

The Royal Borough of Kensington and Chelsea Local Development Scheme

April 2014

1.0 Introduction

1.1 The Local Development Scheme (LDS) is the Council's planning policy project plan. It sets out the timetable and the work program for the planning policy documents that will be worked on over the next three years.

2.0 Kensington and Chelsea's planning policy framework

2.1 The development plan for the Royal Borough currently consists of:

- the Core Strategy,
- some saved policies within the Unitary Development Plan,
- the London Plan, and
- for the Norland Area of North Kensington, the Norland Neighbourhood Plan.

2.2 These are supplemented by a raft of Supplementary Planning Documents (SPD) which are intended to provide further more detailed guidance on specific issues, or more commonly on the nature of development that the Council would expect to see on a given site.

2.3 When determining a planning application the Council's decision should be in line with the content of all these development plan documents unless there are significant "material considerations" which indicate otherwise.

2.4 It is, therefore, essential that the documents which the Council uses remain relevant and up-to-date. The LDS assists the public and any other interested parties in monitoring the progress that the Council is making in the production/ review of the relevant planning documents.

2.5 Whilst there is no longer a requirement that the LDS be 'approved' by the local government office and the Mayor for London, a local planning authority will be required to show that it has an up-to-date LDS when submitting any development plan documents for examination.

3 Planning document being prepared by the Council

3.1 The Council's Core Strategy was adopted in December 2010 and as such remains an up to date and relevant document. However, since 2010 a number of factors have come together which have justified a partial review. Central to this is the introduction of the National Planning Policy Framework.

3.2 This review has been under way for some time, with one element, the review of public houses and uses which have an impact on the character of conservation areas, is already complete.

3.3 There are, however, five strands to the review which are ongoing:

Housing - early indications from the Authority's Monitoring Report (AMR) indicate that housing delivery, both market and affordable, was not as high as hoped and the delivery policies may need adjusting. Coupled to this the affordable rent product introduced through central government legislation needs to be recognised in the Council's planning policies for housing.

Enterprise - the Council's policies regarding employment also need to be reviewed so that they can be finely tuned for Kensington and Chelsea. Given the finite amount of land in the Borough there is a close relationship between the land used for businesses and that which can be used by housing. The Council must ensure that a balance is reached between the two. Therefore, the Housing and Enterprise elements of the review will need to travel forward together.

Basements - the impact of the construction of basements remains of deep concern to many residents. In view of the steady increase in the number of planning applications the Council is conducting a thorough review of the policy approach. The Council wishes to ensure that our approach to such development is as robust as possible and will continue to be at the vanguard of research and application.

Conservation and Design - with the advent of the National Planning Policy Framework there is a return to the Local Plan where all planning policies, including those for detailed development management, are included in one document. The Council is therefore taking the opportunity to 'roll forward' the detailed design and conservation policies in the UDP into the Core Strategy.

NPPF alignment - although the strands above will also be addressing alignment to the NPPF, there is a need to ensure any other matters are updated to ensure that the Core Strategy is in complete alignment and it can become a Local Plan. We have called this element of the review "Miscellaneous Matters".

3.4 The Council is also intending to produce a number of supplementary planning documents. These will include:

Basements – to supplement the Core Strategy policies currently being prepared. The SPD will include detailed guidance which will help ensure that the impact of basement development is effectively mitigated.

Edenham and Trellick - a planning and design brief to guide the future uses and design of development on the site.

Notting Hill Gate - a planning and design brief to guide the future uses and design of development on the site.

Kensal - a planning and design brief to guide the future uses and design of development on the site.

- 3.5 The Council also intends to produce a number of documents which are neither part of the Core Strategy nor are SPG. These are:

Community Infrastructure Levy Charging Schedule – to set out the range of uses where new developments will be required to pay the Community Infrastructure Levy, and the charge per square metre.

Authority’s Monitoring Report. The Council is required to produce a monitoring report which shows how delivery is being achieved through the adopted planning policies. The AMR is a vital tool in assessing development trends and emerging issues. It is regarded as a central element of the planning evidence base

- 3.6 Further details of the review of these elements are set out in Appendix 1.

4.0 Neighbourhood Plans

- 4.1 The Localism Act (2011) and the Neighbourhood Planning Regulations are intended to deliver the Coalition Government’s commitment to create the ‘Big Society’ and neighbourhood planning. The principal tool is the ability for local groups to set up neighbourhood forums and to draft Neighbourhood Plans for these areas. These plans have the status of a development plan, and as such the Planning Authority must have regard to them when determining an application within the relevant area.

- 4.2 As neighbourhood plans are not prepared by the Council they are not documents which will form part of the Local Development Scheme.

