tall relative to their context should be done with careful consideration of the impact they may have in the surrounding townscape. Buildings that are tall in their context should contribute to enhancing the character and **functionality** of the local area.

Assessment criteria

F. The Council will expect tall buildings to be of exemplary design quality. This includes:

1. Requiring any homes and other accommodation provided to be of the highest quality, including any external amenity space.
2. Requiring tall buildings to be well-integrated, at street level, with surrounding buildings and the streetscene.
3. To use materials that are robust, fitting in their context and that ensure the safety of residents and occupants.
4. **Provision by the applicant of Fire Safety and fire evacuation strategies that meet London Plan, latest Building Regulations, and (where the planning authority so determines) the approval of the London Fire Brigade. Tall buildings with single staircases will be refused pending the final outcome on the current review of Building Regulations.**

#### Qu 48

#### **Policy CD11: Existing Buildings – Roof Alterations/Additional Storeys**

This policy sets out what the Council will consider when assessing applications for roof additions and additional storeys.

*While the StQW Forum/SHRA has always supported the priority that RBKC gives to the preservation of roofscapes, it has to be recognised that overly restrictive policies can impede proposals for loftrooms. These can be a sensible way of adding floorspace with less disruption and environmental impact than basements.*

*The StQW Neighbourhood Plan introduced neighbourhood level policy StQW C2 allowing rear dormers in all streets (where the roof form allows for this, and subject to RBKC consent to positioning and detailing). StQW Policy C2 allows for minor adjustments to the roof ridge in order to install insulation.*

*The first of these policies we consider to have been successful (except in cases where approved drawings are ignored in which case we report to the Enforcement team). The second policy on roof ridges has been little used to date, but this may change given new RBKC Green/Blue policies and the requirements of new Building Regulations on reducing carbon impacts.*

**An option would be for an additional clause to be added to Policy CD11 as below:**

**The above policy requirements may be waived in individual cases where it is demonstrated that the Borough's policies on energy and carbon reductions can be better achieved through minor adjustments to roofscapes.**

**Qu 49**

**Policy CD14: Views**

This policy sets out how the Council will protect and enhance views, vistas and gaps in the skyline that contribute to the character and quality of the area.

*While we support the general aim of this policy, its interpretation can cause problems.*

*Part D reads*

- Require, within conservation areas, development to preserve or enhance views:
1. Identified in conservation area appraisals and conservation area management plans.
  2. Generally within, into, and out of conservation areas, including to the rear of properties.
  3. That affect the setting of and from development on sites adjacent to conservation areas and listed buildings.

*This wording can raise expectations that any reduction or change to the view from a window of an existing house, at any floor level, is contrary to policy and that all occupiers have a right to maintain their existing 'views'. Interpreted in this way, this renders all development nearly impossible. RBKC planning officers have made clear on many contentious applications (e.g. Dukes Lodge off Holland Park Avenue) that neighbouring occupiers do not have a 'right to a view' that can never be impeded.*

***There needs to be more clarity in the supporting text on when loss of view becomes a material consideration in determining an application.***

**Qu 50**

**Policy CD15: Fire Safety**

This policy is concerned with fire safety and when a Planning Fire Safety Strategy document must be submitted.

*We suggest an additional paragraph to the Policy reading*

**Pending the final outcome on the current review of Building Regulations, proposals for Tall Buildings with single staircases will be refused even if meeting current Building Regulations and**

### Qu 51

Do you have any other comments on chapter 6?

*No further comments*

### Saved policies

Please note the Council considers that the following policies can be saved from the existing Local Plan:

- *Policy CL5 (Now CD8) Living Conditions*
- *Policy CL6 (Now CD9) Small-scale Alterations and Additions*
- *Policy CL7 (Now CD10) Basements*
- *Policy CL9 (Now CD12) Existing Buildings – Extensions and Modifications*
- *Policy CL10 (Now CD13) Shopfronts*

These do not form part of this review and are not seeking any comments on them.

*While we accept that no comments are sought, we suggest that the wording of CL5, CL6 and CL9 needs to be reviewed in light of the Council's proposed new policies on Green/Blue. There are instances where the wording of these policies will pull in a different direction to proposed new policies.*

## Chapter 7: Town Centres

This chapter is concerned with our town centres and how to ensure they remain vibrant areas which our residents, workers and visitors from further afield choose to visit.

