Examination of the Partial Review of the Kensington and Chelsea Core Strategy:

Conservation and Design

Matter 1: Purpose and nature of the revisions to the Conservation and Design section of the Core Strategy

Issue 1.1: Whether the revisions are consistent with national policy and guidance relating to the form and content of local plans

1. Are revised chapters 33 and 34 of the core strategy consistent with the Framework and national Planning Practice Guidance in terms of the range of topics covered and the structure of the policies and reasoned justification, having regard to the particular nature of the Royal Borough?

The following table demonstrates how the reviewed policies are consistent with the NPPF and national guidance.

RBKC POLICY REVIEW	How it is consistent with the NPPF and national guidance
POLICY CL1: Context and Character	The NPPF lays out core planning principles in para. 17. This states that planning should be 'a creative exercise in finding ways to enhance and improve places in which people live their lives'. Paragraph 10 states that plans need to 'take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas'. Paragraph 58 states local plans should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'. Paragraph 64 states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Planning Practice Guidance on Design states that 'a key part of any plan is understanding and appreciating the context of an area' (para.030). Furthermore, 'development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation' (para.007). Policy CL1 requires development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the way it functions. This is entirely consistent with the approach outlined in the core planning principles and paras. 10, 58, 59 and 64 of the NPPF and the Planning

	Practice Guidance on Design and Conserving and Enhancing the Historic Environment. Policy CL1a avoids unnecessary prescriptive detail but concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials of new development in an area renowned for its high quality townscape. This high quality townscape forms an essential feature of the character and sense of place in the Royal Borough in line with paragraph 59 of the NPPF. This policy is consistent with the presumption in favour of sustainable development (para 14 of the NPPF). It sets locally specific criteria for seeking to meet the development needs of the Royal Borough without allowing development to be contrary to specific policies in the Framework (paras. 58, 59, 64) or allowing adverse impacts that would compromise the high quality townscape of the Royal Borough (i.e development that adversely affects a key characteristic which contributes to the Royal Borough's sense of place).
POLICY CL2: Design Quality	This policy is responding to a core planning principle outlined in paragraph 17 of the NPPF. Namely, to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants'. Paragraph 56 of the NPPF states 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' Para 57 states 'it is important to plan positively for the achievement of high quality and inclusive design for all development'. More specifically, paragraph 58 states, 'local… plans should… be based on… an understanding and evaluation of [an area's] defining characteristics. Planning policies… should aim to ensure that developments will function well and add to the overall quality of the area…'. The importance of driving up standards across all forms of development is reflected in Planning Practice Guidance on Design, which states that 'plan-makers… should always seek to secure high quality design' (para.001). Policy CL2 is consistent with national policy and Planning Practice Guidance in responding to the exceptional quality of the historic townscape within the Royal Borough. Development is required to be of the highest architectural and urban design quality taking opportunities to improve quality and character of buildings and the way it functions. This is consistent with paras. 17, 56, 57 and 58 of the NPPF. This policy is consistent with the presumption in favour of sustainable development (para. 14 of the NPPF) in that it positively seeks opportunities to meet the development needs of the Royal Borough but restricts development that would be contrary to specific policies set out in the framework (e.g. para. 58).

Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces	Paragraph 126 of the NPPF states that local plans should set out a 'positive strategy for the conservation and enjoyment of the historic environment… In doing so, they should recognise that heritage assets are an irreplaceable resource…'. Paragraph 133 and 134 set out a proportionate approach to the preservation of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy CL3 is structured in a way that reflects this proportional approach. National Planning Practice Guidance on Conserving and Enhancing the Historic Environment states that 'conservation is an active process of maintenance and managing change' (para.003). Policy CL3 sets an active role for development to take opportunities to enhance the cherished and familiar local scene in line with this practice guidance.
Policy CL4 Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology	Paragraph 129 of the NPPF makes clear that the policies protecting heritage assets should revolve around an assessment of the heritage asset's significance. Annex 2 of the NPPF defines 'significance (for heritage policy)' as 'the value of a heritage asset to this and future generations… Significance derives not only form a heritages asset's physical presence, but also from its setting'. The basis of local Policy CL4's seeks the protection of the heritage significance of listed buildings, scheduled ancient monuments and sites of archaeological interest or their setting. Great weight is given to the conservation of designated heritage assets in paragraph 132 of the NPPF. Local Policy CL4 is consistent with the weight given to the conservation of designated heritage assets in the NPPF and provides a framework to how that conservation could be delivered in Kensington and Chelsea.
POLICY CL5: Living Conditions	One of the core planning principles set out in NPPF para. 17 is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The local plan policy CL5 ensures good living conditions for occupants of new, existing and neighbouring buildings, which is consistent in delivering the core planning principle on amenity.
POLICY CL6: Small-Scale Alterations and additions	Local policy CL6 seeks to set out a positive approach to ensure that small scale additions in Kensington and Chelsea do not erode the character and integrity of the original buildings and historic townscape. This policy creates a framework to shape small scale development in relation to specific local circumstances in order to deliver the overall duty laid down in national policy to set out a 'positive strategy for the conservation and enjoyment of the historic environment' (para. 126 of the NPPF) and the criteria for development that is laid out at para. 58 of the NPPF.
Policy CL8: Existing buildings – roof alterations/additional storeys	Local policy CL8 seeks to set out a positive approach to ensure that roof alterations in Kensington and Chelsea do not erode the character and integrity of the original buildings and historic townscape. This policy creates a

	framework to shape development in relation to specific local circumstances in order to deliver the overall duty laid down in national policy to set out a 'positive strategy for the conservation and enjoyment of the historic environment' (para. 126 NPPF) and the criteria for development that is laid out at para. 58 of the NPPF.
Policy CL9: Existing Buildings – Extensions and Modifications	Local policy CL9 seeks to set out a positive approach to ensure that extensions and modifications to the built environment in Kensington and Chelsea do not erode the character and integrity of the original buildings and historic townscape. This policy creates a framework to shape development in relation to specific local circumstances in order to deliver the overall duty laid down in national policy to set out a 'positive strategy for the conservation and enjoyment of the historic environment' (para. 126 NPPF) and the criteria for development that is laid out at para. 58 of the NPPF.
Policy CL10: Shopfronts	The Council's shopfront policy provides local criteria for specific issues, which complements the overall duty laid down in national policy to set out a 'positive strategy for the conservation and enjoyment of the historic environment' (para. 126 of the NPPF) and the criteria for development that is laid out at para. 58 of the NPPF.
Policy CL11: Views	Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that *fails to take opportunities available for improving the character and quality of an area and the way it functions'.* The local views policy seeks to protect and enhance local views. This is considered to be consistent with paragraphs 64 (above) and paragraphs 126-141 of the NPPF (above) given the fact that around 75% of Kensington and Chelsea is designated as a conservation area. Furthermore, paragraph 58 of the NPPF refers to the need for development to 'respond to local character and history'. The safeguarding of views assists in this objective. The safeguarding of views can also be important in the setting of heritage assets as explained at para. 128 of the NPPF.
Policy CL12: Building Heights	Paragraph 58 of the NPPF states that local plans 'should develop robust and comprehensive policies that set out the quality of development that will be expected for the area'. Such polices should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'. Policy CL12 reflects an appropriate response to the local context and prevailing high quality, low and mid rise townscape within the Borough and is not prescriptive in terms of design and is therefore consistent with the NPPF.
Policy CR4: Streetscape	Para 58 of the NPPF states planning policies should 'establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit'. Local policy CR4 is consistent with this approach by seeking to reduce clutter and retain historic street furniture, which reflects the local character of the Royal Borough, which is known for its very high streetscape quality.
POLICY CR5: Parks,	The importance of publically accessible parks, gardens and

Gardens and Open Spaces	open spaces is outlined in paragraphs 73 and 74 of the NPPF. Local policy reflects the approach set out in the NPPF by resisting the loss of existing metropolitan open land and public open space. In the case of private open space, Policy CR5 would seek to protect the loss of such space where it contributes to the character and appearance of the area. This approach is consistent with paragraph 64 of the NPPF as well as the Council's statutory obligations to preserve and enhance the character and appearance of conservation areas.

