

Core Strategy Review

Consultation Responses to Publication Conservation and Design Policies

April 2014



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Document Key

Text in Red = Summary of the point made in the representation
Text in Black = Council's responses to point made
Text in Blue = A point where the Council is recommending a change to the policy

Name	Q2 If you made representations to the July/Sept 2013 Conservation and Design...	Q3 State planning policy or paragraph number to which you are referring	Q4 Do you consider the planning policy to be sound?	Q5 If you have selected YES and you wish to support the soundness of the planning policy,...	Q6 If you have selected NO to the planning policy being sound do you consider the policy				Q7 Please give details of why you consider the planning policy to be unsound and / or...	Question:Q8 Do you consider the Planning Policy Document to be legally compliant?	Q9 Please give the reasons for your choice below and be as precise as possible. Please...	Q10 Do you wish to appear at the Examination on any of these matters?	Q10 Do you wish to appear at the Examination on any of these matters?	Council's Response
					Positively prepared	Justified	Effective	Consistent with national policy						
General														
Jamie Rollo			No			Y	Y					No		Noted
Austin	No (I am submitting a new response)	Core Strategy February 2014	No									No		Noted
Flanagan			No			Y			I do not believe the proposed policy provides sufficient protection of design and conservation in the Borough, in fact the proposed policy seems significantly weaker than the current policy.		I am not qualified to comment on the legal compliance.	Yes	The matters mentioned above.	Policies do not provide sufficient protection - The review of the Conservation and Design Policies seeks to incorporate extant UPD policies into the Core Strategy whilst being positively prepared, justified, effective and consistent with national policy. In the absence of specific examples of where a policy is unsound or where an alternative strategy would have been more appropriate, the Council notes the objection but considers that the policy is sound and justified i.e. the post appropriate strategy, when considered against reasonable alternatives.
Environment Agency (Wioleta Osior)	Yes (but with the additional changes as set out in this response form)	Policy CR5 'Parks, Gardens, Open Spaces and Waterways'	Yes	We support policy CR5, in particular, criteria (i), because it aims to protect the watercourses from detrimental effect on biodiversity from permanently moored vessels. However, we are suggesting a minor change to the policy to ensure the policy is compliant with the Water Framework Directive (Thames River Basin					Policy CR5 Parks, Gardens, Open Spaces and Waterways We strongly recommend as a minor change, an additional criterion is added under 'Waterways' as follows: Require developments to include appropriate setbacks from the waters edge for ecology, sustainable drainage and flood defences and contribute to achieving the objectives of the Thames River Basin Management Plan and Thames Estuary 2100 Plan. The waterways section of this policy currently focuses on the issues of access and permanently moored vessels and needs to recognise the importance of ecology, water quality and flood risk – this will balance out the policy. Justification/evidence			No		Suggested amendment to require developments to include appropriate setbacks from the water's edge for ecology, sustainable drainage and flood defences – Policy CE2(f) on flooding already requires development adjacent to the Thames to be set back. The policy on flooding and the accompanying corporate and partnership actions will be subject of a later review. Policy CR5(ii) refers to biodiversity in relation to the River Thames. Water quality in the

				Management Plan) and Thames Estuary 2100 Plan (see below).					<p>The River Thames and the Grand Union Canal are designated water bodies in the Thames River Basin Management Plan (Thames RBMP). This plan is a regional strategy setting out the current status (biological and chemical) of the watercourses and generic actions different sectors need to take to improve water quality. This is to meet the targets set by the Water Framework Directive for all water bodies to achieve good ecological status or potential by 2027.</p> <p>The Grand Union Canal (Water body ID GB70610078) is recognised as an artificial/heavily modified water body. Although its status was assessed as achieving 'good' in 2009 this has dropped to 'moderate' in 2013 following further assessment due to the chemical water quality. The River Thames is currently classified as having moderate ecological potential.</p> <p>We are working towards the second cycle of the Thames River Basin Management Plans and in 2014 will be consulting on specific actions required to help the water bodies achieve good ecological potential.</p> <p>The policy and supporting texts needs to recognise this evidence and the need to ensure that developments contribute to achieving the aims of the Thames River Basin Management Plan. This is not covered elsewhere in the Core Strategy e.g. Policies CE2 Flooding or CE4 Biodiversity, so we think it is vital it is included here.</p> <p>The Thames Estuary 2100 Plan is also an important plan to recognise as it sets out a long-term plan of managing tidal flood risk to the end of this century. Kensington and Chelsea lies between two action zones within the Thames Estuary 2100 plan: Action Zone 1 'Hammersmith' and Action Zone 2 'London City.' The policy unit for both action zones is P5 'to take further action to reduce flood risk beyond that required to keep pace with climate change' because it is likely that a higher standard of protection will be needed. It is essential that any development that takes place adjacent to the Thames flood defences protects the integrity of those defences and leaves land for any future flood defence raising that may be needed in the future.</p> <p>For riverside developments, both Thames RBMP and Thames Estuary 2100 objectives can be aligned with other objectives such as recreational use, public access and landscape design.</p>					Thames is an issue that is considered in context of the Thames Tideway Tunnel in the reasoned justification of Policy CE2 of the Core Strategy (see paragraph 36.3.20).
John Hammerbeck	No (I am submitting a new response)	July/Sep 2013 Conservation and design Publication Planning Policies	Yes	Both policies are reasonable and defend the interest of residents, while allowing necessary and sound development to proceed. This applies to the documents in their entirety						Yes		No		Support for soundness of Policies Noted.
English Heritage			Yes	English Heritage English Heritage has						Yes				Policy CL4d is unclear. Suggested working change. Policy should read ' where lost or

<p>(Richard Parish)</p>			<p>reviewed the document in light of the National Planning Policy Framework (NPPF), which includes, as one of its core principles, that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.</p> <p>English Heritage has commented on an earlier stage of consultation and suggested minor amendments as set out in our letter dated 31 January 2013 to Penelope Tollit and in our letter of 3 September 2013. We are pleased to note that the issues identified have in general been addressed and as such we do not wish to reiterate these comments. We would however make two observation in respect of clarity:</p> <p>In respect of the wording of Policy CL4 d. which states that the Council will require the reinstatement or removal of internal or external architectural features of listed buildings or scheduled ancient monuments, commensurate with the scale of development. We consider that this is unclear and assume this means that where lost or inappropriate features cause harm to the significance of the asset the Council will</p>																													<p>inappropriate features cause harm to the significance of the asset the Council will require their reinstatement or removal commensurate to the level of proposed development' - Agree wording change</p> <p>Policy CL4 f amendment stating that 'Works to listed buildings must sustain and enhance the significance of designated heritage assets and the Council strongly encourages works to a listed building to be carried out by appropriately skilled specialists.' – Agree wording change</p>
-------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

				<p>require their reinstatement or removal commensurate to the level of proposed development. In our view this should be clarified in the Policy.</p> <p>In respect of Policy CL4 f. We would recommend stating that Works to listed buildings must sustain and enhance the significance of designated heritage assets and the Council strongly encourages works to a listed building to be carried out by appropriately skilled specialists.</p> <p>It must be noted that this advice is based on the information provided by the Royal Borough and for the avoidance of doubt does not reflect our obligation to advise the Royal Borough on, and potentially object to, any specific development proposal which may subsequently arise from this, or later versions of the Core Strategy, and which may have adverse effects on the environment despite sustainability appraisal.</p>									
Natural England (Piotr Behnke)			Yes	<p>Conservation and Design Policy Review: Natural England does not consider that this Conservation and Design Policy Review poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response</p>						Yes			Support for soundness of Policies CR5 and CR6 Noted.

				<p>and so does not wish to make specific comment on the details of this consultation.</p> <p>Policies CR 5 “Parks, Gardens, Open Spaces and Waterways” and CR 6 “Trees and Landscape” are welcomed as they make positive mention of assets such as, for instance, the River Thames (and thus the Thames Path National Trail) as well as ensuring the need for new tree planting in new development is ensured, along with the preservation of existing trees. This, as mentioned, will be beneficial for wildlife and also for health and wellbeing of the residents and visitors to the area.</p> <p>Sustainability Appraisal (SA) & Strategic Environmental Assessment (SEA): The approach and methodology are broadly in line with what Natural England would expect to see and do cover a good range of objectives that should provide for a good understanding, through the monitoring, of whether the policy is meeting its objectives or not so as such there aren't any further comments to make with relation to this document at this stage.</p>										
St Helens Residents Association (Henry Peterson)	No (I am submitting a new response)	CL9 (c) and (d) CL8 (a) (b)(i) and (b)(viii)	No		Y	Y	Y	This Association has initiated (via the establishment and designation of the St Quintin and Woodlands Neighbourhood Forum) the preparation of a neighbourhood plan. The neighbourhood area covers a large part, but not all, of the Oxford Gardens St Quintin Conservation Area.	No	CL9 and CL8 are overly restrictive in	Yes			Policies CL8 and CL9 should include a rider to the effect that 'interpretation of these policies in individual conservation areas will take account of updated Conservation Area Appraisals and Neighbourhood Plans, where

								<p>The Association considers the Council's draft policies on Conservation and Design to be largely sound, but to be overly inflexible and to lack reasoned evidence and justification in certain respects as set out below. We also believe that this level of inflexibility and detailed control is inconsistent with national policy.</p> <p>These views have been confirmed in responses from residents submitted as part of a household survey of the 2,000 dwellings in the designated neighbourhood area, undertaken by the St Quintin and Woodlands Neighbourhood Forum.</p> <p>The Council's draft Policy CL9 Existing Buildings – Extensions and Modifications states: The Council will require extensions and modifications to existing buildings to be subordinate to the original building, to allow the form of the original building to be clearly understood, and to reinforce the character and integrity of the original building, or group of buildings. To deliver this the Council will resist proposals for extensions if: c) the extension would spoil or disrupt the even rhythm of rear additions; d) the detailed design of the addition, including the location or proportions or dimensions of fenestration or the external materials and finishes, would not be in character with the existing building; For rear extensions to Edwardian/Victorian 2 and 3 storey houses, of traditional design but no special historic features, these conditions on approval and the way in which they have been applied at times are seen by local residents as unduly onerous and unnecessary.</p> <p>There is widespread support for maintaining planning controls on the front facades and roofscapes of the terraces in the CA. But the rear of properties do not display an 'even rhythm of rear additions' as there has long been a wide variety of back garden designs, garden walls of differing heights, use of finishes, doorways and fenestration.</p> <p>The rear of properties on the St Quintin Estate is not seen from and public or semi-public space, there being no squares or communal gardens as is the case across many other parts of the Borough.</p> <p>The Council's draft policy CL8 on Existing Buildings – Roof Alterations/Additional Storeys states The Council will require roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings. To deliver this the Council will: a. permit additional storeys and roof level alterations where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to reunite the group; b. resist additional storeys, and roof level alterations on: i. complete terraces or groups of buildings where the existing roof line is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design; viii. terraces that are already broken only by</p>	<p>terms of conformity with the NPPF, and in the case of CL8 on roof alterations, contrary to principles of equity and natural justice.</p>	<p>these are in place! – Agree, additional wording is recommended to the inspector at paragraph 34.3.20.</p> <p>The Council is committed to the localism agenda and will support the St Quintin and Woodlands Neighbourhood Forum in producing a Neighbourhood Plan and getting it adopted. If and when this plan is produced, passes examination and is successful at referendum, the plan will be the primary DPD for the neighbourhood area. The policies outlined within that document will carry substantial weight for decision making and the neighbourhood plan will form part of the development plan for the borough.</p>
--	--	--	--	--	--	--	--	--	---	--