### Qu 52

#### **Policy TC1: Location of town centre uses**

This policy is concerned with where new town centre uses should generally be directed to, and the tests which must be satisfied when new large scale commercial uses are proposed. It also supports new town centres in the Opportunity Areas.

*As per our response to **Qu 39** in terms of overstatements which can be seen as unnecessary self-congratulation, we question whether the claim at paragraph 7.1 adds anything to the Local Plan (this reads 'The Borough's town centres make the Borough the special place that it is. They contain some of London's most iconic shopping areas and are the places where people from across the capital gather to meet or to enjoy an extraordinary array of world class culture and entertainment').*

*The Borough's most famed shopping area is now Portobello Road and not Knightsbridge or Kensington High Street. This is not a 'town centre' and nor is it the result of intentional spatial planning by the local authority.*

*As discussed at consultation sessions, this section of the Draft Plan comes across as from a pre 2000 era. The language of 'higher order town centres' and 'We must make sure that, where possible, new development is directed into these town centres' fails to recognise (in our view) that ambitions for this type of 'order' and 'hierarchy' in urban planning are highly questionable in the London of 2022.*

*Firstly a planning authority no longer has this level of control. Secondly much of what was once defined as 'town centre' retailing is now online. Major department stores struggle to re-invent themselves with very different uses. Habits of cinema use have declined in the years of intermittent lockdowns and the growth of streaming (as paragraph 7.3 recognises).*

*We accept that these same questions can be directed to the 2021 London Plan and its concept of a 'Town Centre Network'. **Our suggestion is that policies in this part of the Local Plan should be reviewed to ensure that they are responsive and enabling to fast changing patterns of London life, and do not obstruct new forms of economic activity or restrict what Londoners want to do.***

*It is interesting that the Council's revised policy TC3 on Living Streets and Outdoor Life is positioned in a 'Streets and Transport' chapter of the Local Plan, rather than under 'Town Centres' or 'Business'. This is an example of a policy where the Council has responded rapidly to growing public demand for 'outdoor hospitality'. This demand, growing over the years as a result of a warmer London, was reinforced by pandemic measures. On the supply side the introduction of the E1 use class facilitated the opening of 'on the street' food and drink outlets of a non-traditional kind, as well as cafes and restaurants.*

***We suggest that in response to this Regulation 18 consultation, the Council could beneficially look again at Policies TC1 to TC3.*** *We say this in acknowledged ignorance of how often these policies come into play at present. The evidence base that supports them is already based mainly on a pre-pandemic period.*

*A starting point would be to question 'how often do we now use these policies, or are they there because we have always had this material in our previous local plans?'*

- Given the flexibilities of change of use within the E1 class In what circumstances and contexts will RBKC be applying the 'sequential test' and undertaking 'impact assessments' as set out in this policy?*
- TC1 F reads 'Applications that are likely to have significant adverse impacts will be refused' What sort of adverse impacts would these be? Adverse for whom?*
- On new town centres in Opportunity areas (G) will these really be 'town centres'? And why a policy that 'the retail provision must be of a scale that will serve the day-to-day needs of the development only'? For Kensal Canalside a replacement Sainsburys will well be the one and only 'activating' feature of the whole development and will not survive unless serving a wider catchment area).*

**Qu 53**

**Policy TC2: Nature of Development within Town Centres**

This policy is concerned with the scale and nature of new development within town centres.

*This seems a prescriptive policy. It is also not clear how this policy can be imposed and achieve the outcomes proposed? Is there evidence that these would be good outcomes?*

Paragraph 7.23 states *Our centres are undergoing rapid change as what people want from them is transformed. The Council will take a pivotal role in trying to shape these changes, and to ensure that our centres can evolve in such a way as to remain relevant.*

*This first sentence is true. On the second, more explanation is needed of the mechanisms (business forums, activity by RBKC economic development staff, 'town centre management'?) on the 'pivotal role' of the Council.*

**Qu 54**

**Policy TC3: Diversity of uses within Town Centres**

This policy is concerned with the range of uses within our town centres.

*We suggest that paragraphs B onwards of this policy are worthwhile aims on matters which remain within planning control, and which the StQW Neighbourhood Forum would support.*

***We are not clear that a planning authority can have any effective impact on paragraph A, given the E1 use class?***

**Qu 55**

**Policy TC4: The evening economy**

This policy is concerned with the uses which contribute to the evening economy.