2. Do the policies contain an appropriate level of detail such that they will be effective in delivering their objectives?

The policies are structured in way that provides an overarching strategic policy which is then followed by an unambiguous set of criteria that provides the framework for how the Council will deliver the overarching objective of the policy. The reasoned justification provides additional context, explaining why the policy is necessary, and a summary of any background information that is considered relevant. Clearly this varies depending on the policy. A holistic approach must be taken when reading the plan to understand the context in which the policy has been framed. This structure provides sufficient level of detail in each case clearly outlining the strategic approach for each individual policy and subsequently setting a comprehensive and robust set of criteria for delivering the approach. The Council is therefore confident that the policies outlined in this review will be effective in delivering their objectives.

3. Are there essential elements of current development plan policies relating to conservation and design that the partial review fails to carry forward?

No the Council is not aware of any essential elements that the partial review fails to take forward.

4. Are all policies accompanied by appropriate reasoned justification?

Yes, all policies are accompanied by appropriate reasoned justification. Policy CR6 was included in error in the publication policy document (ref:CD01). No changes are proposed to this policy and it will not form part of the examination. The Council considers that the reasoned justification for the reviewed policies CL1-12, CR4 and CR5 to be appropriate and proportional to the relevant policies.

Issue 1.2: Do the policies set out an approach that is consistent with the presumption in favour of sustainable development?

5. Do the policies relating to conservation and design, when read in the context of the core strategy as a whole, reflect the presumption in favour of sustainable development set out in the Framework?

The conservation and design policies outlined in this review set locally specific criteria for seeking to meet the development needs of the Royal Borough without allowing development to be contrary to specific policies in the framework (e.g. paras. 58,59,64, 132) or allowing adverse impacts that would significantly and demonstrably undermine the high quality townscape of the Royal Borough (i.e. development that adversely affects or erodes of a key characteristic which contributes to the Royal Borough's sense of place).

Sustainable development is broadly concerned with ensuring the needs of the present are met without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development: economic, social and environmental as

outlined at para. 7 of the NPPF. The emphasis in the conservation and design policy review relates particularly to the environmental role of sustainable development. However, as paragraph 8 points out, these roles are not undertaken in isolation, as they are mutually dependent. When read within the context of the core strategy policies as a whole, the conservation and design review forms part of a broader framework of policies that comprehensively address the three elements that contribute to sustainable development.

6. Will the policies, when applied with other relevant core strategy policies, allow development needs to be met, an appropriate density of development, and innovation, and optimise development opportunities in a way that is appropriate to the specific character of the Royal Borough?

The Core Strategy policies set a clear framework to allow the objectively assessed development needs of the Royal Borough to be met (e.g. housing targets in policy CH1). The Royal Borough is characterised by an exceptionally high quality townscape with some of the highest land values in the country. Policies within the Core Strategy seek to respond to high residential values by protecting other highly valuable uses that contribute to the local economy and vitality of Kensington and Chelsea. The conservation and design policies outlined in this review do not prevent sustainable development from coming forward but seek to shape any development to reflect the specific character of the Royal Borough, in line with national policy. In other words, a balance must be struck. The conservation and design policies seek to optimise rather than maximise development to ensure that any new development reflects the high quality historic townscape of the Borough. Innovation in design is welcomed and polices within this review have not been prescriptive in terms of outlining specific architectural styles. Character and context remains the starting point for determining the appropriate density for new development.

Examination of the Partial Review of the Kensington and Chelsea Core Strategy:

Conservation and Design

Matter 2: Character of the Borough and Design of Development

Issue 2.1: Policies CL1 and CL2 – Context, Character and Design

7. Is the overall approach to development set out in policies CL1 and CL2 justified and based on a proper understanding of the character and architectural qualities of the Borough?