								<p>isolated roof additions</p> <p>This policy has led to decisions to permit and refuse applications for loftrooms and rear dormers on the houses in the Oxford Gardens/St Quintin Estate which appear to the public as inconsistent and arbitrary, thereby diminishing confidence and trust in the planning system.</p> <p>The Edwardian and Victorian terraced houses in the conservation area are mainly 2 storey with some 3 storey. Addition of a loftroom is the simplest and most economic means of extending a family home. The application of a policy which permits rear dormers in some streets but not in others, where the house type is identical, is a source of concern to many residents.</p> <p>A development control decision based on the presence or absence of rear dormers added many years ago, when policies were less rigorous, appears to the public as arbitrary and contrary to normal principles of equity and natural justice.</p> <p>Why should certain house-owners benefit from the ability to construct a loftroom purely because other owners in their terrace undertook such a conversion many years ago, whereas their neighbours opposite or in an adjoining street are denied this opportunity?</p> <p>We consider that decisions on rear dormers should be based on individual assessments of the impact on views and amenity, and should take account of the differing contexts and circumstances in each conservation area.</p> <p>We therefore suggest that the new policies CL8 and CL9 should include a rider to the effect that 'interpretation of these policies in individual conservation areas will take account of updated Conservation Area Appraisals and Neighbourhood Plans, where these are in place'.</p>				
Zac Carey		Conservation and Design Publication Planning Policies - CL3	No			Y	<p>CL3</p> <p>Briefly, I agree that heritage should be conserved, and I agree that that can mean the 'look' of a place, its street pattern, the predominant massing of its buildings – or its eclecticism; and I agree that what we view as the essential characteristic of a place may change over time; but I don't agree that it can be all these things simultaneously.</p> <p>1. It should be the case that no conservation area can be designated without a Concise Appraisal stating, in not more than two or three hierarchically-arranged bullets, what the essential character of that area is. Further statements could optionally be included on aesthetic/ornamental character, and on uses and massing characteristics – 'regency', 'eclectic mix', 'four storeys with mews properties at rear', that kind of thing.</p> <p>CL3 should then make specific reference to the importance of the Concise Appraisal when assessing: a) the relative contribution that a given property makes towards that appraisal, and b) the relative merit of its proposed replacement against that same criteria.</p>	I am not a lawyer. I am an architect. I cannot comment on its legality, only its 'fitness for purpose', as someone who regularly works within the constraints	No	<p>Conservation areas should not be designated without an appraisal - The Council is embarking upon a review of the existing Conservation Area Proposal Statements. Conservation Area Appraisal documents will be produced for all conservation areas. Each appraisal will provide a bulleted summary of the character and special historical or architectural interest in line with English Heritage guidance and provide an audit of buildings that make a positive contribution to the character and appearance of the conservation area. These appraisals will be a material consideration and will therefore have weight when determining planning applications.</p> <p>Policy CL3 should make reference to Conservation Area Appraisals – Agree additional wording is recommended to the inspector at paragraph 34.3.20.</p> <p>Role of Architectural Appraisal Panel should</p>		

								2. It should be made clear that conservation area designation should not be used to imply listed building status where none exists.		imposed by such documents.			be explained – The AAP is not involved in producing the content for Conservation Area Appraisals. The AAP, like other external consultees, the Council notifies for various developments, provide expertise as part of the development management process. It is unnecessary to outline the role of consultees in the reasoned justification for planning policy policies.
GResident (Martin Frame)	No (I am submitting a new response)	Conservation and Design: CL1 to CL12 (excluding CL7)	Yes and No		Y			<p>3. The Council occasionally engages a Design Review Panel. The remit of this panel in regards to any assessment in reference to points 1a and 1b above needs to be made entirely transparent.</p> <p>Conservation and Design The changes and revisions proposed are basically to allow the incorporation of the SAVED UDP policies but from what I can see the proposals do not provide the protection provided within the UDP and if accepted we shall lose much valued and needed planning protections. I am incorporating the comments which the Kensington Society which I totally agree with:</p> <ul style="list-style-type: none"> • greater clarity on the need to provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings 34.3.4. 34.3.25 and Policy CL3(d); • greater clarity about the need to optimise the development of housing sites (CL1(c)); • a specific and stronger policy for mews: Policy CL1(h) does not do this; • clarify that Policy CL1(i) covers the loss of artist's studios through change of use (CL1(i)); • removal of the policy on eyesores (CL2(c)) • retain existing Core Strategy Policy CL5(a) on sunlight and daylight – the revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard; • Policy CL10: the reasoned justification should stress that all changes to shop fronts should make a positive improvement to the streetscape – this seeks to articulate what “drive up the quality of the area” in Policy CL10 means in practical terms • specific recognition of the viability implications of attempting to take part of an existing shop in order to gain access to the first floor (34.3.87); • recognition of the need to preserve and/or enhance front boundaries (walls, railings, piers, balustrades) to preserve and enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it needs a policy and clear links to the forthcoming conservation area appraisals, which need to be mentioned in relation to this and other issues in order to flag them up for planning officers assessing developments where these are proposed to be altered or where the opportunity needs to be taken to improve the streetscape. <p>• Saved UDP Policies CD1-16 seek to preserve the character, views and vistas of and within Areas of Metropolitan Importance and Metropolitan Open Land – previously the Thames, the South Kensington Museums, Hyde Park, Kensington Gardens, Holland Park and Brompton and Kensal Cemeteries were not only identified but had their own policies for both views and vistas and the impact of development on these areas. These need to be covered in the revised conservation and design section of the Core Strategy, not hidden away in an SPD. Although the Thames and Royal Hospital are in Chelsea, the same principles should apply to all these views and vistas;</p>	Yes	The policies are not unsound as they are proposed. There are changes which are required to strengthen, define and to make the sound the policies. It is important that a local, not a developer or a property speculator, represent what is needed in this Borough to allow both our life to be acceptable as well as our environment not destroyed.	Yes	All aspects of Proposed Policy CL7, the Saved UDP policies, CL1 to CL12 (excluding CL7)	<p>Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue and not a policy issue. Guidance for this can be provided elsewhere.</p> <p>Greater clarity about the need to optimise the development of housing sites (CL1(c)); - Optimising the development of housing sites is dealt with in the London Plan, adding further reference to London Plan policies would lead to unnecessary duplication.</p> <p>A specific and stronger policy for mews: Policy CL1(h) does not do this; - Mews are adequately covered alongside other building typologies in Policy CL1(h). A separate policy is unnecessary and may actually, by treating one typology separately, diminish the significance of the valuable contribution of other typologies to the townscape</p> <p>Clarify that Policy CL1(i) covers the loss of artist's studios through change of use (CL1(i)) - This is covered in Core Strategy Policy CF7. There is no need for duplication.</p> <p>Removal of the policy on eyesores (CL2(c)) 33.4.18, Agree - the Council proposes to delete this policy as part its recommendations to the inspector. Any flexibility should be weighed up as part of 'material considerations'.</p> <p>Retain existing Core Strategy Policy CL5(a) on sunlight and daylight – the revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard; - disagree, Policy CL5(b) requires all development to ensure good standards of daylight and sunlight conditions in new development and in existing properties affected by new development. This is sufficient for appraisal purposes.</p> <p>Policy CL10: the reasoned justification should stress that all changes to shop fronts should</p>

								<ul style="list-style-type: none"> • Saved UDP Policy CD46: Roof Terraces: This covers both significant overlooking of and disturbance to neighbouring properties and gardens, whereas this is not covered in the reasoned justification (34.3.39) or proposed Policy CL5 (c), although Policy CD46 is used regularly in decisions and appeals to cover these concerns. Reinstate references to gardens, and avoiding significant overlooking; • Saved UDP Policy CD49: Side Extensions: This needs to be carried through to proposed Policy CL2. • Saved UDP Policy CD52: Installation of Plant and Equipment: Proposed Policy CL6 (b) needs to be more explicit so that this covers the impact on the character and appearance of such plant – noise and vibration is dealt with by Core Strategy Policy CE6. • Saved UDP Policy CD53: Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.3.43 and proposed Policy CL6 (b) need to be amended to cover this. • Saved UDP Policy CD55: Off-street parking in forecourt & gardens: This policy contains the only explicit policy for preserving and enhancing the traditional street boundaries identified in conservation area appraisals (CAPS). Whilst the revised conservation and design chapter now includes reference to walls, railings, etc there is no specific policy that deals with this. A new policy after CR4 (g) is proposed. • Saved UDP Policy CD55: Mews: Proposed policy CL1 (h), although welcome, does not do the job. Mews need a new, purpose-built policy. • Saved UDP Policy CD77: Awnings and blinds: This policy deals with awning in all locations, whereas the only reference in the proposed new chapter is in CL10 (b)(iii) which only refers to shops. A general policy is needed. • Saved UDP Policy CD79: Hoardings: The revised policies CR4 (e) and (f) do not mention either temporary or permanent advertisement hoardings, which is an oversight – it also needs to refer to advertisement towers. The new policy is unsound if it does not deal with these challenges explicitly. • Saved UDP Policy CD81: Planting trees: The Local Plan is not just about development management, but also the Council's proposals for negotiating with developers to plant more trees. The policy on trees, welcome though it for its clarity and robustness, needs to be more proactive. 	Basements: CL7 and Conservation and Design: CL1 to CL12 (excluding CL7)		<p>make a positive improvement to the streetscape – The wording in the strategic element of the policy is considered sufficient and therefore additional wording is unnecessary.</p> <p>Specific recognition of the viability implications of attempting to take part of an existing shop in order to gain access to the first floor -The issue of viability can be a consideration by looking at 'functionality'. Viability is a material consideration for all planning policies, but there is no reason to make specific reference to it here.</p> <p>Need for a front boundary treatment policy linked to conservation area appraisals – disagree, covered in Policy CL6. Front boundaries included in the reasoned justification Para see34.3.43</p> <p>Views need to be covered by Conservation and Design policies - this is too much detail for the statutory plan – they are included in the Building Height SPD. It is not necessary to duplicate work.</p> <p>Overlooking issues due to roof terraces should be included in policy or reasoned justification - Covered by CL5(c) 'Visual privacy for occupants of existing properties affected by new development'. This covers overlooking, no change necessary.</p> <p>UDP Policy CD49 on side extensions should be carried through - This has been carried though in Policy CL9, which covers extensions. The specific criteria identified can be applied to side extensions.</p> <p>Policy CL6 (b) needs to be more explicit on plant machinery - Reasoned Justification paragraph 34.3.43 outlines the kind of things small scale additions include. Although not an exhaustive list, it includes reference to plant machinery.</p> <p>Policy CL6 (b) needs to be amended to cover Satellite Dishes – Reasoned justification for Policy CL6 includes reference to 'telecommunications' which would cover satellite dishes and antennae.</p> <p>A new policy seeking to preserve and enhance traditional street boundaries – this is already covered by Policy CL6</p> <p>Mews need a new, purpose-built policy - Mews are adequately covered alongside</p>
--	--	--	--	--	--	--	--	---	---	--	--

													<p>other building typologies in Policy CL1(h). A separate policy is unnecessary and may actually, by treating one typology separately, diminish the valuable contribution of other typologies to the townscape.</p> <p>General awnings policy required - Reference to awnings in CL10 relates to shop fronts. Add awnings to the reasoned justification of Policy CL6.</p> <p>Policy CR4 needs to include reference to temporary permanent and advertising towers - Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'adverts' see CR4(e) and the reasoned justification proceeding it.(see para 33.3.18)</p> <p>Policy on trees needs to be more proactive - The policy CR6 is proactive in 'requiring the provision of new trees'.</p>
Norland Conservation Society (Libby Kinmonth)	No (I am submitting a new response)	CONSERVATION & DESIGN PUBLIC POLICIES JAN 2014	No		Y	Y		<p>The aim of the C&D Policy Review was to incorporate the Saved UDP and Core Strategy policies into a single consolidated policy document, to improve and strengthen the Core Strategy approved in 2010. Though this results in some notable improvements, Norland Conservation Society considers this process has in fact weakened some of the policies and failed to incorporate some Saved UDP and Core Strategy policies, and failed to include some important policy initiatives - the result being less useful for determining Planning Applications, and thus not as sound as it should be.</p> <p>The Council and residents have relied on these policies for assessing proposals, making decisions and defending appeals. Most of these are not new – they have been used regularly as grounds for refusal and supported on appeal. These shortcomings should be corrected to achieve the intended aims.</p> <p>Our following comments do not include any positive comments on improvements to the UDP and Core Strategy, of which there are many. We concentrate on criticisms which demonstrate our contention above, and list the points we consider should be corrected (or added) to achieve "soundness". (They simply follow the order of the C&D Policy Review (publication policies):</p> <p>Context and Character 34.3.10: It is unclear what is meant by "backland sites", and point 34.3.10 has no proposals for them. In a Conservation Area, such as Norland, the open spaces behind and between the houses, created by private gardens, are essential to the character and charm of the area; an important aim of planning policy should be to prevent any intrusion into these spaces by extensions or outbuildings which would jeopardise this character. 34.3.10 makes no proposals, and is therefore redundant and "unsound": it is clearly not based on a practical understanding of the character of such neighbourhoods.</p>	Yes		Yes	<p>Backland sites not defined and not dealt with - Backland sites are defined in para 34.3.10. The term is used in policy CL1(g). The issue of gardens is dealt with in a separate policy (see Policy CR5(b)).</p>	