*We support this policy. The local authority has means of controlling the location and other features of the 'evening economy' through licensing as well as planning powers.*

**Qu 56**

**Policy TC5: Local Shopping and other facilities which support day-to-day needs**

This policy is concerned with the protection of the commercial uses which meet the day-to-day needs of our residents.

*The wording of the supporting text recognises the limits on the Council's ability to protect or shape the mix of uses in local and neighbourhood shopping areas, apart from uses excluded from the E1 class.*

**We have objections to TC5**, which makes clear that it applies only 'where planning permission is required'. We think that the policy will prove usable in so few cases that its inclusion in a new Local plan is questionable.

Since 2016, StQW Neighbourhood Plan policies have allowed for change of use between the former A, B and D use classes in the three shopping parades in the area. While there are still some remaining vacant shop units, the number has reduced. New uses that have emerged in this period have been

- A barbers
- A nail bar
- A wholefoods/health and wellbeing store
- A vet
- Dry cleaners/laundry
- A small store selling and fitting carpets
- Use by Bassett House School a supplementary premises to the main building:

Other changes have been the closure of North Pole Road pub and replacement by a Tesco Express. Changes of management of convenience stores. Butcher opening at reduced hours. Post office counter relocated to smaller premises.

On balance we think that flexibility on uses (as now available nationally under the E1 class) has been a positive rather than negative change.

#### **Qu 57**

##### **Policy TC8: Hotels and other forms of tourist accommodation**

This policy is concerned with the hotels, where they should be protected and where new hotels/ expansion of existing will be supported

*No comments on this policy*

#### **Qu 58**

*No further comments*

#### **Saved policies**

Please note the Council considers that the following policies can be saved from the existing Local Plan:

- Policy CF4 (Now TC6) Street Markets
- Policy CF7 (Now TC7) Arts and Cultural uses
- Policy CF10 (Now TC9) Diplomatic and allied uses

- Policy CF11 (Now TC10) South Kensington Strategic Cultural Area

These do not form part of this review and are not seeking any comments on them.

## Chapter 8: Business

This chapter is concerned with business uses, including offices and industrial uses..

### Qu 59

#### Policy BC1: Business uses

This policy is concerned with the offices, industrial and warehouse uses, where these will be protected and where new uses will be supported.

*We welcome the fact that this chapter recognises that working from home and/or hybrid working is becoming a permanent way of life for many residents. The choices it offers for many employees, in terms of work-life balance and child care, are one of the few positives that have emerged from the pandemic.*

*For many self-employed people, the working from home has long been the norm. Numbers involved have grown with the availability of fast broadband. While we have no data (and nor to our knowledge has RBKC) the StQW Forum/SHRA has always argued that Council measures of economic activity and employment have been under estimated by the large number of people for whom their 'residence' has long been their 'office'.*

***In paragraph 8.2 we question whether 'need for 60,500 sq m of additional office floorspace by 2043' should be presented as a 'Key Fact'.*** No one can sensibly make a prediction in such terms, up until 2043. Viewed from the neighbourhood level, as we have made clear in previous parts of this consultation response, demand for mid-grade or outdated office space in the StQW area is minimal. Hence our response on the Latimer Road vision at PVL6 and on the draft site allocation SA8.

*The map of business premises at Figure 8.1 has been used as a key argument by RBKC in its efforts to obtain DHLUC approval to a borough-wide exemption from PD rights on office-to-residential. It also shows parts of the Borough where there are few business premises. Ironically, Latimer Road is one of these (despite being a designated Employment Zone). The StQW Forum was one of few local organisations which responded opposing the Council's Article 4 proposal at the time of the Leadership Team decision.*

*We fully accept that minimal demand for office space is an unusual feature of this corner of the Borough. We have flagged up for a decade that RBKC Policy CF5 (now to be BC1) has had a negative rather than positive impact on Latimer Road. The revised policy now accepts the merits of some mixed use in EZs, but makes this conditional on 'a significant uplift in both the quantity and the quality of the business uses on site'. Such an uplift is not achievable in viability terms in Latimer Road.*

Rather than continue to press for further changes to Policy BC1, **we have proposed the solution of de-designating the four sections of the Freston/Latimer Employment Zone which lie in Latimer Road. See our response to Policy PVL6 (above on page 6).**

Meanwhile Paragraph 8.26 of the Regulation 18 Draft sets out the position on Latimer Road and the neighbourhood plan policies which apply. This is welcomed.