The first District Plan was adopted in June 1982 and over the past 30 years the design policies, which were first contained within Chapter 4 of the plan, have been shaped through a number of iterations of new plans until the Core Strategy was adopted in December 2010. Policies CL1 and CL2 of this review are based upon a sound evidence base of technical documents that provide an analysis and a basis for an understanding of the character and architectural qualities of the Borough. The Council commissioned work undertaken by Urban Initiatives (Appendix 1) which set out a historical, urban design and character analysis of the entire borough. This document forms part of the evidence base for the Core Strategy and has informed the understanding of character and architectural qualities of the Borough and the drafting of the conservation and design policies. Furthermore, an Architectural Review of the Royal Borough (Appendix 2) also forms part of the evidence base for the Council's policies. This document provides further detail on the architectural qualities of many of the finest buildings throughout Kensington and Chelsea and is a product of expertise and work carried out by the Royal Borough's Conservation and Design Team. More than 75% of the Borough is designated as a conservation area. The vast majority of these conservation areas are supported by Conservation Area Proposal Statements, which outline the historic and architectural interest and describes the character and appearance for the area, which the Council has statutory duty to preserve and enhance. This evidence base, coupled with the expertise of our conservation and design team and experience within the planning team, is an adequate basis upon which to form a proper understanding of the character and architectural qualities of the Borough.

8. Will policy CL1(g) provide an effective framework for considering the development of backland sites, including private gardens?

Policy CL1(g) should not be treated in isolation. Any backland development would have to adhere to all relevant conservation and design policies including criteria set out in the rest of CL1 such as the need to respond to local context. Policy CL3 requires development to preserve and take opportunities to enhance the cherished and familiar local scene within conservation areas while Policy CR5(a)iii resists loss of the private open space where the space contributes to the character and appearance of an area. This is considered to provide an effective policy framework in dealing with development on backland sites. In line with best practice, the Council's policies should be read in a generic manner and interpreted as such. There is not a planning policy for every development scenario that may occur and it is not the intention of the Council to draft policy in this manner.

9. Is the importance of mews development to the Borough properly reflected in the revised core strategy, and will policy CL1(h), along with other relevant policies, provide an effective framework for considering proposals affecting such areas?

The mews policy outlined in the UDP has been brought forward in this review. The reasoned justification for CL1 (para 34.3.11) makes clear the importance of the mews typology for the nineteenth century pattern of development in Kensington and Chelsea and London more generally. The requirement to 'preserve and enhance' the characteristics of mews along with other important typologies within the Borough is considered to provide a robust framework for considering proposals to extend or alter mews properties. The importance of Mews development is properly reflected in the Core Strategy.

10. To be effective, do policies CL1 and CL2 need to be more explicit about the effects of the change of use of buildings on the character and appearance of an area?

The Council undertook a partial review of Policy CL3 that was found sound by the inspector on 12th July 2014 which added the criteria 'resist the change of use of any building where the current use contributes positively to the character of the surrounding area and to its sense of place' to the policy. This deals directly with the impact of change of use where that use contributes to the character within conservation areas and historic spaces in line with the Council's statutory obligation to preserve and enhance these areas. This policy covers approximately 75% of the Borough, which is designated as a conservation area.

Policy CL1 requires *all* development to respect the existing context, character and appearance of buildings and the area and the way it functions. Section 55 of the Town and Country Planning Act 1990 includes any material change of use of any buildings or other land in the definition of development. The strategic element of the policy would therefore cover change of use applications across the Royal Borough. Both policies do not have to be more explicit to be effective - they are clear and unambiguous.

11. Is the approach to the redevelopment of "eyesores" consistent with other policies in the core strategy, and will it be effective in delivering the vision and strategic objectives?

The Council is recommending to the inspector that the eyesore policy be removed. Any flexibility should be weighed up as part of 'material considerations'. With regard to the recommended deletion of policy CL2(c) which is concerned with the flexible interpretation of planning policies in relation to eyesores, the Council clearly acknowledges that the policy was found sound as part of the examination of the adopted Core Strategy. However, the Council is concerned that the policy is not as clear as it could be in delivering the vision and strategic objectives. What policies might be given more flexibility and how this would be undertaken is not clear, it would be better to deal with the positive aspects of the redevelopment of eyesores as material considerations, which are weighed up against adopted policies in the Core Strategy depending on the merits of each case.