								<p>must show the relationship to neighbouring buildings.</p> <p>Heritage Assets - Listed Buildings etc CL4: This omits two clauses from the Core Strategy which seem important: g. require development to protect the setting of listed buildings, scheduled ancient monuments or sites of archaeological interest; h. resist development which would threaten the conservation, protection or setting of archaeological remains; These should be reinstated to be "sound"</p> <p>Living Conditions CL5 (b) loses by comparison to Core Strategy CL5 (a): " a. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;" CL5(b) represents a considerable reduction in protection from the current Core Strategy policy CL5 (a) and the Saved UDP Policy CD33. It is therefore not as "sound" as it could be. This policy does not say anything either about the importance of open spaces - same point as 34.3.10 above</p> <p>Small-scale alterations and additions CL6 omits: " b. require telecommunication, plant, micro-generation and other mechanical equipment to be sited discretely so that visual amenity is not impaired." Thus not as "sound" as it should be.</p> <p>Existing Buildings - Roof Alterations/additional storeys CL8 omits any control over roof terraces, and thus fails to take account of current living trends - to "objectively assess development and infrastructure requirements..." and be founded on a proportional evidence base: an increasing trend is to install olive trees, palm trees, gas heaters, parasols on roof terraces, as well as surrounding trellises quite out of keeping with the historic design of houses in Conservation Areas. This needs to be controlled by a clause along the following lines: "(c) To resist roof terraces enclosures, planting and furniture which would adversely affect rooflines" Otherwise this Policy does not go as far as it needs to be "sound": Saved UDP Policy CD46 is not fully provided in the revised policy. What is missing is specific reference to roof terraces that would cause significant overlooking of or disturbance to neighbouring properties or gardens. Since this is frequently an issue both for applications and appeals for terraces and balconies at any level, but particularly at higher levels, of rear extensions and at roof level, the issue needs to be covered by this policy. Without full coverage of the policies within CD46 the revised proposal is unsound.</p>					<p>can be advised as part in separate guidance.</p> <p>Policy CL4g and h in Core Strategy should be re-instated - Protection of setting and significance of heritage assets dealt with in Policy CL4 (b)</p> <p>Reduced protection for sunlight and daylight conditions - Policy CL5(b) requires all development to ensure good light conditions. This does not result in reduced protection.</p> <p>Policy to ensure discrete location of telecommunication and plant machinery needs to be included - This is dealt with in Policy CL6(c).</p> <p>Need Policy to resist roof terraces, furniture and planting - Planting and furniture does not constitute development and therefore does not come under planning control. Control of roof terraces is covered by Policies CL5 & CL6 regarding specific aspects.</p>
--	--	--	--	--	--	--	--	---	--	--	--	--	--

								shops, offices etc to residential, the Conservation and Design policy should include some protection against this happening, and neighbourhoods becoming mere dormitories, or, worse, short-term lets. To the extent that this is missing, the Policy is "unsound".						Conservation and Design Policies should protect against the loss of other uses to residential use - Protection of uses which contribute to the character of the surrounding area is protected by Policy CL3(b). Further protection of other uses are outlined in other policies in the Core Strategy.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL1,CL2,CL3,CL4,CL5,CL6,CL8,CL9,CL10,CL11,CL12,CR4,CR5	No			Y		<p>We welcome the proposal to update the conservation and design policies and the separation of the original policy CL2 into separate sections which can be supported by specific reasoning. We also welcome the recognition of the need to update the format of the Conservation Area Appraisals and their recognition in the updated Policy.</p> <p>We consider however that in the attempt to reorganise the existing policies many useful and important aspects of current policy which support the preservation of our environment have been lost. We have set these out below and believe that if these are reinstated then the Policy would be found to be sound</p> <p>Conservation and Design Policy Review Supplementary comments from the Edwardes Square Scarsdale and Abingdon Association</p>	Yes		Yes	On the aspects set out above .	Important aspect of current policy have been lost - disagree, with no further information provided it is difficult to respond to specific concerns regarding soundness.	
St. John			No					I think the changes proposed are a reduction of conservation and design protection, I disagree with the proposed changes, they are unsound. They are not sound. We are sick to death of all					Reduction in protection - . disagree, with no further information provided it is difficult to respond to specific concerns regarding soundness.	
Brompton Association (Sophie Blain)			No					<p>We have read the Conservation and Design Policy Review document with interest. We note it is entitled "Building on Success".</p> <p>We are concerned that this suggests that the Borough is somewhat pleased with itself about its achievements in both planning and design in recent years. We consider that this suggests a level of smugness that is not justified by the reality.</p> <p>The reality is that the heritage in RBKC and the quality of the built environment generally is not necessarily being significantly improved by new developments. There are certainly some improvements which are welcome. The new public space created around South Kensington tube station being one such example, but this only happened because local amenity groups campaigned vociferously for it. When the Exhibition Road Project was formulated, the idea of improving the South Kensington end was not part of the Project and when it was suggested it should be there was major Council resistance. We were told it represented "project creep", was unaffordable and would endanger the rest of the project.</p> <p>Happily common sense prevailed eventually, and the Council saw the merit in addressing the public realm around the tube station and today we see the benefits of pressure brought to bear by informed local groups. We mention this because the Council, in our view, tends to have a very high handed attitude to design issues and tends to ignore the views of local amenity groups who know their areas well and appreciate their historic</p>					General concerns noted.	

									<p>architectural legacy for the Borough.</p> <p>The Borough grandly (and arrogantly in our view) promoted itself very publicly as the successor to Prince Albert in having an architectural "vision" for Exhibition Road. Whilst the pedestrian scheme for Exhibition Road has considerable advantages on the traffic congested road that existed before, we think only time will tell whether the scheme is truly exceptional in a design sense.</p> <p>We have a real concern that the policies promoted in the current document will in fact lead to genuine enhancement in the Borough. More worryingly, they will be used as a developers' charter to push through controversial and unsympathetic proposals which, as in the 1960s, will come to be deeply regretted. We fear there is a real sense of history repeating itself.</p> <p>There is no real understanding in this document of authenticity, of historic fabric being significant because it is historic, or what truly constitutes a sense of place. There is little understanding of what contributes to true character or to architectural interest or to what is important in ensuring area wide conservation.</p> <p>In summary, we consider this document to be thoroughly unsound and require fundamental revision.</p>					<p>There is no real understanding in this document of authenticity, of historic fabric being significant because it is historic, or what truly constitutes a sense of place – Disagree, the importance of heritage assets are outlined in Policy CL3 and Policy CL4.</p> <p>There is little understanding of what contributes to true character or to architectural interest or to what is important in ensuring area wide conservation.- It is not for conservation and design policies to outline the character and historic/architectural interests of areas. This will be done through the production of Conservation Area Appraisals, which will have material weight in planning decisions.</p>
Charik			No						My objections and reasons are the same as those submitted by the Kensington Society					Noted - see Council's response to the Kensington Society
Notting Hill Gate KCS	Yes (with no further changes)	CL2; CL11; CL12	No		Y	Y	Y		<p>Design Quality, replacement paragraph 34.3.18, p9</p> <p>The NPPF requires plans to be both positively prepared and effective. In our previous representation, we supported policy CL2 and its preceding text, as we felt that the proposed text would fulfil both of these requirements. Our representation suggested that the supporting text and the policy be retained as drafted. Although the policy has remained the same, the new draft of the supporting text has been altered in the following ways:</p> <ul style="list-style-type: none"> • The term 'eyesore' has been removed • Specific 'eyesore' buildings are no longer identified <p>We support the flexible approach to facilitate redevelopment of unattractive buildings. However, as drafted, the supporting text would not be positively prepared, as it is a Core Strategy Objective to redevelop Newcombe House, which would be considered as one of the buildings that 'detract from their surroundings'. Failing to mention specific buildings would conflict with this objective.</p> <p>The proposed text would also not be effective and therefore would fail another test of soundness. Due to the constraints of the site, the redevelopment of Newcombe House would require a flexible approach. Should Newcombe House not be identified as an 'eyesore'</p> <p>building, this flexibility of redevelopment may be compromised</p>					<p>CL2 and 34.3.18 – plan inconsistent as this policy does not support objective elsewhere of redevelopment of Newcombe House: concern that policy may not be applied to Newcombe House – The Council recommends that the policy and its accompanying reasoned justification be deleted. This is because any flexibility can be properly weighed up against policies as 'material considerations'</p>

Jane Heffron																							<p>Conservation and Design Policy Review: February 2014 Comments by the Kensington Society The Kensington Society is concerned that this is the first time we have seen the current draft. It has been, as the document says, "extensively redrafted", which means that all changes from the previous draft can be commented upon. We are concerned about:</p> <ul style="list-style-type: none"> • some of the changes made in response to comments on the last draft, including those in response to comments by the Society; • any remaining gaps and omissions, including the response to comments identifying gaps, where various Saved UDP policies were not covered – without which the proposed revised policies would be unsound. We have undertaken a complete review (see section on Saved Policies) and propose additional material be added to the reasoned justification and/or the policies to cover omissions. We are asking the Inspector to support these changes or declare the policies unsound; and • the need for more references to the role and content of the proposed conservation area appraisal documents to provide a link for all users. The Society considers that it is vital to consider the needs of the three key stakeholders – applicants, neighbours/local residents and planning officers. This means that both the reasoned justification and policies need to be clear and unambiguous in stating both requirements and expectations. For example, the Society considers the content of conservation area appraisal documents needs to be highlighted for all three of the stakeholder groups and the expectation in terms of heritage information and drawings that include the elevations of neighbouring buildings should be flagged up strongly in the reasoned justification and, wherever possible and appropriate, to cover it in the policies. Gaps and Omissions <p>The main gaps and omissions relate to Saved UDP Policies which the Society considers must be incorporated in the new Conservation and Design elements of Chapters 33 and 34</p> <p>. These include:</p> <ul style="list-style-type: none"> • CD policies dealing with the Thames, Royal Hospital, South Kensington Museums and developments affecting Metropolitan Open Land; • CD 46: Roof terraces • CD48: Conservatories • CD49: Side extensions • CD52: Plant and equipment • CD53: Satellite dishes and antennae • CD54: Car parking on forecourts and gardens – impact on streetscape • CD55: Mews • CD79: Hoardings • CD81: Planting trees <p>The Council and residents have relied on these saved policies for making decisions and defending appeals.</p> <p>These policies must be included or even improved upon – if not we would consider that the policies have been weakened, which we consider makes them unsound. These are not new policies – they have been vetted and saved and used regularly as grounds for refusal and supported on appeal.</p> <p>Conservation Area Appraisals: The Council has decided to embark on a three-year programme of reviewing the series of Conservation Area Proposals Statements (CAPS) – this must be stated in the revised Conservation section. Part of this review of Conservation and Design was to ensure that any policies in the current CAPS were incorporated in the revised Core Strategy both to ensure consistency but also to be sure</p>
--------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

Saved UDP Policies should be retained, the current policies weaken protection. – Disagree - see below for details. There are no policy 'gaps' or weakening in protection. This is a misunderstanding of how the Core Strategy policies work.