#### Qu 60

##### **Policy BC3: Affordable workspace**

This policy is concerned with how large commercial developments should provide affordable workspaces.

*This is a new policy for RBKC, albeit other London Boroughs have operated similar policies for years. At a time when London may be entering a further recession, we will be interested to see how major developers respond to a further demand to subsidise rental levels, in addition to providing community housing and transport infrastructure (where needed e.g. in Opportunity Areas). For business landlords already struggling with low rental values for their commercial premises, such new floorspace will be an additional source of competition.*

#### Qu 61

*No further comments*

#### **Saved policy**

Please note the Council considers that the following policy has been saved from the existing Local Plan:

- *Policy CF6 (Now BC2) Creative and Cultural Businesses*

This does not form part of this review and are not seeking any comments on it.

## Chapter 9: Social infrastructure

This chapter is concerned with those social and community use which allow the Borough to function properly.

#### Qu 62

##### **Policy SI1: Social infrastructure and facilities**

This policy is concerned with the protection of existing, and support for the provision of new, social and community facilities.

*The StQW Neighbourhood Forum/SHRA supports this policy as a replacement for existing policy CK1. We note the comment in 9.4 that the Council will no longer be in a position to apply the new version of the policy, where planning permission for change of use is no longer required under Class E1.*

*Where this could lead to loss of valued local amenities as identified (such as clinics, health centres, nurseries, creches, gyms, leisure centres, post offices and pharmacies) the StQW Neighbourhood Forum will be happy to join with the Council in identifying any means of ensuring the retention of such amenities – as we have done on Notting Hill Police Station..*

**Qu 63**

*No further comments*

## Chapter 10: Streets and Transport

This chapter sets out our approach to promote active travel whilst managing motorised traffic as effectively as possible. It also sets out how we would maintain and improve the quality and vibrancy of our streets.

**Qu 64**

**Policy T1: Street Network**

This policy is concerned with the provision of well-connected, inclusive and legible streets.

***We question the need for Part B as well as Part C of this policy?** The Boroughs 'historic street pattern' is not always that which will maximise connectivity and convenience if reproduced in new developments. Cannot new street proposals be assessed on an individual basis as and when proposed?.*

**Qu 65**

**Policy T3: Living Streets and outdoor life**

This policy is concerned with the use of our streets, to create places which support outdoor life. This includes places for outdoor hospitality, for markets and for special events.

*As commented above this policy, with its new elements on outdoor hospitality, reflects a response to changes and trends in how people wish to live their lives as Londoners –*

accelerated by the pandemic. 'Outdoor hospitality' has a significant impact on quality of life for neighbours.

**We are not sure that these parts of the policy are appropriately placed within a chapter on Transport?**

As discussed at consultation sessions, the themes of 'walkable neighbourhoods' and what makes for great neighbourhoods have become a bit lost in the structure of chapters in this Regulation Version. **An option might be to revert to the Keeping Life Local chapter heading and include within this the material on Social Infrastructure and Facilities and Policy SI1 along with parts of T3?**

Such a chapter might even briefly explain the neighbourhood plan remain the most local layer of the English planning system, and a part that has survived its first decade intact. It is not clear whether DHLUC will introduce changes, but the framework continues to offer residents a path towards policies, site allocations, and Local Green Space designations suited to their own parts of the Borough (within the limits of general conformity).

**The glossary to the Regulation 18 Draft does not mention neighbourhood planning** and we are aware that this part of the document will be re-edited following this consultation.

**Qu 66**

**Policy T4: Streetscape**

This policy is concerned with streetscape, or the nature of signs, street furniture and other structures and features on our streets.

*We have no comments on this policy*

**Qu 67**

**Policy T5: Land use and Transport**

This policy is concerned with where new development should be located, in terms of sustainable modes of travel.

**Parts A and B of this policy would be very welcome were the Council to have been able to achieve them at Kensal Canalside.** As it is, after a decade of discussions and landowners the area is heading for outcomes where the requirements of Policy T5 seem highly unlikely to be met.

*We do not see how a strategy reliant on additional bus routes and frequencies will be able to deliver PTAL levels of 4 and above across all of the northern part of the Opportunity Area. The fear is that developments will proceed on the basis of assurances of future transport infrastructure, from landowners/developers and from the OPDC, which will not in the event materialise even if theoretically 'committed' as required by Part B of this policy.:*

*The current supporting text at 10.21 and 10.22 shows a reluctance to address these issues. The issues will not go away and local residents will be keeping a close eye on them.*

**Qu 68**

**Policy T6: Active Travel**

This policy is concerned with supporting active travel, or improving the walking and cycling environment.