Issue 2.2: Policies CL6, CL8 and CL9 – Alterations, Additions and Extensions to Existing Buildings

12. Do policies CL6, CL8 and CL9 contain an appropriate level of detail to provide an effective framework for considering proposals for all forms of alterations, additions and extensions (including conservatories and awnings) to existing buildings?

A separate policy for conservatories is not necessary as the reasoned justification for the policy (paragraph 34.3.78) makes clear that extensions also includes conservatories. Paragraph 34.3.81 addresses the issue of conservatories directly. Any proposals for a conservatory would have to adhere to the framework laid out in CL9. Policy CL9(j) addresses the specific issue the impact conservatories can have and sets parameters by which they would be acceptable. The proposed policy therefore adequately deals with the conservatories.

In relation to awnings, the Council recommends to the inspector that awnings be added to the list set out in reasoned justification paragraph 34.3.43 of policy CL6. This list, however, is not considered to be exhaustive but illustrative of what constitutes small scale alterations and additions. The Council considers that policy CL6 would cover awnings and a separate policy would be unnecessary.

13. Are policies CL6, CL8 and CL9 sufficiently flexible to effectively deal with proposals affecting the front, sides and rear of existing buildings, or are different approaches needed for these different locations?

The Council is content that policies CL6, CL8 and CL9 deal with small scale additions, roof alterations and extensions. The Council does not believe that a separate policy is necessary to differentiate between front, side and rear extensions and that policy CL9 sets down a robust framework which would cover all locations for extensions.

14. Are all aspects of policy CL8 supported by appropriate reasoned justification in paragraphs 34.3.74 to 34.3.76 (or elsewhere in the core strategy)?

Yes, the Council considers the reasoned justification for this policy to be proportionate to the policy. Paragraph 34.4.74 explains why roof alterations and additional stories are an important planning issue within the Royal Borough and consequently why a policy is necessary and justified. Paragraph 34.4.75 explains the cumulative impact of roof extensions and how this can impact upon the surrounding townscape. 34.3.76 gives a greater explanation as to how the policy would be implemented. The reasoned justification for Policy CL1 provides an overview of context and character. Paragraphs 34.3.1 – 34.3.7 of the reasoned justification for policy CL1 outline the Royal Borough's high quality townscape and complements the reasoned justification to policy CL8.

Issue 2.4: Policy CL11 – Views

15. Is the requirement for all development throughout the Borough to "protect and enhance" views and the skyline that contribute to the character and quality of the area justified and consistent with the London Plan?

Paragraph 10 of the NPPF states, 'plans… need to take local circumstances into account, so that they respond to different opportunities for achieving sustainable development…'. Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that *fails to take the opportunities available for improving the character and quality of an area and the way it functions'.* Approximately 75% of the Borough is designated a conservation area. This reflects the local circumstances within Kensington and Chelsea, which is characterised by a very high quality historic townscape. The Council has a statutory duty to 'preserve and enhance' areas of historic and architectural interest. Furthermore, paragraph 137 of the NPPF states that 'local planning authorities should look for opportunities for new development within conservation areas… to enhance or better reveal their significance'.

Policy 7.12 of the London Plan is a policy which deals specifically with designated strategic London views. This policy states that new development 'should not harm, and where possible should make a positive contribution to, the characteristics and composition of the strategic views and their landmarks'. The intention of this policy is that new development should make a positive contribution (or enhance) strategic views where possible. The Council's position is based upon the exceptionally high townscape quality within the Borough, which is an essential characteristic of the area and contributes significantly to the area's sense of place. The policy approach seeks to shape new development to reflect and respond to local circumstances. This approach is consistent with national planning policies, in particular paragraph 64 of NPPF, and corresponds with the Council's statutory duties under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. To be effective, should policy CL11 refer to specific views rather than leave such detail to a Supplementary Planning Document?