								<p>appraisals.”</p> <p>CL9: Existing Buildings – Extensions and Modifications Para 34.3.81: Conservatories: This does say clearly that conservatories will be resisted above garden level” - “location in relation to the building and garden” is ambiguous and does not relate to the policy. See wording of Policy CL9 (j) Para 34.3.82: Line 7: Add to the list “balustrades, piers” after “railings” (cf para 34.3.43) to include the range of front boundary treatments to be retained or reinstated. CL10: Shopfronts Para 34.3.83: As justification for the policy of driving up the quality of the area, the reasoned justification needs to support this. At the end of para 34.3.83 add: “All changes to shop fronts should make a positive improvement to the streetscape.” This is essential to make the headline of this policy have meaning for applicants and planning officers. Para 34.3.87: Line 6: Add “and/or viability” – this deals with proposals like 1-3 Thackeray Street, where the building owner was trying to take over the first floor of the shop as a flat and take part of the ground floor to provide access, so undermining the viability of the remaining business.</p> <p>AN ENGAGING PUBLIC REALM Streetscape Para 33.3.16: Line 1: After “conservation areas” add “which cover about 75% of the Borough”. Para 33.3.17: Line 8: After “furniture” add “, retention of historic street furniture” – to provide the reasoned justification to support Policy CR4(c) – it is not set out anywhere else. Para 33.3.19: Line 2: after “parking” add “, including the loss of railings, walls, piers and trees” as these are essential to preserve and enhance the streetscape. Parks, Gardens, Open Spaces and Waterways: Para 33.3.25: Fourth sentence: This gives the wrong impression – it is a strategic issues that the Borough has one of the lowest amount of open space/1000 population in London. CR5 (a) is substantially similar to the existing Core Strategy policy, there is a need for the policy to deal with encroachment into open spaces, especially communal gardens. Policy CR5 (a) change to read: “a. resist the loss of or encroachment into existing:” ii. After “open space” add “, such as garden squares”.</p>				<p>34.3.20.</p> <p>Policy CL9(j) ambiguous does not prevent conservatories above garden level – Policy CL9(j) allows for proper appraisal without compromising the character and integrity of the original building. It refers to where conservatories should be located within the reasoned justification.</p> <p>All changes to shop fronts should make a positive improvement to the streetscape - disagree CL10bii) adequately covers the requirement for shop fronts to have a positive visual impact on the street scene.</p> <p>34.3.87: Line 6: Add “and/or viability” – Disagree, the word functionality covers issues of viability.</p> <p>Para 33.3.17: Line 8: After “furniture” add “, retention of historic street furniture” – to provide the reasoned – Disagree issue covered in Policy CR4(c).</p> <p>Para 33.3.19: Line 2: after “parking” add “, including the loss of railings, walls, piers and trees” – disagree this is dealt with in Policy CL6 small scale alterations and additions.</p> <p>Policy CR5 (a) change to read: “a. resist the loss of or encroachment into existing:” ii. After “open space” add “, such as garden squares”. – disagree, covered under loss of public or private open space additional wording is superfluous.</p>
Onslow Neighbourhood Association (Eva Skinner)		No						<p>The Onslow Neighbourhood Association, representing around 260 members in the South Kensington area, has reviewed this document which contains many policies, and has found that there are many unsound paragraphs within the individual policies. But in many cases those paragraphs could be made ‘sound’ by the correction of the unsoundness. On this basis we will go through the document, identifying the</p>				<p>Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.</p>

									the NPPF; <ul style="list-style-type: none"> • Replace references to the 'protection and enhancement' of views in Policy CL11, with the requirement to demonstrate that no harm has been caused to views, vistas and gaps; • Remove references in Policy CL12 to a prevailing building height and any arbitrary maximum building height; and • Remove references in Policy 12 to District landmarks as 'exceptionally rare' and replace with a reference noting that appropriate building heights will be considered on a case by case basis. 					properly weighed up against policies as 'material considerations'
													<p>CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of the quality of the townscape of the borough, this is approach regarded as appropriate.</p> <p>CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – The policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and London Plan, which require context to be an important dimension in design quality. The statement that district landmarks are exceptionally rare is a statement of fact.</p>	
Joseph	No (I am submitting a new response)		Yes							Yes		No	Joseph	Support for soundness of the policy noted.
CL1														
Wurtzburg	No (I am submitting a new response)	The planning policy states the policy but then meanders, ifs and buts. The policy should be stated and be unequivocal. It must be sound so that it cannot be circumvented by	No			Y			Already stated in statement No.3.	No		No		<p>Policy should be unequivocal -The Council notes the concerns raised but the policies as drafted are robust while providing sufficient flexibility to be consistent with national policy, justified, effective, positively planned and legally compliant.</p>

		anyone, lawyers, developers, not anyone.												
Alan Marchant		Conservation and design Policy review. CL2 Design Quality. ii. Robust - well built, remain in good condition and adaptable to changes of use, lifestyle, demography and climate;	Yes	When designing a new basement in a conservation area they must be good quality and adaptable to change, given that it will be a permanent structure with a high rate of carbon emissions. It shall remain in good condition by, so they last the test of time with a growing family's interests in mind.						Yes		Yes	CL2 Design Quality.	Support for soundness of Policy CL2a ii noted.
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL1	No		Y	Y	Y	Y	I do not consider the planning policy to be sound because it is not effective, justified or positively prepared – in places it is also contrary to national policy. I set out my reasons for believing this and how some parts of the policy could be made sound. However, some sections of the policy are so far from sound (they require re-writing from scratch and cannot simply be amended) and so many former policies that were valuable have effectively been deleted in their entirety that I consider the policy should fall as unsound in its entirety. I do wish to appear at any Examination on all of the matters listed below. Please also carry forward my representations to the July/September 2013 Conservation and Design Publication Planning Policies consultation with the additional proposed changes and evidence as set out below. ----- This section is not effective: 34.3.9 A comprehensive approach should be taken towards site redevelopment to make the best use of the land and improve the appearance of the area. Where appropriate this should include an assessment of the development potential of nearby sites to avoid piecemeal and uncoordinated development. as it is unclear what definition is being given to the word 'site'. We consider this policy should apply only to major (large scale covering a site of many m2) sites and that the text should be amended to make this clear. At present the drafting is such the policy could apply to a single small property. Context and Character - Protection of Mews Section 34.3.11 and the proposed policy at CL1 is not sound as it is not justified (it is not founded on a proportional	No		Yes		Para 34.3.9 should be made clear only referring to large sites- disagree, all development should consider these issues.

								<p>everywhere) than that proposed for Mews. In conclusion, we consider that the proposed policy is not sound as it is neither justified nor effective for the above reasons and that it should be altered to state</p> <p>34.3.11 The many mews streets in the Borough form an integral part of the nineteenth century pattern of development of this area of London. Indeed, the mews as a feature of the townscape is one of the factors that distinguish London from other cities. Mews streets make an important contribution to the Borough's character and appearance. There is considerable pressure for the carrying out of alterations to Mews and sometimes for total demolition of individual properties and this pressure is threatening the essence and character of these mews streets and consequently, undermining the character and appearance of these key features of the Borough. They are an effective form of development for making good use of the space within larger perimeter blocks.. Whilst their origin as stable blocks for large houses means that they are generally of modest design, they do have a distinct character based on their consistency, simplicity and unity.</p> <p>CL1 Context and character</p> <p>i. resist the demolition of, and inappropriate alterations and extensions to, artists' studios and Mews properties.</p>					
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL1	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.		Y	Y	<p>VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document.</p> <p>In commenting on and making suggested changes we have considered:</p> <ul style="list-style-type: none"> • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. <p>From this the Society proposes:</p> <ul style="list-style-type: none"> • a specific and stronger policy for mews: Policy CL1(h) does not do this – we have the most beautiful mew in London in our area – Kynance Mews; • clarify that Policy CL1(i) covers the loss of artist's studios through change of use (CL1(i) – these need greater protection; <p>Saved UDP Policies</p> <p>Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.</p> <p>The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:</p> <ul style="list-style-type: none"> • Saved UDP Policy CD55: Mews: Proposed policy CL1 (h), although welcome, does not do the job. Mews need a new, purpose-built policy. 	Yes		Yes		<p>A specific and stronger policy for mews: Policy CL1(h) does not do this; - Mews are adequately covered alongside other building typologies in CL1(h). A separate policy is unnecessary and may by treating one typology separately diminish the valuable contribution of other typologies to the townscape</p>
Edwardes Square Scarsdale &	Yes (but with the additional changes as set	CL1	No			Y		<p>Policy CL1 Context and Character</p> <p>Although the validation procedures do require some information on adjoining buildings, we consider that this should</p>	Yes		Yes	Edwardes Square	<p>Include a requirement to provide information regarding adjoining and nearby buildings - A requirement to provide drawings or</p>

Abingdon Association (Anthony Walker)	out in this response form)								be expanded to require submission of 'accurate information regarding adjoining and nearby buildings as necessary to enable an assessment of the context and character and ways in which the proposals relate to this context'. We consider that this requires either an additional paragraph or the amplification of paragraph 34.3.4 . We consider that CL1c could be made sound if modified. There are no parameters to the level of density which may be appropriate, nor any basis on which an appropriate balance could be achieved between optimum density and sensitivity to context. In conservation areas or where it is related to other designated heritage assets, the latter will require an assessment of significance. We suggest that, to provide parameters for density assessment, reference should be made to London Plan Policy 3.4. We consider that CL1i could be made sound if modified. We consider that the wording of CD55 was more appropriate and suggest that the wording of CL1i be changed to 'Ensure that the character of mews properties is preserved and enhanced and will resist inappropriate alterations and extensions or changes of use'.				Scarsdale & Abingdon Association (Anthony Walker)	information is a process issue to be outlined in the validation requirements and not a matter for planning policy. Include reference and explanation of London Policy 3.4 – disagree dealt with in the London Plan, adding further justification to these policies would lead to unnecessary duplication. Mews need a new purpose-built policy - Mews are adequately covered alongside other building typologies in CL1(h).
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CL1	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.		Y	Y		VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. From this the Society proposes: • a specific and stronger policy for mews: Policy CL1(h) does not do this – we have the most beautiful mew in London in our area – Kynance Mews; • clarify that Policy CL1(i) covers the loss of artist's studios through change of use (CL1(i) – these need greater protection; Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD55: Mews: Proposed policy CL1 (h), although welcome, does not do the job. Mews need a new, purpose-built policy.	Yes		Yes	The Kensington Society (Amanda Frame)	Mews need a new purpose-built policy - Mews are adequately covered alongside other building typologies in CL1(h). Clarify that Policy CL1(i) needs to covers the loss of artist's studios through change of use - This is covered in Core Strategy Policy CF7.
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	Y	CL1 Context and Character This policy is Unsound, but could be made sound as follows: b. add the following words at the end of the existing statement 'by including elevation drawings of the properties on either side of the proposed development.' c. after 'optimised' insert 'as outlined in The London Plan Policy 3.4 from which developments should only exceptionally depart, and the development should be sensitive to context' i. replace this statement with 'resist the demolition of, inappropriate alterations and extensions to, and change of use of Artists' studios.'	No		Yes	Onslow Neighbourhood Association (Eva Skinner)	Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue and not a policy issue. Include reference and explanation of London Policy 3.4 – Disagree dealt with in the London Plan, adding further justification to these policies would lead to unnecessary duplication. Clarify that Policy CL1(i) needs to covers the loss of artist's studios through change of use

								<p>policies that would or would not be flexed listed. In conclusion, we consider that the proposed policy is not sound as it is not effective for the above reasons and that it should be altered to state</p> <p>CL2 Design Quality The Council will require all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions..... iv. Locally distinctive Of high quality - responding well to its context; b. require an appropriate architectural style on a site by-site basis, in response to: i. the context of the site; ii. the building's proposed design, form and use; iii. whether the townscape is of uniform or varied character; c. facilitate the redevelopment of 'eyesores' – buildings with an architectural style or scale/bulk entirely inappropriate to their local context and/or that cause harm to the surrounding area – by potentially offering some flexibility in relation to conservation and design policies. Such flexibility will only be offered only rarely and only where redevelopment with buildings more suited to their context is demonstrably unviable.</p>					<p>Amendments to Policy CL2 delete criteria for design quality in subsection a – disagree, stripping out criteria would restrict the basis upon which design quality is judged in RBKC.</p> <p>Amendments to policy CL2c – Agree Council will recommend to the inspector the removal of this policy.</p>
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL2	Yes and No	The Victoria Road Area Residents' Association (VRARA) strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, VRARA does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that chapters 33 and 34 as a whole are sound.		Y	Y	<p>VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document.</p> <p>In commenting on and making suggested changes we have considered:</p> <ul style="list-style-type: none"> • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. <p>From this the Society proposes:</p> <ul style="list-style-type: none"> • removal of the policy on eyesores (CL2(c)) – we hate the Holiday Inn on Cromwell Road, but for any redevelopment we would a tougher approach not a more relaxed one; 	Yes		Yes	<p>Remove policy CL2c – Council will recommend to the inspector the removal of this policy.</p>	
Jamie Wallace	No (I am submitting a new response)	Policy CL2 part a. ii. – Design Quality	Yes	Part a. ii. of policy CL2 is welcomed and supported in that allowance is made for the need to design development in a manner which is adaptable to changes of use as well as lifestyle. Through this, it is acknowledged that good design can meet the changing needs of					Yes		No	Support for soundness of Policy CL2 Noted	