*No comment on this policy, the drafting of which seems clear.*

**Qu 69**

**Policy T7: Public Transport**

This policy is concerned with supporting improvements to public transport/public transport infrastructure.

*Part D of this policy and paragraph keeps alive the longstanding case for an additional Overground station at 'Western Circus'. **The text could usefully note that since the 2019 Local Plan the proposal for an Overground station at Hythe Road has been abandoned, leaving the current extended gap between Willesden Junction and Shepherds Bus station.***

***Secondly, paragraph 10.31 acknowledges that 'No further feasibility work on the station (Elizabeth Line at Kensal Canalside) is anticipated within the lifetime of the Local Plan'.***

***Thirdly, the OPDC Draft Local Plan makes no provision for vehicular access to the HS2/Elizabeth Line station at Old Old Common. Access for buses, cars or taxis will only be via Old Oak Lane.***

***This overall scenario, which has emerged only since 2019, leaves the north-west part of RBKC with very poor PTAL levels for what is seen as part of central London. This is evident from the PTAL map shown at consultation sessions (which we hope will be included in the Regulation 19 Draft Plan).***

*Reasonable levels of access to public transport is a vital aspect of the Council's ambitions to reduce reliance on cars and achieve zero carbon. We urge the Council to undertake with TfL some further feasibility work on the cost-benefits and levels of use of an Overground station at Western Circus (or possibly closer to Mitre Bridge and Kensal Canalside). A previous RBKC feasibility study now dates back over a decade and relate to very different contexts in terms of emerging development plans at that time.*

**Qu 70**

**Policy T8: Parking and Access**

This policy is concerned with supporting improvements to public transport/public transport infrastructure.

*No comments beyond those made above on Policy T7*

**Qu 71**

**Policy T9: Servicing**

This policy is concerned with the servicing of new developments.

*No comments on this policy.*

**Saved policy**

Please note the Council considers that the following policy has been saved from the existing Local Plan:

- *Policy CR2 (Now T2) Three-dimensional street form*

This does not form part of this review and are not seeking any comments on it.

## Chapter 11: Infrastructure and Planning Contributions

**Qu 73**

**Policy IP1: Infrastructure and Planning Contributions**

This policy is concerned with how new developments address the needs they put upon infrastructure.

*The Infrastructure Delivery Plan published as a supporting document to this consultation is a challenging document for the public. Much of the first part seems to repeat content from the Draft Plan.*

*The schedule of potential infrastructure projects from page 66 onwards gives brief descriptions of a series of potential projects with their estimated costs. The projects are not given numbers (which is not helpful). Those at page 78 refer to 'Barlby Street: New road through North Pole site and junction with bridge access road'.*

*There are no accompanying maps or diagrams explaining this 'new street'. The StQW Forum would welcome further information on this proposal, as presumably must have been provided to the those who prepared this document?*

**Qu 74**

Do you have any other comments on Chapter 11?

*No further comments.*

## Appendices and Glossary

**Qu 75**

Do you have any other comments on the Appendices and Glossary

*As RBKC officers have recognised in consultation sessions the Glossary needs many additions. We have suggested several in this response.*

## Other questions

**Qu 76**

Do you have any other comments on any part of the Draft Policies of the New Local Plan Review?

***No further comments***

## INTEGRATED IMPACT ASSESSMENT

The Council is carrying out an Integrated Impact Assessment (IIA) to consider the impact that the NLPR will have on environmental, social and economic objectives (Sustainability Appraisal). It also considers Health Impact Assessment (HIA) and an Equality Impact Assessment (EqIA). IIA is an iterative process (with Stages A to E) and the Interim report published as part of this consultation is Stage B in the process.

**Qu 77**

Do you have any comments on the IIA?

*We have no comments on this document*

## HABITATS REGULATIONS ASSESSMENT SCREENING

We have updated our Habitats Regulation Assessment Screening to confirm that the draft policies will not impact upon the Natura2000 sites and that a further Appropriate Assessment is not required.

**Qu 78**

Do you have any comments on the Habitats Regulations Assessment Screening?

*No comments*