A policy approach that relied upon identifying specific views only, may actually reduce the protection for other views that may not have been identified but nevertheless contribute to the character and quality of an area. The approach the Council has taken is to allow for the impact of new development on views that contribute to the character and quality of an area to be assessed on the criteria outlined in CL11. As paragraph 34.3.94 makes clear the Council has identified recognised views that are important in the Views and Buildings Height SPD (appendix 3). The fact that these views have been outlined in an SPD does not make the policy ineffective. The SPD forms part of the Local Development Framework of which the Core Strategy forms the principal document and therefore the two documents should be read in conjunction with one another.

Issue 2.5: Policy CL12 – Building Heights

17. Is the approach to the height of new buildings set out in policy CL12 justified and consistent with the London Plan, or is it unduly restrictive?

Policy 7.7 of the London plan sets the Mayor's approach to tall and large buildings. It states that 'tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall buildings should not have an unacceptably harmful impact on their surroundings'. Furthermore, the criteria of the policies states; 'tall buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building; relate well to the form proportion, composition, scale and character of surrounding buildings, urban grain and public realm'. The Royal Borough of Kensington and Chelsea is characterised by a finely grained historic street pattern with an outstanding building stock of Georgian and Victorian town houses, and Edwardian mansion blocks. Building heights are relatively consistent. Average heights range from 2-storey to 3-storey terraces in North Kensington and the Lots Road area, to 3-storey to 5-storey Georgian and Victorian terraces and town houses for much of the rest of the Borough, with pockets of up to 8-storey late Victorian, Edwardian and 1930s mansion blocks in and around Kensington High Street, Old Brompton Road, Sloane Avenue and Knightsbridge (please refer to built character analysis section in the Building Heights SPD and the townscape analysis in the Urban Initiatives report for further detail - Appendices 1 & 3).

The Council's approach therefore draws upon the prevailing buildings heights and context of Kensington and Chelsea. In line with Policy 7.7 of the London Plan, the Council has undertaken a sieve analysis (see building heights SPD), which identified spatially where appropriate, sensitive or inappropriate locations within the borough are located, taking into account conservation areas, buffer Zones for sensitive areas and strategic and local views. This approach is consistent with best practice outlined in the guidance on tall buildings

(CABE, English Heritage 2007, Appendix 4). This evidence base indicated that vast majority of Kensington and Chelsea is highly sensitive to tall buildings. The starting point for the Council's approach is therefore an analysis of the local circumstances of the Royal Borough. Policy CL12 reflects an appropriate response to the local context and prevailing high quality, low and mid rise townscape within the Borough and is entirely consistent with the London Plan and technical guidance, which places and strong emphasis on context and character.

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Matter 3: Heritage Assets

Issue 3.1: Policy CL3 – Conservation Areas and Historic Spaces

18. Is policy CL3 consistent with the Framework in terms of the approach to weighing harm and public benefits, and does it set out an effective approach to assessing all types of proposals affecting conservation areas and historic spaces?

The policy replicates the proportional approach laid out in paragraphs 133 and 134 of the National Planning Policy Framework and therefore is considered to be consistent with the approach to weighing harm and public benefits.

The strategic element of the policy as well as CL3(a) requires development to preserve and enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area an its setting. Section 55 of the Town and Country Planning Act 1990 defines development as 'the carrying out of building mining or other material operations in, on, over or under land, or the making of any material change in the use of any building or other land'. This broad definition provides a basis to assess all types of proposals that fall under planning controls, which may affect a conservation area or historic space. Policy CL3(b), which was successfully found sound last year, deals directly with change of use applications, which affect the character of a conservation area.

The policy is supported by an evidence base of Conservation Area Proposal Statements and Conservation Area Appraisals, which outlines the character and appearance of each specific conservation area as well as their historic and architectural interest. The Council is content that this approach is effective in assessing all types of proposals affecting conservation areas.

19. To be effective, should policy CL3 or the reasoned justification refer to conservation area appraisals and to the type of information and drawings required to support planning applications?

Paragraph 34.3.20 of the publication planning policies refers to views outlined in the conservation area appraisal documents. The Council is recommending a change in the wording of this paragraph as outlined in the recommended change document (ref: CD02) to expand the scope to include other character and appearance issues identified in the conservation area appraisal documents.