				<p>buildings and indeed the way in which they are used.</p> <p>It is considered that this adaptability to changing circumstances is especially relevant in context of listed buildings, where alterations to fit the purposes of the modern lifestyle are often required in order to maintain and ensure our historic buildings future use. Such circumstances may also include the need to improve accessibility to fit the needs of ageing occupiers.</p>								
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL2	No		Y		<p>Policy CL2 Design Quality Paragraph 34.3.18. We ask for clarification as to whether the Conservation Area Appraisals will be SPD's or DPDs. If they are neither of these then they would need to be added at the end of this paragraph.</p> <p>We consider that the related policy CL2c could be made sound if modified. There is no clear process by which 'eyesore' can be identified or by whom it should be identified. While appearance may be a prime consideration, there might also be examples where the impact on the living conditions of nearby buildings might be a valid consideration. We suggest that it would be appropriate to require a process similar to that in the NPPF, paragraphs 133, 134 and 135, stating that where there is harm to designated and non designated heritage assets this has to be balanced against public benefits. If a revised wording cannot be found then we would recommend that this subclause is deleted.</p>	Yes		Yes	On the aspects set out above .	<p>Add Conservation area appraisal to para 34.3.18 – Agree, additional wording is recommended to the inspector at paragraph 34.3.20.</p> <p>Define eyesore or delete – Agree, the Council is recommending to the inspector that this policy be deleted.</p>
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CL2	Yes and No	<p>The Society strongly supports the consolidation, updating, reorganisation and improvements to this chapter. Most of the chapter is sound – it is well worked over material. However, the Society does consider that improvements are needed and omitted or partially addressed issues need to be incorporated in this new chapter before the Society agrees that</p>	Y	Y	<p>The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. From this the Society proposes: • removal of the policy on eyesores (CL2(c)) – we hate the Holiday Inn on Cromwell Road, but for any redevelopment we would a tougher approach not a more relaxed one;</p>	Yes		Yes		<p>Removal of the policy on eyesores (CL2(c)) – Agree, the Council is recommending to the inspector that this policy be deleted.</p>

				chapters 33 and 34 as a whole are sound.												
GVA (Georgina Church)	Yes (with no further changes)								In summary, we consider that the following amendments should be incorporated if the policies are to be considered sound: <ul style="list-style-type: none"> • Re-insert the term 'eyesore' into Policy CL2 and identify Newcombe House as an eyesore in the supporting text; • Include a note of support in Policy CL2 for innovation, originality and initiative, in accordance with paragraph 60 of the NPPF; • Replace references to the 'protection and enhancement' of views in Policy CL11, with the requirement to demonstrate that no harm has been caused to views, vistas and gaps; • Remove references in Policy CL12 to a prevailing building height and any arbitrary maximum building height; and • Remove references in Policy 12 to District landmarks as 'exceptionally rare' and replace with a reference noting that appropriate building heights will be considered on a case by case basis. 					CL2 – plan inconsistent as this policy does not support objective elsewhere of redevelopment of Newcombe House: concern that policy may not be applied to Newcombe House – The Council recommends that the policy and its accompanying reasoned justification be deleted. This is because any flexibility can be properly weighed up against policies as 'material considerations'	CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of the quality of the townscape of the borough, this is approach regarded as appropriate.	CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – the policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and the London Plan which require context to be an important dimension in design quality. The statement that district landmarks are exceptionally rare is a statement of fact.
Policy CL3																
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL3	No		Y	Y	Y	Y	This entire policy is not sound as fundamental elements of it are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives and it is not founded on a proportional evidence base). In particular, section 34.3.23 and CL3 c) provides no justification for its repeated references to harm (even including demolition) to heritage assets (even including those of the highest designated heritage assets) being potentially justifiable where there is public benefit. There is no definition of what "public benefit" and no indication of how it might be quantified – leaving a decision on whether or not harm is justified to be an entirely subjective judgement. No evidence has been presented justifying this approach and national policy is clear that the focus should be on the preservation of historical assets and not their alteration – still less demolition. So fundamentally unsound is this policy that it is beyond my power to suggest alterations that would	No		Yes		Unsound due to the lack of an evidence base. No definition of public benefit. Disagree- Policy has been reworded to ensure consistency with the NPPF and therefore soundness. The balance of harm versus public benefits is entirely consistent with national guidance see paragraphs 133 and 134 of the NPPF.		

								render it sound. At the very least the sections marked below need to be struck down and deleted as indicated: 34.3.23 The partial or full demolition of a heritage asset, or its alteration, whether it be a listed building or unlisted structure of historic or architectural merit, can cause irreversible damage to the character and appearance of our high quality townscape. The harm caused will therefore be carefully weighed up against any public benefit that might result. However, as heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. Substantial harm to or the loss of a listed building, park or garden would be exceptional whilst that to the highest designated heritage assets would be wholly exceptional. CL3 Heritage Assets - Conservation Areas and Historic Spaces c. resist substantial demolition in conservation areas unless it can be demonstrated that: i. in the case of substantial harm or loss to the significance of a heritage asset it is necessary to achieve substantial public benefits that outweigh that harm or loss; ii. in the case of less than substantial harm to the significance of a heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; iii. the building or part of the building or structure makes no positive contribution to the character or appearance of the area;					
Victoria Road Area Residents' Association (Michael Bach)		CL3	Yes and No	See previous comments		Y	Y	VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • greater clarity on the need to provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings 34.3.4. 34.3.25 and Policy CL3(d) – we have had a particularly bad experience with 5 Victoria Grove;	Yes		Yes	Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - disagree- A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.	
Edwardes Square Scarsdale & Abingdon Association	Yes (but with the additional changes as set out in this response form)	CL3	No			Y		Policy CL3 Heritage Assets- Conservation Areas and Historic Spaces Paragraph 34.3.20, line 6, change 'needs to' to 'should'. Paragraph 34.3.24 The first sentence is policy which should be incorporated in CL3. We therefore consider	Yes		Yes	On the aspects set out above . Paragraph 34.3.20, line 6, change 'needs to' to 'should', disagree – would represent a weakening of the wording, not an issue of soundness,	

(Anthony Walker)									that CL3 could be made sound if modified. Policy CL3ciii We consider that this could be in conflict with CL2c as drafted. We do not oppose this paragraph but consider it reinforces the need to change or delete CL2c.					Policy CL3ciii We consider that this could be in conflict with CL2c as drafted – disagree CL2c deals with eyesores, which make no positive contribution to the character and appearance of an area, which would be consistent with the approach in CL3ciii. Council notes concerns in regard to Policy CL2c and is recommending deletion.
The Kensington Society (Amanda Frame)		CL3	Yes and No	See previous comments		Y	Y		The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • greater clarity on the need to provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings 34.3.4. 34.3.25 and Policy CL3(d) – we have had a particularly bad experience with 5 Victoria Grove;	Yes		Yes		Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - disagree- A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy.
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	Y	CL3 Heritage Assets - Conservation Areas and Historic Spaces This policy is Unsound in that The National Planning Policy Framework confuses the issue by stating “Not cause harm to the significance of Heritage Assets unless it is necessary to deliver public benefits which would outweigh this harm” and then in clause 133 changing the statement to “where a proposed development will lead to substantial harm or total loss of significance of a designated Heritage Asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.....” Thus this latter statement relates to ‘substantial public benefits’ whereas the former statement only referred to ‘public benefits’. c. i. refers to ‘substantial public benefits’ why not ‘public benefits’ Why has RBKC chosen the latter description of public benefits? c. ii. refers this time to ‘public benefits’ not ‘substantial public benefits’ Why has RBKC chosen the former description of public benefits? c. iii. the word ‘existing’ should be introduced in front of ‘building’ and change from ‘part of the building’ to ‘part of the existing building’	No		Yes	Onslow Neighbourhood Association (Eva Skinner)	Provide drawings that show elevations of neighbouring properties in conservation areas and next to listed buildings - A requirement to provide drawings and certain elevations is a process issue to be outlined in the validation requirements and not a matter for planning policy. Refers this time to ‘public benefits’ not ‘substantial public benefits’ Why has RBKC chosen the former description of public benefits? – This is done to remain consistent with national policy (NPPF) and ensure soundness. c. iii. the word ‘existing’ should be introduced in front of ‘building’ and change from ‘part of the building’ to ‘part of the existing building’ – disagree, additional wording superfluous as policy is clearly concerned with the demolition of existing buildings.
Policy CL4														
Austin	No (I am submitting a new response)	Conservation and Design Policy	No							Yes		No		Noted.

Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL4	Yes		Y	Y	Y	Y	CL4 Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology Sections of this text are unsound (unjustified) – in both cases perhaps to a typo or perhaps simply poor drafting as the policy is entirely unclear in what it is trying to achieve. Given the lack of clarity as to what the text is due to say, it is not possible to amend the text to make it sound, so we would ask that it be deleted. d. require the reinstatement or removal of internal or external architectural features of listed buildings or scheduled ancient monuments, commensurate with the scale of the development; f. strongly encourage ensure any works to a listed building are carried out in a correct, scholarly manner and where necessary by appropriate specialists;	No		Yes		CL4d should be deleted – Council will recommend a clarification of the wording on this policy but not to delete it. Policy CL4f should be deleted - Council will recommend a clarification of the wording on this policy but not to delete it.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL4	No			Y			Policy CL4 Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology We consider that the use of the term 'listed buildings' might be construed as excluding other listed structures such as post boxes etc. We suggest that it would be better to use the term adopted by English Heritage: 'designated heritage assets'. If that is not done then we would like to see the addition of 'or other listed structures' after each reference to a listed building. We consider that Policy CL4 could be made sound if modified. We consider that it would be beneficial if the clause were cross-referenced to Policy CR4c	Yes		Yes	On the aspects set out above	Policy CL4 we would like to see the addition of 'or other listed structures' after each reference to a listed building – disagree, historic post boxes covered in Policy CR4 so no need to duplicate protection.
Tom Hawkey DP9									CL4b Proposed policy CL4b resists the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance, both internal and external. <i>Consistent with National Policy?</i> NPPF paragraph 129 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage assets) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 131 requires local planning authorities to account of: <ul style="list-style-type: none"> • The desirability of sustaining and enhancing the significance of a heritage asset and putting them to viable uses consistent with their conservation; • The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and • The desirability of new development making a positive contribution to local character and distinctiveness. Paragraphs 132 and 133 require development that will lead to substantial harm to a heritage asset to be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh					CL4b does not allow for the identification and

									<p>that harm or less. Para 134 requires development proposals that will lead to less than substantial harm to the significance of a designated heritage asset to have the harm weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p>CL4b does not allow for the identification and assessment required by 129 and does not allow the local planning authority to take account of the provisions of paragraphs 131, 132 and 133, and therefore conflicts with national policy.</p> <p>We recommend the policy is reworded as follows borrowing the language used in preceding proposed policy C3:</p> <p>CL4b. resist the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance, both internal and external unless it is can be demonstrated that:</p> <p>i. in the case of substantial harm or loss to the significance of a heritage asset it is necessary to achieve substantial public benefits that outweigh that harm or loss;</p> <p>ii. in the case of less than substantial harm to the significance of a heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm;</p> <p>We would also recommend the inclusion of appropriate supporting text as at proposed policy CL3.</p>					<p>assessment required by 129 and does not allow the local planning authority to take account of the provisions of paragraphs 131, 132 and 133, and therefore conflicts with national policy. Disagree, the approach to demolition and loss of harm of heritage assets is covered in Policy CL3.</p>
--	--	--	--	--	--	--	--	--	---	--	--	--	--	--

Policy CL5

Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL5	No		Y	Y	Y	Y	<p>Living Conditions</p> <p>This entire policy is not sound as fundamental elements of it are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives and it is not founded on a proportional evidence base). It is also not positively prepared as the planning policy is not “based on a strategy which seeks to objectively assess development and infrastructure requirements”. In particular, sections 34.3.35, 34.3.37, 34.3.39-40 and the policy at CL5 are not sound – and in some cases the statements are factually incorrect.</p> <p>The counsel of despair is not a justification, and an abandonment of all living condition standards is neither consistent with national policy, nor indeed European and national human rights legislation with its unqualified requirements to respect of privacy and family life. The current policy would facilitate breaches of such rights and as such is not legally compliant.</p> <p>While existing conditions in the Borough may well be substandard in some places – this is no justification for allowing such a situation to continue, let alone encouraging it as the current proposed policy would do. It is vital that where conditions, such as sunlight and daylight, privacy and overlooking, and sense of enclosure are already “stretched”</p>	No		Yes		
---	--	-----	----	--	---	---	---	---	--	----	--	-----	--	--