- 4.3 Further details of the St Quentin’s and Woodlands Neighbourhood Plan, the only Neighbourhood Plan that the Council is aware of currently being prepared can be viewed online at stqw.org.

5.0 Monitoring and review

- 5.1 The Royal Borough will monitor the progress of the work set out in this Local Development Scheme. This will be published as part of the Borough’s ‘Authorities Monitoring Report’. The Local Development Scheme will be reviewed as and when a need to do so has been identified.

Appendix 1: The Documents.

Italics have been used to indicate if a stage has been completed.

Housing Review		
Purpose of document	A review of the policies contained within the 'Diversity of Housing' Chapter to ensure that delivery is optimised and that the housing mix is best suited to the Borough's needs. This review is not examining the overall target, as that is set within the London Plan, and is subject to the review timetable of that document.	
Document production		
Stage	Date	What involved
<i>Public Consultation (Reg 18)</i>	<i>From October 2012</i>	<i>A review of the policies for housing delivery which will involve an up to date evidence base on housing need being collated, examination of how delivery can be improved from the current policies and for close liaison with colleagues in the Housing department to ensure that the Council's wider housing strategy is being addressed.</i> <i>A variety of methods will be used including public meetings as well as the publication of more formal consultation documents.</i>
<i>Publication consultation and representation (reg 19)</i>	<i>July – August 2013</i>	<i>The policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the 'soundness' of the policies.</i>
Further Publication consultation and representation (reg 19)	October 2014	The Council will be revisiting the original submission policies to ensure that they remain appropriate following the publication of the Borough's revised housing targets.
Submission to Secretary of State (reg 22)	December 2014	Council to submit policies to Planning Inspectorate.
Pre-examination meeting	Possibly February/ March 2015	Planning Inspector outlines those issues he/she plans to concentrate on when assessing the soundness of the policies.
Independent	Possibly March	An examination that is open for all to attend to discuss/ justify the 'soundness' of the

examination	2015	policies. Agenda will be set by the Inspector, and Inspector will determine which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.
Adoption	Possibly May 2015	Adoption, after examining the Inspector's recommendations, and publication of the policies in the Core Strategy.

Factors influencing this timetable	<p>The nature of the options for housing policy is likely to be determined by the contents of the NPPF, further announcements by the Government on Housing policy and the conclusions drawn from a wider Housing Strategy Review which is being conducted by the Council. The fact that the Council is trying to optimise delivery of both housing and employment opportunities means that employment land issues will also be a factor in the review and the review of employment policies therefore needs to follow a similar timetable.</p> <p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.</p>
Who undertaking work	<p>The project is being lead by the Planning Policy Team Leader with assistance from Housing colleagues. Close working with the Housing policy team is essential so that the Council's wider aims are realised.</p>
Risks to timetable	<p>The preparation of possible options is dependent on a sound evidence base being developed and further announcements from the Government regarding Housing policy. Work has been put in hand to ensure that this is available prior to the drafting of policy, but it will come from a wide variety of sources and simply collating all of this to be translated into sound policies will be challenging.</p> <p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.</p>
What would success look like?	<p>The adoption of a sound set of housing delivery policies by the spring of 2015 to ensure that the Council is in the best position to optimise housing delivery and ensure that housing need is catered for.</p>

Enterprise Review

Purpose of document

A review of all the employment policies within the 'Fostering Vitality' chapter of the Core Strategy to ensure that they optimise the delivery of employment opportunities and make the best use of land and buildings within the Borough.

Document production

Stage	Date	What involved
Public Consultation (Reg 18)	From October 2012	<p>A period of on-going dialogue with the business community and residents in the Borough to allow the Council to understand the needs and desires of the relevant stakeholders to optimise the delivery of employment opportunities.</p> <p>A variety of methods will be used including public meetings as well as the publication of more formal consultation documents.</p>
	Issues and Options consultation July 2014	The Council will publish a second issues and options document based upon a newly gathered evidence base and reflecting the Borough-wide exemption to the recent changes to planning regulations which have removed the need for planning permission from offices to residential.
Publication consultation and representation (Reg 19)	October 2014	The policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the 'soundness' of the plan.
Submission to Secretary of State (Reg 22)	December 2014	Council to submit policies to Planning Inspectorate.
Pre-examination meeting	Possibly February/March 2015	Planning Inspector outlines those issues he/she plans to concentrate on when assessing the soundness of the policies.
Independent examination	Possibly April 2015	An examination that is open for all to attend to discuss/ justify the 'soundness' of the policies. Agenda will be set by the Inspector, and Inspector will determine which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.
Adoption	Possibly May 2015	Adoption, after examining the Inspector's recommendations, and publication of the