A requirement to provide drawings and certain elevations is a process issue and not a policy issue. Guidance for this can be provided elsewhere (e.g. local validation requirements document).

Issue 3.2: Policy CL4 – Listed Buildings, Scheduled Ancient Monuments and Archaeology

20. Is policy CL4 consistent with the Framework (paragraphs 129 to 133) in terms of the approach to assessing the particular significance of, and giving appropriate

protection to, listed buildings, scheduled ancient monuments and sites of archaeological interest?

The Council draws attention to the recommended changes document (ref:CD02). We have recommended changes in light of the representation from English Heritage and the NPPF. With these changes the Policy is considered to be consistent with the Framework.

21. Does policy CL4 contain sufficient detail to be effective, or should it contain reference to specific features such as advertisements, post boxes, railings, walls, and trees?

The Council is content that Policy CL4 is sufficiently detailed. Where advertisements, post boxes, railings or walls are listed then the policy would be effective. Trees are protected under a separate regime of Tree Preservation Orders. Policy CL6 controls alterations to unlisted railings and walls where proposals fall under planning control. Policy CR4 controls advertisements where this falls under planning control.

22. Are parts (d) and (f) of policy CL4 sufficiently clear to be effective, or is it necessary to make the changes recommended by the Council based on the advice of English Heritage?

The Council draws attention to the recommended changes document (ref:CD02). We have recommended changes in light of the representation from English Heritage. The Council believes that the policy would be fully effective with English Heritage's recommended changes.

Examination of the Partial Review of the Kensington and Chelsea Core Strategy:

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Matter 4: Living Conditions

Issue 4.1: Policy CL5 – Living Conditions

23. Upholding the residential quality of life is one of the three components of the core strategy's vision. In this context, is it effective for the issue of living conditions to be addressed in a cross-cutting policy such as CL5, or should it be dealt with explicitly in other policies where necessary?

Policy CL5 provides a comprehensive approach to living conditions requiring all development 'to ensure good living conditions for occupants of new, existing and neighbouring buildings'. As such the cross cutting approach is entirely appropriate and consistent with the Core strategy's vision to uphold residential quality of life. Having a separate policy for every aspect of residential amenity would make the plan unduly difficult to use and cumbersome. It is not necessary.

24. Does policy CL5 contain an appropriate level of detail to provide an effective framework for considering all types of development, including roof terraces, that may affect living conditions, and are all relevant issues that affect living conditions covered?

The Council is confident that in all cases where development falls under planning control all relevant issues affecting living conditions would be covered by policy CL5 (i.e. daylight/sunlight, visual privacy, enclosure and nuisance). The visual impact of roof terraces and associated railings would be covered by Policy CL6.

25. Does policy CL5 provide an effective approach in situations where living conditions are already significantly affected by nearby development? Should a "no worsening" approach with regard to matters such as light and outlook be adopted, or should development be required to lead to positive improvements to living conditions?

Policy CL5 provides a comprehensive approach to living conditions requiring all development 'to ensure good living conditions for occupants of new, existing and neighbouring buildings'. This is a robust framework which would prevent any development which would result in poor living conditions. The approach is appropriate in the highly urban context of Kensington and Chelsea.

Examination of the Partial Review of the Kensington and Chelsea Core Strategy:

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Matter 5: Public Realm

Issue 5.1: Policy CR4 - Streetscape

26. Is the approach to assessing proposals for free-standing structures such as telephone kiosks justified, and is it consistent with national policy and regulations relating to the display of advertisements?

Policy CR4(f) resists freestanding structures such as telephone kiosks where the function for the display of adverts over-dominates the primary purpose for the structure. Paragraph 67 of the NPPF states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. National Planning Practice Guidance on Advertisements expands on this. Policy CR4(f) restricts control of adverts on telephone kiosks and other freestanding structures to those which 'over-dominate' the primary purpose of the structure thus having a negative impact on the appearance of the built environment. In these cases the advertising has an appreciable impact on the structure and its surroundings and such control would be consistent with the approach set out in paragraph 67 of the NPPF. The Council is therefore only seeking to control adverts generally, and on freestanding structure specifically, which harm the visual amenity of the area or impact on public safety. The approach is therefore proportionate and consistent with national planning guidance.