								<p>circumstances. The text is also factually incorrect as there are many circumstances, not just lightwells, where problems will arise.</p> <p>It is neither justified nor effective to work on a policy that assumes national standards will be breached that and clear testable outcomes should be abandoned. No evidence has been presented justifying this approach and justifying deviating from national policy on living standards. So fundamentally unsound is this policy that it is beyond my power to suggest alterations that would render it sound. It should be rejected as unsound as to delete what would be required to render it sound as set out below would result in no policy. Nonetheless, to render the policy closer to sound the following changes should be made</p> <p>34.3.35 The historic character and dense nature of the Borough means that the living conditions that might be expected elsewhere in modern developments are most unlikely to be achieved here. Particular attention needs to be paid to these matters to attempt to address rising public expectations in relation to living conditions, including access to open space. However, implementing living conditions by fixed standards, normally derived from modern suburban development, could undermine the Council's duty to preserve and enhance the character and appearance of conservation areas. It is the overall design, taking all factors into account including the area's character, that will be the determinant of whether a proposal provides reasonable living conditions.</p> <p>34.3.37 Issues of daylight and sunlight are most likely to occur where the amount of adjoining habitable accommodation is limited, or situated within the lower floors of buildings with openings on to lightwells. Mathematical calculation to assess daylighting and sunlighting may be an inappropriate measure in these situations; on site judgment will often be necessary.</p> <p>34.3.38 When considering privacy, a distance of about 18 metres between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people, but there are many instances in the historic fabric of the Borough of distances less than this. Privacy of gardens and courtyards is also important.</p> <p>34.3.39 Terraces on roofs of main buildings or extensions can be visually intrusive and result in serious intrusion into the privacy and quiet enjoyment of neighbouring residential properties. They can, however, provide a valuable small area of open space for residents.</p> <p>34.3.40 An overbearing or over-dominant sense of enclosure can significantly reduce the quality of living conditions both inside and outside. The impact on the sense of enclosure, is dependent on on-site judgment.</p> <p>CL5 Living Conditions The Council will require all development ensure good living conditions for occupants of new, existing and neighbouring buildings and require a 'no worsening' approach to living conditions in properties proposed for development and in those affected by development. To deliver this the Council will: a. require applicants to take into account the prevailing characteristics of the area; b. ensure that good national standards of daylight and sunlight</p>				
--	--	--	--	--	--	--	--	--	--	--	--	--

								are achieved in new development and in existing properties affected by new development; c. require that there is reasonable visual privacy for occupants of new development and for occupants of existing properties affected by new development; e. require that the reasonable enjoyment of the use of buildings and spaces is not harmed due to increases in traffic, servicing, parking, noise, disturbance, odours or vibration or local microclimatic effects.					
Victoria Road Area Residents' Association (Michael Bach)		CL5	Yes and No	See previous comments		Y	Y	VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • retain existing Core Strategy Policy CL5(a) on sunlight and daylight – the revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard;	Yes		Yes		The revised policy is unacceptable in that it no longer contains any safeguards whatsoever for buildings or spaces where lighting conditions are already substandard; disagree, Policy CL5 requires that good standards of daylight and sunlight are achieved for occupiers of both existing and new development. A requirement for reasonable visual privacy for occupants for new and existing occupants is sufficient to safeguard privacy.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL5	No			Y		Policy CL5 Living Conditions We consider the Policy CL5 is not sound. In principle the Policy does not provide clear guidance on the balance to be struck between different interests. We consider that the existing Policy CL5 provides a more workable basis. For example in the existing CL5a it is stated that if sunlight and daylight provision is already substandard there should be no material worsening of the situation. The proposed Policy makes no reference to this and relies on a very vague statement in paragraph 34.3.37 where it is suggested that on-site judgement will be required. This does not give clear guidance to the person exercising on-site judgement as to whether or not a further reduction in standards is acceptable. Similar issues arise in paragraph 34.3.39 where it is suggested that while rooftop terraces can be visually intrusive they can provide small areas of open space. First, the policy in CL5c refers to visual privacy and not to terraces being visually intrusive. These are two different aspects of a similar problem and the difference between the Policy and this paragraph does not assist in the application of the Policy. Secondly, it is not clear whether the paragraph reference to 'small' is intended to suggest that small 'balconies' might be acceptable where large 'terraces' are not. There have been several cases where terraces have been rejected at appeal, partly due to loss of privacy but also due to the clutter of garden furniture, including heaters and lights, which the inspector rightly anticipated would appear. We consider that the wording of UDP Policy CD46 is more appropriate in which the Council will 'resist the introduction of roof terraces in the following circumstances: a) significant overlooking of, or disturbance to, neighbouring properties or gardens would result: or	Yes		Yes	On the aspects set out above	Policy makes no reference to where daylight provision is already substandard there should be no material worsening of the situation - Policy CL5 requires that good standards of daylight and sunlight are achieved and there is a reasonable visual privacy for occupants for new and existing occupants. This is not a weakening of the current policy. CL5c refers to visual privacy and not to terraces being visually intrusive.- visual impact of roof terraces covered in Policy CL6

								b) any accompanying alterations or roof alterations are not to a satisfactory design, would be visually intrusive or would harm the street scene.'					
Policy CL6													
Victoria Road Area Residents' Association (Michael Bach)		CL6	Yes and No			Y	Y	<p>VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document.</p> <p>In commenting on and making suggested changes we have considered:</p> <ul style="list-style-type: none"> • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. <p>Please see attached document From this the Society proposes:</p> <ul style="list-style-type: none"> • recognition of the need to preserve and/or enhance front boundaries (walls, railings, piers, balustrades) to preserve and enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it needs a policy and clear links to the forthcoming conservation area appraisals, which need to be mentioned in relation to this and other issues in order to flag them up for planning officers assessing developments where these are proposed to be altered or where the opportunity needs to be taken to improve the streetscene. We were particularly disappointed that planning officers were unaware of the Council's policies toward preserving and enhancing the walls, railings, piers and balustrades that form the boundary with the street – examples of failure 47 and 49 Victoria Road, success 29 Victoria Road and outstanding candidate for enforcement 6 Victoria Road. <p>Saved UDP Policies</p> <p>Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.</p> <p>The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:</p> <ul style="list-style-type: none"> • Saved UDP Policy CD52: Installation of Plant and Equipment: Proposed Policy CL6 (b) needs to be more explicit so that this covers the impact on the character and appearance of such plant – noise and vibration is dealt with by Core Strategy Policy CE6. • Saved UDP Policy CD53: Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.3.43 and proposed Policy CL6 (b) need to be amended to cover this. This is a major problem at the rear of six-storey houses in Kensington Court and Prince of Wales Terrace 	Yes		Yes		<p>Need a policy for boundaries treatments- Disagree, The reasoned justification includes railings, walls, piers and gates and therefore these issues are covered under small scale alterations and additions Policy CL6(see para 34.3.44)</p> <p>Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20</p> <p>Policy CL6 (b) needs to be more explicit on plant machinery - Reasoned Justification paragraph 34.3.43 outlines the kind of things small scale additions include, although not an exhaustive list, it includes reference to plant machinery.</p> <p>Policy CL6 (b) need to be amended to cover Satellite Dishes – Reasoned justification for Policy CL6 includes reference to 'telecommunications' which would cover satellite dishes and antennae.</p>
The Kensington Society (Amanda Frame)		CL6	Yes and No			Y	Y	<p>The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes</p>	Yes		Yes		

									we have considered: • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. Please see attached document From this the Society proposes: • recognition of the need to preserve and/or enhance front boundaries (walls, railings, piers, balustrades) to preserve and enhance the streetscape (34.3.43, 34.3.82 and 33.3.19) it needs a policy and clear links to the forthcoming conservation area appraisals, which need to be mentioned in relation to this and other issues in order to flag them up for planning officers assessing developments where these are proposed to be altered or where the opportunity needs to be taken to improve the streetscene. We were particularly disappointed that planning officers were unaware of the Council's policies toward preserving and enhancing the walls, railings, piers and balustrades that form the boundary with the street – examples of failure 47 and 49 Victoria Road, success 29 Victoria Road and outstanding candidate for enforcement 6 Victoria Road. Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD52: Installation of Plant and Equipment: Proposed Policy CL6 (b) needs to be more explicit so that this covers the impact on the character and appearance of such plant – noise and vibration is dealt with by Core Strategy Policy CE6. • Saved UDP Policy CD53: Satellite Dishes and Antennae: This policy is essential for taking enforcement action. Para 34.3.43 and proposed Policy CL6 (b) need to be amended to cover this. This is a major problem at the rear of six-storey houses in Kensington Court and Prince of Wales Terrace					Need a policy for boundaries treatments- Disagree, The reasoned justification includes railings, walls, piers and gates and therefore these issues are covered under small scale alterations and additions Policy CL6(see para 34.3.44) Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20. Policy CL6 (b) needs to be more explicit on plant machinery - Reasoned Justification paragraph 34.3.43 outlines the kind of things small scale additions include, although not an exhaustive list, it includes reference to plant machinery. Policy CL6 (b) need to be amended to cover Satellite Dishes – Reasoned justification for Policy CL6 includes reference to 'telecommunications' which would cover satellite dishes and antennae.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL6	No			Y			Policy CL6 Small-scale Alterations and Additions We suggest that reference to the conservation area appraisals be required in defining the character which must not be harmed.	Yes		Yes	On the aspects set out above .	Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20.
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL6	No		Y	Y	Y	Y	SMALL-SCALE ALTERATIONS AND ADDITIONS Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. In particular in 34.3.43 the inclusion of balconies and terraces as being 'small scale alterations' or "minor external changes to the appearance of a building or its curtilage" is unsound. Balconies and terraces are often very far from small scale and can have huge impacts on neighbours. Other parts of the policy document agree with my assessment and contradict the assumption in CL6 stating "Terraces on roofs of main buildings or extensions can be visually intrusive and result in serious intrusion into the privacy and quiet enjoyment of neighbouring residential properties". Equally, the policy on small scale alterations only considers the impact on the appearance of the townscape and does not even consider the impacts on neighbours, which can be significant and so should be catered for in the policy.	No		Yes		Policy CL6 includes terraces in small scale alterations, this suggests that balconies and terraces have a low impact on neighbours – this is not true. Disagree. Policy CL5 and CL6 deal with all aspects of terraces and balconies including visual impact and impact on neighbouring privacy, the plan should be read as a whole. No changes required.