<p>Factors influencing this timetable</p>	<p>policies in the Core Strategy.</p> <p>The nature of the options for employment are likely to be determined by the strength of the private property market and the conclusions drawn from the wider Enterprise Review which is being conducted by the Council. The fact that the Council is trying to optimise delivery of both housing and employment opportunities means that housing delivery will also be a factor in the review and the review of housing policies should therefore follow a similar timetable.</p> <p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.</p>
<p>Who undertaking work</p>	<p>The project is being lead by a senior officer within the Planning Policy team. Close working with the Economic Development team is also essential so that the Council's wider aims are realised.</p>
<p>Risks to timetable</p>	<p>The preparation of possible options is dependent on a sound evidence base being developed and the timing of announcements for further changes to planning policy by the Government. Work has been put in hand to ensure that this is available prior to the drafting of policy, but it will come from a wide variety of sources and simply collating all of this to be translated into sound policies will be challenging.</p> <p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.</p>
<p>What would success look like?</p>	<p>The adoption of a sound set of employment policies by the Spring of 2015 to ensure that the Council is in the best position to offer businesses what they desire in the Borough and to protect employment opportunities so that a sustainable pattern of growth is achieved.</p>

Basements Review

Purpose of document

A review of the policies relating to subterranean development (basements) to ensure that the Council is doing everything that is possible to mitigate the impact and ensure that this kind of development is truly sustainable and does not harm the character of the Borough in the longer term.

Document production

Stage

Date

What involved

Public Consultation (reg 18)

From April 2012

A review of the policies for basement development will involve a large amount of evidence being collected from a variety of sources including detailed site analysis.

A variety of methods will be used including public meetings as well as the publication of more formal consultation documents.

Public consultation Draft Policy (reg 18)

March – May 2013

A review of the draft policies for basement development. This was a second draft intended to reflect evolving evidence.

Publication consultation and representation (reg 19)

July - September 2013

The policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the 'soundness' of the policies.

Second stage of publication consultation and representation (reg 19)

February – March 2014

Following the representations received in 2013 a number of amendments to the proposed policy have been made. These amended policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the 'soundness' of the policies.

Submission to Secretary of State (reg 22)

April 2014

Council to submit policies to Planning Inspectorate.

Pre-examination meeting

Possibly July 2014

Planning Inspector outlines those issues he/she plans to concentrate on when assessing the soundness of the policies.

Independent examination

Possibly July/ August 2014

An examination that is open for all to attend to discuss/ justify the 'soundness' of the policies. Agenda will be set by the Inspector, and Inspector will determine

Adoption	<p>which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.</p> <p>Possibly November 2014</p> <p>Adoption, after examining the Inspector's recommendations, and publication of the policies in the Core Strategy.</p>
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Factors influencing this timetable	Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.
Who undertaking work	The project is being lead by a Senior Officer in the Planning Policy Team with assistance from Environmental Health and Highway colleagues. Local residents and resident's groups will also form an important source of local evidence but a firm of engineering consultants have also been commissioned. Close working with all these stakeholders is essential so that the Council can effectively control this kind of development.
Risks to timetable	Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.
What would success look like?	The adoption of a sound set of subterranean development policies by the end of 2014 to ensure that the Council is in the best position to safeguard residential amenity and ensure the cutting edge of sustainable development.

Conservation and design review

Purpose of document

A review of design and conservation policies in the Core Strategy to ensure that they align with guidance in the NPPF, take the opportunity to address the 'saved' UDP policies and address any policy guidance contained within the Council's Conservation Area Proposals Statements.

Document production

Stage	Date	What involved
<i>Public Consultation (Reg 18)</i>	<i>From September 2012</i>	<i>A workshop reviewing existing UDP policy and potential gaps will be held with interested parties prior to draft policies being issued for consultation in December.</i>
<i>Publication consultation and representation (Reg 19)</i>	<i>July– September 2013</i>	<i>The policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the 'soundness' of the plan.</i>
<i>Second Publication consultation and representation (Reg 19)</i>	<i>February – March 2014</i>	<i>The Council has amended the policies which it intends to submit to the Secretary of State. This stage is formally consult on these amended policies with stakeholders being asked to comment on the 'soundness' of the plan.</i>
Submission to Secretary of State (Reg 22)	April 2014	Council to submit policies to Planning Inspectorate.
Pre-examination meeting	Possibly July 2014	Planning Inspector outlines those issues he/she plans to concentrate on when assessing the soundness of the policies.
Independent examination	Possibly July/ August 2014	An examination that is open for all to attend to discuss/ justify the 'soundness' of the policies. Agenda will be set by the Inspector, and Inspector will determine which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.
Adoption	Possibly October 2014	Adoption, after examining the Inspector's recommendations, and publication of the policies in the Core Strategy.