27. To be effective, should policy CR4 refer to the protection of traditional street boundaries?

Where the removal of street boundaries requires planning permission, this would be covered by policy CL6. This is made clear in the reasoned justification for the policy (see paragraph 34.3.43). It is not necessary to duplicate protection in Policy CR4.

Issue 5.2: Policy CR5 – Parks, Gardens, Open Spaces and Waterways

28. Will policy CR5 be effective in protecting and enhancing all forms of existing open space?

The policy resists the loss of metropolitan open space, public open space and private communal open space. The overarching strategic policy makes it clear the existing parks gardens, open spaces and waterways will be protected. In the case of private open space, the Council makes it clear that they resist the loss of this where it contributes to the character and appearance of the area. The policy is effective in protecting and enhancing all forms of existing open space.

29. Will policy CR5 be effective in securing the creation of new open spaces where necessary?

CR5d makes it clear the Council's approach requires major development to make provision for open space and, where this is not possible, to accept a contribution towards improving existing publicly accessible open space. The starting point for the policy is the provision of new open space. However, given the local circumstances within Kensington and Chelsea, this is not always possible for legitimate townscape reasons. The policy reflects a pragmatic approach based upon the local context of the Borough. It is effective and tailored to local circumstances.

30. Will policy CR5, in combination with other relevant core strategy policies including policy CE2 "Flooding", be effective in ensuring development close to the Thames is appropriately located and designed to take account of issues such as ecology, sustainable drainage, and flood management in line with the objectives of the Thames River Basin Management Plan and Thames Estuary 2100 Plan?

Policy CE2(g) requires development adjacent to the Thames to be set back from the Thames flood defence to enable the sustainable and cost effective upgrade of flood defence over the next 50 to 100 years. This policy achieves appropriate setbacks for flood defences and urban drainage. It is therefore unnecessary to reproduce this protection in CR5 as the Core Strategy should be read a whole. In relation to ecology, Policy CE4 of the core strategy deals with biodiversity. Part B of this policy states 'the Council will protect the biodiversity value of blue ribbon networks'. This would prevent any development whose location or design would be detrimental to the ecology of the Thames River. This policy is considered sufficient to take account of ecology issues for the Thames and therefore it is unnecessary to duplicate this in Policy CR5. The Council's approach as set out in the Core Strategy as a whole is therefore considered to be in line with the objectives of the Thames River Basin Management Plan and the Thames Estuary 2100 plan and no further change to Policy CR5 is necessary.

31. Is the approach to resisting permanently moored vessels on the Thames justified, and is it consistent with the London Plan?

Paragraph 7.84 of the London Plan deals with moored vessels and is linked to policy 7.28. The paragraph states 'new moorings should be managed in a way that respects the character of the waterways and the needs of its users. The [Blue Ribbon Network] should not be used as an extension of the developable land in London nor should parts of it be a continuous line of moored craft.' The Council's approach is to ensure that character, biodiversity and the needs of the Thames users (accessibility) is considered when dealing with proposals for permanently moored vessels. This is consistent with the criteria laid out in paragraph 7.84 of the London Plan. Proposals that seek to enclose the open character river, impound the river or extend developable land into the river would be resisted due to the detrimental impact this would have on special character of the Thames. The policy is therefore considered to be justified and consistent with the London Plan.

Issue 5.3: Trees and Landscape

32. Does policy CR6 contain sufficient detail to be effective in requiring the provision of new trees?

Policy CR6 was included in error. No changes are proposed to this policy and it will not form part of the examination.

33. What is the reasoned justification for policy CR6?

Policy CR6 was included in error. No changes are proposed to this policy and it will not form part of the examination.

Appendices

1. Urban Design Strategy – Background Report 01 – (Urban Initiatives, July 2006)
2. Architectural Review of the Royal Borough (RBKC, 2001)
3. Buildings Heights SPD (RBKC, September 2010)
4. Guidance on Tall Buildings (CABE, English Heritage, 2007)