									<p>To render the policy closer to sound the following changes should be made:</p> <p>34.3.43 Small-scale alterations and additions comprise minor external changes to the appearance of a building or its curtilage which could include (depending on their scale) balustrades, alarms, cameras, grilles, shutters and other security equipment; servicing, plant and telecommunications equipment; removing physical barriers to access; railings, walls, piers, gates and forecourt parking; signs which that are not advertisements, flagpoles and balconies and terraces.</p> <p>34.3.44 Although small alterations and additions may have a negligible impact, if unsympathetically designed and sited, they may individually harm the appearance of a building or its setting and can result in harmful impacts on neighbours such as increasing a sense of enclosure, overlooking, noise, impacts on light etc. It is the individual and cumulative effect of these small-scale alterations and additions which can negatively impact on the Borough's overall high quality townscape and quality of life for its citizens. Their control is, therefore, a matter of strategic importance.</p> <p>CL6 Small-scale Alterations and Additions The Council will require that alterations and additions do not harm the existing character and appearance of the building and its context or result in damaging impacts on neighbours. To deliver this the Council will resist small-scale development that:</p> <p>a. harms the character or appearance of the existing building, its setting or townscape;</p> <p>d) results in harmful impacts on occupants of neighbouring properties</p>					
Policy CL8														
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL8	Yes and No	See previous comments		Y	Y		<p>Saved UDP Policies</p> <p>Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.</p> <p>The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:</p> <ul style="list-style-type: none"> • Saved UDP Policy CD46: Roof Terraces: This covers both significant overlooking of and disturbance to neighbouring properties and gardens, whereas this is not on covered in the reasoned justification (34.3.39) or proposed Policy CL5 (c), although Policy CD46 is used regularly in decisions and appeals to cover these concerns. Reinstate references to gardens, and avoiding significant overlooking. In the VRARA area, full-width basement extensions with a 4m wide terrace at ground floor which would have caused a problem from overlooking, has been mitigated by using more traditional materials, reducing the length of the terrace, and using planters for screening neighbours: example 4 St Alban's Grove; 	Yes		Yes		<p>Policy UDP 46 has been omitted. Reinstate references to gardens, and avoiding significant overlooking. – disagree these issues are adequately covered in policies CL5c and CL5d</p> <p>CD48 should be reinstated – full width extensions - CL9(c) addresses the issue of full width extensions through the matter of rhythm.</p>
The Kensington Society	No (I am submitting a new response)	CL8	Yes and No	See previous comments		Y	Y		<p>Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the</p>	Yes		Yes		

(Amanda Frame)									remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD46: Roof Terraces: This covers both significant overlooking of and disturbance to neighbouring properties and gardens, whereas this is not on covered in the reasoned justification (34.3.39) or proposed Policy CL5 (c), although Policy CD46 is used regularly in decisions and appeals to cover these concerns. Reinstate references to gardens, and avoiding significant overlooking. In the VRARA area, full-width basement extensions with a 4m wide terrace at ground floor which would have caused a problem from overlooking, has been mitigated by using more traditional materials, reducing the length of the terrace, and using planters for screening neighbours: example 4 St Alban's Grove;						Policy UDP 46 has not been omitted Reinstate references to gardens, and avoiding significant overlooking. – disagree these issues are adequately covered in policy CL5c and CL5d CD48 should be reinstated – full width extensions - CL9(c) addresses the issue of full width extensions through the matter of rhythm.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL8	No			Y			Policy CL8 Existing Buildings – Roof Alterations/Additional Storeys We suggest that there should be reference to the conservation area appraisals in defining the character which must not be harmed.	Yes		Yes	On the aspects set out above	Clear links to the forthcoming conservation area appraisals – agree. Additional wording is recommended to the inspector at paragraph 34.3.20.	
Onslow Neighbourhood Association (Eva Skinner)			No			Y	Y	Y	CL8 Existing Buildings – Roof Alterations/Additional Storeys This policy is Unsound, but could be made sound as follows: Add in a new paragraph 'c. In determining applications, have regard to conservation area appraisal documents'.	No		Yes	Onslow Neighbourhood Association (Eva Skinner)	Add in a new paragraph 'c. In determining applications, have regard to conservation area appraisal documents' disagree, this is not a policy. Additional wording is recommended to the inspector at paragraph 34.3.20.	
Tom Hawkey DP9									CL8b The Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore as the Council acknowledge at para. 34.3.24 there are limited opportunities for new development. Extensions, alterations and modifications are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF. Proposed policy CL8b resists additional storeys and roof level alterations in a number of circumstances. <i>Positively prepared?</i> CL8b as currently proposed is not positively prepared and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan (for example to ensure housing targets are met in line with Core Strategy Policy CH1 and Strategic Objective CO5) by unnecessarily restricting the development potential of existing buildings to ensure their future viability, continued use and intensification. For example, the Borough is required to increase its housing supply to meet housing targets and, when considering the existing constraints within the Borough, including the limited opportunities for new development, extensions to existing buildings can be an effective way to deliver this supply. The policy is not positively prepared to allow the Council flexibility to meet the objectively assessed requirements of the						Policy CL8b is not positively prepared or justified and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan by unnecessarily restricting the development potential of existing buildings. Amended wording suggested. Disagree, The Council is meeting its objectively assessed housing need (see housing trajectory in the Annual Monitoring Report 2013). Extensions, alterations and modifications very rarely result in additional units, which might contribute to housing targets. Local plan policies must be tailor made to the unique circumstances of the Royal Borough. Kensington and Chelsea has an exceptionally high quality historic townscape,

								<p>Development Plan. <i>Justified/Consistent with National Policy?</i> The effect of the proposed policy can be to unduly restrict the ability of an existing building to ensure its future viability and restrict sustainable development which may otherwise be acceptable. CL8b is therefore not the most appropriate strategy as it fails to meet the provisions of the NPPF by:</p> <ul style="list-style-type: none"> • Failing to ensure that developments optimise the potential of sites to accommodate development (para. 58). • Failing to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (para. 57). • Stifling innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles (contrary to para. 60) <p>The prescriptive nature of this policy can serve to stifle the ability of a development to optimise the potential of a site to accommodate development and can therefore form a barrier to sustainable development.</p> <p><i>Cumulative Impact of Proposed Policies CL7, CL8 and CL9</i> Taken collectively, CL7, CL8 and CL9 seek to resist the building up, building under or building out of properties through the use of policies that:</p> <ul style="list-style-type: none"> • Are not within the provisions of the NPPF to ensure that developments optimise the potential of sites to accommodate development. • Restrict the ability of the Borough to accommodate growth, especially considering the development restrictions already in place in the form of high density, conservation areas and listed buildings. • Fail to acknowledge the role that innovation and originality of design can play in serving to allay the Council's concerns regarding external alterations, extensions, modifications and other forms of development on existing buildings and is non-compliant with the NPPF's policies on design in this regard also. <p>We recommend the policy is reworded as follows: CL8 Existing Buildings – Roof Alterations/Additional Storeys The Council will require roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings. To deliver this the Council will: a. permit additional storeys and roof level alterations where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to reunite the group; b. resist require roof alterations and additional storeys to en i. complete terraces or groups of buildings where the existing</p>					<p>which contributes immensely to the local distinctiveness of Royal Borough.</p> <p>The Council's Strategy Objective CO5 of the Core Strategy is 'Renewing the Legacy'. This is not simply to do with ensuring no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.</p> <p>Given the local circumstance of the Royal Borough, with an exceptionally high quality townscape in a context of high development pressure the approach is considered to be justified and consistent with the national policy.</p>
--	--	--	--	--	--	--	--	--	--	--	--	--	---

								<p>roof line is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design;</p> <p>ii. buildings or terraces that already have an additional storey or mansard;</p> <p>i. be sympathetic to the architectural style and character of the building</p> <p>ii. respect existing buildings that have a roof structures or forms of historic or architectural interest;</p> <p>iv. buildings that are higher than have regard to the height of surrounding neighbours, or particularly where they would development has the potential to detract from significant skylines or profiles;</p> <p>iii. ensure development of buildings or terraces where the roof line or party walls are exposed to long views from public spaces, and where they would not have an intrusive impact on that view or would impede the view of an important building or open space beyond;</p> <p>vi. buildings that, by the nature of the roof construction and architectural style, are unsuitable for additional storeys, e.g. pitched roofs with eaves;</p> <p>iv. maintain the balance and architectural composition of mansion blocks of flats where an additional storey would add significantly to the bulk or unbalance the architectural composition;</p> <p>viii. terraces that are already broken only by isolated roof additions.</p>					
Policy CL9													
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL9	No			Y		<p>Policy CL9 Existing Buildings- Extensions and Modifications</p> <p>We oppose the loss of the existing paragraph CL2d with regard to conservatories.</p> <p>We consider that the original 'saved Policy CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property.</p>	Yes		Yes	On the aspects set out above .	<p>We consider that the original 'saved Policy CD49' which resisted side extensions was a valuable policy in dealing with the loss of symmetry of a building, terrace or group of buildings, the protection of original architectural features or the loss of access to the rear of a property. – these issues are adequately covered in Policy CL9.</p>
Tom Hawkey DP9								<p>CL9(a)(b)</p> <p>These are not positively prepared, justified or compliant with national policy.</p> <p>The Consultation document notes that the Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore, as the Council acknowledge at para. 34.3.24, there are limited opportunities for new development. Extensions, alterations and modifications are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF.</p> <p>CL9(a) seeks to resist rear extensions beyond the existing general rear building line of <u>neighbouring extensions</u>, however fails to recognise existing extensions on the building in question, which may for example already exist at lower floors.</p> <p>CL9(b) resists extensions rising above the general height of neighbouring and nearby extensions.</p>				<p>CL9(a) and (b) as currently proposed are not positively prepared and may jeopardise the Council's ability to meet the objectively assessed requirements of the Development Plan for example to ensure the vitality of its shopping centres (Core Strategy Policy CF3. Disagree; Policy CF1a supports the creation of new shop floorspace within town centres. Policy CF2 requires the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy and to assist in the implementation of the vision for that centre.</p>	

								<p>they should allow for exceptional circumstances. <i>Cumulative Impact of CL7, CL8 and CL9</i> Taken collectively, CL7, CL8 and CL9 seek to resist the building up, building under or building out of properties through the use of policies that:</p> <ul style="list-style-type: none"> • Are not within the provisions of the NPPF to ensure that developments optimise the potential of sites to accommodate development. • Restrict the ability of the Borough to accommodate growth, especially considering the development restrictions already in place in the form of high density, conservation areas and listed buildings. • Fail to acknowledge the role that innovation and originality of design can play in serving to allay the Council's concerns regarding external alterations, extensions, modifications and other forms of development on existing buildings and is non-compliant with the NPPF's policies on design in this regard also. <p>We recommend the policy is reworded as follows: CL9 Existing Buildings – Extensions and Modifications The Council will require extensions and modifications to existing buildings to be subordinate to the original building, to allow the form of the original building to be clearly understood, and to reinforce the character and integrity of the original building, or group of buildings. To deliver this the Council will resist proposals for extensions if:</p> <p>a. the extension would extend rearward beyond the existing general rear building line of any neighbouring extensions; b. the extension would rise above the general height of neighbouring and nearby extensions, or rise to or above the original main eaves or parapet; a. the extension would spoil or disrupt the even rhythm of rear additions; b. the detailed design of the addition, including the location or proportions or dimensions of fenestration or the external materials and finishes, would not be in character with the existing building; c. the extension would breach the established front building line; d. an important or historic gap or view would be blocked or diminished; e. the architectural symmetry of a building, terrace or group of buildings would be impaired; f. the original architectural features on a formal flank elevation would be obscured; g. access to the rear of the property or of those adjoining would be lost or reduced; h. a conservatory is proposed to be located at roof level, significantly above garden level or on a corner site.</p>				<p>very rarely result in additional units, which might contribute to housing targets.</p> <p>Local plan policies must be tailor made to the unique circumstances of the Royal Borough.</p> <p>Kensington and Chelsea has an exceptionally high quality historic townscape, which contributes immensely to the local distinctiveness of Royal Borough.</p> <p>The Council's Strategy Objective CO5 of the Core Strategy is 'renewing the Legacy'. This is not simply to do with ensuring no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.</p> <p>Given the local circumstance of the Royal Borough, with an exceptionally high quality townscape in a context of high development pressure the approach is considered to be justified and consistent with the national policy.</p>
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	<p>CL9 Existing Buildings – Extensions and Modifications This policy is Unsound in that paragraph j. implies that a conservatory is not an extension and therefore paragraphs a.to i. (inclusive) don't apply to conservatories. To correct this the 3rd line of the introduction to CL9 should read 'To deliver this the Council will</p>	No		Yes	<p>Policy CL9 implies conservatories are not extensions – disagree, Para 34.3.78 of the reasoned justification clearly includes conservatories sit within the definition of extensions.</p>

									resist proposals for extensions and conservatories if: and paragraph j. is changed to read ' it is proposed to be located at roof level, significantly above garden level or on a corner site.'					
Policy CL10														
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CL10	Yes and No			Y	Y		<p>VRARA has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document.</p> <p>In commenting on and making suggested changes we have considered:</p> <ul style="list-style-type: none"> • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. <p>Please see attached document From this the Society proposes:</p> <ul style="list-style-type: none"> • Policy CL10: the reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape – this seeks to articulate what “drive up the quality of the area” in Policy CL10 means in practical terms: we ran a project to improve shopfronts in Gloucester Road North Local Centre. • specific recognition of the viability implications of attempting to take part of an existing shop in order to gain access to the first floor. VRARA supported the refusal of successive applications for 1-3 Thackeray Street (34.3.87); <p>Saved UDP Policies</p> <p>Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.</p> <p>The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:</p> <ul style="list-style-type: none"> • Saved UDP Policy CD77: Awnings and blinds: This policy deals with awning in all locations, whereas the only reference in the proposed new chapter is in CL10 (b)(iii) which only refers to shops. A general policy is needed. 	Yes		Yes		<p>Reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape Disagree CL10bii) adequately covers the requirement for shop fronts to have a positive visual impact on the streetscene.</p> <p>General awnings policy required - Reference to awnings in CL10 relates to shop fronts. The Council recommend to the inspector adding a reference to awnings in the reasoned justification to Policy CL6.</p>
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CL10	Yes and No			Y	Y		<p>The Society has reviewed this totally revised and reorganised chapter 34 Enhancing the Legacy and the changes to Chapter 33: An Engaging Public Realm and, in particular, made a comparison between the Saved UDP Policies and the new document. In commenting on and making suggested changes we have considered:</p> <ul style="list-style-type: none"> • the reasoned justification; • the proposed policies; and • the full set of Saved UDP CD Policies. <p>Please see attached document From this the Society proposes:</p> <ul style="list-style-type: none"> • Policy CL10: the reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape – this seeks to articulate what “drive up the quality of the area” in Policy CL10 means in practical terms: we ran a project to improve shopfronts in Gloucester Road North Local Centre. • specific recognition of the viability implications of attempting to take part of an 	Yes		Yes		<p>Reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape Disagree CL10bii) adequately covers the requirement for shop fronts to have a positive visual impact on the streetscene.</p>