Factors influencing this timetable	<p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.</p>
Who undertaking work	<p>The project is being lead by the Neighbourhood Team with assistance from the Policy Team and the Conservation and Design Team.</p>
Risks to timetable	<p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.</p>
What would success look like?	<p>The adoption of a sound set of conservation and design policies by the end of 2014 to ensure that they are effective for the descriptive townscape contents of the revised Conservation Area Proposals Statements. To incorporate relevant 'saved' UDP policies into the Core Strategy.</p>

NPPF alignment review (“Miscellaneous matters”)

Purpose of document

A review of all the adopted policies contained within the Core Strategy to ensure that they in alignment with the National Planning Policy Framework (NPPF).

Document production

Stage	Date	What involved
Public Consultation (Reg 18)	From December 2012	<p>The identification of any policies or technical updates required to ensure that the Core Strategy is in alignment with the NPPF and can become a Local Plan. These will then be consulted upon.</p> <p>A variety of methods will be used including public meetings as well as the publication of more formal consultation documents.</p>
Publication consultation and representation (Reg 19)	July to August 2013	The policies which the Council intends to submit to the Secretary of State will be formally consulted upon, and stakeholders will be asked to comment on the ‘soundness’ of the plan.
Submission to Secretary of State (Reg 22)	April 2014	Council to submit policies to Planning Inspectorate.
Pre-examination meeting	Possibly July 2014	Planning Inspector outlines those issues he/she plans to concentrate on when assessing the soundness of the policies.
Independent examination	Possibly July/ August 2014	An examination that is open for all to attend to discuss/ justify the ‘soundness’ of the policies. Agenda will be set by the Inspector, and Inspector will determine which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.
Adoption	Possibly October 2014	Adoption, after examining the Inspector’s recommendations, and publication of the policies in the Core Strategy.

<p>Factors influencing this timetable</p>	<p>The nature of consultation is likely to depend on the factors which are identified as part of the alignment review. It is anticipated that these are likely to be limited and that a complex review is unlikely to be required. However, if a further evidence base is required this could affect the timetable. The review will also depend on Government announcements on Planning Policy.</p> <p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.</p>
<p>Who undertaking work</p>	<p>The project is being lead by the Policy Team Leader. Close working with other Council departments may be required if particular issues are identified.</p>
<p>Risks to timetable</p>	<p>Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.</p>
<p>What would success look like?</p>	<p>A Core Strategy which is in alignment with the NPPF so that all policies carry substantial weight and this principal planning document is known as a Local Plan.</p>

Community Infrastructure Levy Charging Schedule

Purpose of document

Introduction of an RBKC Community Infrastructure Levy (CIL)

Document production

Stage

Date

What involved

Preliminary Draft Charging Schedule

From February to March 2013

The sharing of proposed charging schedules for different types of development based on viability analysis.

Consultation on Final Charging Schedule

January / February 2014

Stakeholders will have an opportunity to comment on the Final Charging Schedule and the Infrastructure Delivery Plan.

Submission to Secretary of State

March 2014

Council to submit charging schedule and the Infrastructure Delivery Plan for independent examination.

Pre-examination meeting

Possibly April 2014

To be confirmed. This may not be required.

Independent examination

Possibly June 2014

An examination that is open for all to attend to discuss/ justify the 'soundness' of the charging schedule and Infrastructure Delivery Plan. Agenda will be set by the Inspector, and Inspector will determine which stakeholders he/she wishes to appear so that he may explore their concerns in more detail.

Adoption

Possibly July 2014

Adoption, after examining the Inspector's recommendations.

Factors influencing this timetable

Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination.

Who undertaking work

The project is being lead by the Planning Policy Team with a dedicated s106/CIL officer. Close working with other Council departments and other external stakeholders is required for the compilation of the Infrastructure Delivery Plan.

Risks to timetable

Once submission to the Planning Inspectorate occurs the Council is subject to their timetable for examination and effectively the Council has no control over the timetable from here on in.

What would success look like?	An adopted Community Infrastructure Levy which will capture more development than at present with regard to infrastructure costs. That more funding is available, and it can be applied more flexibly, to fund infrastructure projects
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Authority's Monitoring Report (AMR)	
Purpose of document	To monitor how effective the Council's planning policies have been in delivering high quality and sustainable development
Document production	
Stage	Date What involved
Collection of monitoring data	Summer each year There is a planning policy officer dedicated to the collection of monitoring data. This is supplemented by students employed to collect some of the relevant data which is collated from a wide variety of sources.
Publication	Normally on an annual basis in early January but this may vary in the future.
Factors influencing this timetable	The relevant data is not collected or not available in the relevant time period. Some data comes from sources which are outside the control of the Planning department.
Who undertaking work	The Planning Policy Team.
Risks to timetable	Some data comes from sources which are outside the control of the Planning department and may not be readily available in the time period for collating.
What would success look like?	A report which accurately reflects the effectiveness of Core Strategy policies in delivering what they set out to do.

Supplementary Planning Documents

Basements SPD	
Purpose of document	To supplement the Core Strategy policies currently being prepared. The SPD will include detailed guidance which will help ensure that the impact of basement development is effectively mitigated.
Document production	
Stage	Date What involved
Public Participation (Reg 12)	September/October 2014 The public and other interested stakeholders will be given six weeks in which to make their views on the draft SPD known.
Adoption	December 2014 Having considered the representations received at the Reg 12 consultation the Council will adopt and publish the SPD.
Factors influencing this timetable	As the SPD is based on new Core Strategy policies these will have to be found sound prior to it being adopted. The timetable for the review of the relevant Core Strategy policies will therefore be influential.
Who undertaking work	The Planning Policy Team.
Risks to timetable	That the timetable for the revisions to the Core Strategy policies takes longer than anticipated.
What would success look like?	An adopted SPD which mitigates the impact of basement development and makes it a more sustainable form of development than at present.

Edenham SPD

Purpose of document

To produce a planning and design brief to guide future uses and the design of the site.

Document production

Stage

Date

What involved

Public Participation
(Reg 12)

July/ August 2014

The public and other interested stakeholders will be given six weeks in which to make their views on the draft SPD known, following a number of workshops and discussion groups about the emerging ideas.

Adoption

November 2014

Having considered the representations received at the Reg 12 consultation the Council will adopt and publish the SPD.

Factors influencing this timetable

The collection of a suitable evidence base, including an issues and options consultation may take longer than anticipated because of the variety of evidence to be collected. This is required prior to a draft SPD being issued for consultation.

Who undertaking work

The Neighbourhoods Team.

Risks to timetable

That the evidence base takes longer to collate than anticipated or other issues are raised which were not originally anticipated

What would success look like?

An adopted SPD which speeds up development and provides certainty for the provision of uses and design of the site.

Notting Hill Gate SPD

Purpose of document

To produce a planning and design brief to guide future uses and the design of the site.

Document production

Stage

Date

What involved

Public Participation (Reg 12)

*Issues and Options November 2012 to January 2013
Consultation on draft September 2013*

The public and other interested stakeholders will be given six weeks in which to make their views on the issues and options and on the draft SPD known.

Adoption

July 2014

Having considered the representations received at the Reg 12 consultation the Council will adopt and publish the SPD.

Factors influencing this timetable

The collection of a suitable evidence base, including an issues and options consultation may take longer than anticipated because of the variety of evidence to be collected and the number of stakeholders involved. This is required prior to a draft SPD being issued for consultation.

Who undertaking work

The Neighbourhoods Team.

Risks to timetable

That the evidence base takes longer to collate than anticipated or other issues are raised which were not originally anticipated

What would success look like?

An adopted SPD which speeds up development and provides certainty for the provision of uses and design of the site.

Kensal SPD

Purpose of document

To prepare a planning brief and master plan to inform the nature of uses and form of development on this strategic site (and the GLA's Opportunity Area Proposals Framework).

This document will address the GLA's requirements with regard the publication of the OAPF.

Document production

Stage

Date

What involved

Public Participation (Reg 17)

June 2012

The public and other interested stakeholders will be given six weeks in which to make their views on the various stages of SPD development.

Adoption

Consultation on draft
November/December
2014

January 2015

Having considered the representations received at the reg 17 consultation the Council will adopt and publish the SPD.

Factors influencing this timetable

The Council intends to have adopted this SPD before the owners of the site are expected to submit a planning application.

Who undertaking work

The production of the SPD will be lead by the Neighbourhoods Team with assistance from colleagues in Highways and Transportation. The GLA are likely to have some input into the project.

Risks to timetable

Projects which involve cross organisational working may be subject to unforeseen delays beyond the control of this Council.

A major factor affecting the amount of development on the Kensal site is the decision relating to a Crossrail station at Kensal.

What would success look like?

The adoption of a planning brief by the time a planning application is received for the site, so that the brief can help inform the nature and density of development on the site.