									existing shop in order to gain access to the first floor. The Society supported the refusal of successive applications for 1-3 Thackeray Street (34.3.87); Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD77: Awnings and blinds: This policy deals with awning in all locations, whereas the only reference in the proposed new chapter is in CL10 (b)(iii) which only refers to shops. A general policy is needed.					General awnings policy required - Reference to awnings in CL10 relates to shop fronts. Add a reference to awnings in the reasoned justification to Policy CL6.
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL10	No			Y			Policy CL10 Shop fronts Paragraph 34.3.83. We suggest that this paragraph be reinforced with the addition of the following sentence. ' All changes to shop fronts should enhance the appearance and character of the streetscape in a positive manner.'	Yes		Yes	On the aspects set out above .	Reasoned justification should stress that all changes to shopfronts should make a positive improvement to the streetscape Disagree CL10bii) adequately covers the requirement for shop fronts to have a positive visual impact on the streetscene.
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	Y	CL10 Shopfronts This policy is Unsound, but could be made sound as follows by the addition of another paragraph 'g. resist any application that introduces new service pipes or conduit that bring services (gas, water, electricity, communications) through the pavement and or up the shop front.'			Yes	Onslow Neighbourhood Association (Eva Skinner)	Policy to resist any application that introduces new pipes that bring services through the pavement/shopfronts – Disagree, banning alterations regardless of their impact is inconsistent with the national policy approach.
Tom Hawkey DP9	No (I am submitting a new response)	CL10							<p>Introduction</p> <p>Our client owns The Knightsbridge Estate which is located within the Knightsbridge International Shopping Centre. The Estate largely consists mainly of town centre uses (predominately comparison retail) at ground floor, with a mix of uses above including residential, office and hotel. The Estate is located within Hans Town Conservation Area and there are a number of listed buildings on site.</p> <p>CL10(v)</p> <p>CL10(v) is not positively prepared, justified or consistent with national policy. Supporting text paragraph 34.3.87 states the reason for the policy is the Council's concerns over the under-use of the upper floors of retail premises.</p> <p><i>Positively prepared/justified/consistent with national policy</i></p> <p>CL10(v) will protect existing access even if when these are inadequate and result in the under-use of upper floors, contrary to the stated objectives of the policy. In our experience the under-use of upper floors, particularly for office, is often a direct result of the poor quality of the existing independent access available. Existing upper floor entrances can be quite discreet and offer no prominence or sense of arrival to the upper floor uses which can negatively impact the attractiveness of upper floor spaces to commercial occupiers and thus affect their potential for sustainable commercial use. Owing to the historic nature of many of these existing accesses, they often may not provide lifts or wheelchair access. In our experience on The Knightsbridge Estate, it would be difficult to reconfigure them to achieve the points noted above without significant harm to the ground floor retail units.</p> <p>The policy wording fails to consider allowing existing accesses</p>					Policy CL10bv should be reworded to state <i>Where there is an existing independent access to upper floor accommodation it should be maintained or reprovided."</i> - Disagree. This is superfluous wording that adds nothing to the policy.

									to be lost where, for example, improved access is being relocated/re-provided elsewhere and/or consolidation of numerous poor quality separate access points will provide an improved inclusive access solution to the upper floors. In these cases, where the existing access point has become redundant, this can afford the opportunity for improvement to the ground floor retail unit, as supported by other Core Strategy policies and the NPPF. CL10(v) is not consistent with achieving sustainable development and therefore the policy is neither positively prepared nor consistent with the NPPF's presumption in favour of sustainable development. It is also not justified as, in consideration of the matters above, the most appropriate strategy has not been selected when considered against the reasonable alternatives. We recommend the policy is re-worded as follows: " <i>Where there is an existing independent access to upper floor accommodation it should be maintained or reprovided.</i> "					
Policy CL11														
Victoria Road Area Residents' Association (Michael Bach)		CL11	Yes and No	See previous comments		Y	Y		Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policies CD1-16 seek to preserve the character, views and vistas of and within Areas of Metropolitan Importance and Metropolitan Open Land – previously the Thames, the South Kensington Museums, Hyde Park, Kensington Gardens, Holland Park and Brompton and Kensal Cemeteries were not only identified but had their own policies for both views and vistas and the impact of development on these areas. These need to be covered in the revised conservation and design section of the Core Strategy, not hidden away in an SPD. Although the Thames and Royal Hospital are in Chelsea, the same principles should apply to all these views and vistas. In this area, views to and from Kensington Palace need to be protected;	Yes		Yes		Views need to be covered by Conservation and Design policies - this is too much detail for the statutory plan – they are included in the Building Heights SPD. It is therefore not necessary to duplicate work.
The Kensington Society (Amanda Frame)		CL11	Yes and No	See previous comments		Y	Y		Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policies CD1-16 seek to preserve the character, views and vistas of and within Areas of Metropolitan Importance and Metropolitan Open Land – previously the Thames, the South Kensington Museums, Hyde Park, Kensington Gardens, Holland Park and Brompton and Kensal Cemeteries were not only identified but had their own policies for both views and vistas and the impact of development on these areas. These need to be covered in the revised conservation and design section of the Core Strategy, not	Yes		Yes		Views need to be covered by Conservation and Design policies - this is too much detail for the statutory plan – they are included in the Building Heights SPD. It is therefore not necessary to duplicate work.

									hidden away in an SPD. Although the Thames and Royal Hospital are in Chelsea, the same principles should apply to all these views and vistas. In this area, views to and from Kensington Palace need to be protected;					
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL11	No			Y			Policy CL11 cii We consider that this should include views of the sides of properties as well as the rear. We therefore suggest that the clause should be modified to read '.....including the rear and side(s) of properties;'	Yes		Yes		Policy CL11 cii – make reference to side extensions, disagree, wording of the policy CL11cii is such that side extensions would be included additional wording considered unnecessary.
GVA (Georgina Church)	Yes (with no further changes)		No		Y		Y	Y	<p>Policy CL11 is a new addition to the Core Strategy. It builds upon part e of the existing Policy CL1 (Context and Character), which states that the development should be resisted if it interrupts, disrupts or detracts from strategic and local vistas, views and gaps. The amended policy text at CL11 moves the test for new developments to a position where it must be demonstrated that the proposal would 'protect and enhance' views, vistas, gaps and the skyline.</p> <p>We consider the test to protect and enhance too stringent. The language used within the NPPF (see paragraph 133) refers to the degree of harm to the significance of heritage assets (such as in key townscape views). In addition, the London View Management Framework (March 2012), in assessing impact on designated views, states that the proposals should not "harm the composition of the view".</p> <p>To be consistent with national and strategic planning policy, we continue to recommend the following changes to have regard to the desire to not significantly harm key views and vistas:</p> <ul style="list-style-type: none"> • Both of the references to 'protect and enhance' in the first line of the policy and at part b should be deleted and replaced with the following insertions that reflects strategic policy: <ul style="list-style-type: none"> o First line – 'require all development to not harm views, vistas gaps.....' o Part b – 'to demonstrate that they do not cause harm.' 			Yes		CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – NPPF para 64 provides a positive test and refers to taking opportunities available for improving the character and quality of an area and the way it functions. Given the locally distinctive issue of quality of the townscape of the borough, this approach is regarded as appropriate.
Policy CL12														
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CL12	No			Y			Policy CL12 Building Heights We suggest that the words 'and streetscape' be added at the end of Policy CL12 b.	Yes		Yes	On the aspects set out above .	Add 'Streetscape' to Policy CL12b, disagree, 'townscape' is a broader term that covers streetscape.
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CL12	No		Y	Y	Y	Y	<p>BUILDING HEIGHTS</p> <p>Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. The same problems as highlighted in other chapters (each clear statement of policy is frequently undermined by the juxtaposition next to it of a contrary statement) re- appear here as does the situation where the policy's lack of precision and poor drafting provides almost unlimited capacity for subjective judgements to be made in planning decisions rather than decisions in line with a clear policy. This problem appears in particular in 34.3.99 and 34.3.106. For example:</p>	No		No		Tall buildings cannot be mitigated, Policy is too subjective.

								<p>34.3.99 states “Tall buildings have a greater impact on their environment than other building types, posing problems of microclimate, overshadowing and overlooking. This is especially harmful to residential environments and amenity spaces,”</p> <p>Which is true and a sound policy. However the para goes on to say “ and needs to be avoided through careful siting and design (see Policy CL5).” A tall building is a tall building and its tallness cannot be mitigated by design – tall is tall.</p> <p>This para again argues that design (in many ways a subjective concept) is always the key – and again design cannot mitigate all impacts.</p> <p>34.3.106 A design-led approach to taller buildings is essential. Full planning applications are important for tall buildings to ensure this design-led approach is fulfilled.</p> <p>Finally, the actual policy CL12 makes no reference to the need to avoid harmful impacts on neighbours – and to be justified and effective it should – it is not sufficient to make a reference to CL5 in the broader text.</p> <p>To render the policy closer to sound the following changes should be made:</p> <p>34.3.99 Tall buildings have a greater impact on their environment than other building types, posing problems of microclimate, overshadowing and overlooking. This is especially harmful to residential environments and amenity spaces, and needs to be avoided through careful siting and design (see Policy CL5).</p> <p>34.3.106 A design-led approach to taller buildings is essential. In such cases the Council will promote close working with stakeholders and, where appropriate, with strategic and neighbouring authorities in the production of an urban design framework that will guide the siting and appropriate height of buildings, particularly in relation to existing views to ensure a wholly positive benefit to the townscape and to avoid harmful impacts on neighbours. Full planning applications are important for tall buildings to ensure this design-led approach is fulfilled.</p> <p>CL12 Building Heights The Council will require new buildings to respect the setting of the Borough’s valued townscapes and landscapes, and to avoid harmful impacts on residents and neighbours (see Policy CL5) through appropriate building heights. To deliver this the Council will:</p> <p>b. resist buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances, where the development has a wholly positive impact on the character and quality of the townscape and avoids harmful impacts on residents or neighbours;</p>					<p>Disagree – The problems caused by tall buildings can be overcome. Not all tall buildings have a negative impact and the policy as written reflects this. Protection of our townscape is provided in great detail elsewhere in the chapter.</p> <p>The planning system is designed to be planned but each planning application will be treated on its own merits.</p>
GVA (Georgina Church)	Yes (with no further changes)	CL12	No		Y	Y	Y	<p>Before addressing the policy in detail we set out the strategic background to design policy.</p> <p>The NPPF includes a section addressing good design. It lists at paragraph 58 a number of objectives to be used when making planning decisions to ensure that developments:</p> <ul style="list-style-type: none"> • Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; • Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; 			Yes		

									<p>does not allow developments to optimise the potential of the site, and would not be consistent with National Policy and not be sound.</p> <p>As well as this, the inclusion of prescriptive buildings heights would not be consistent with national policy, in particular NPPF Paragraph 60 which requires that policies should not “stifle innovation... through unsubstantiated requirements to conform to certain development forms or styles.”</p> <p>In light of these points, we suggest that the following alterations be made to ensure that the policy is found to be sound:</p> <ul style="list-style-type: none"> • Prevailing building heights should not be included as a single policy; • Undue weight should not be placed upon a particular form of building height; • References to District Landmark buildings being ‘exceptionally rare’ should be removed, and it should be noted that appropriate building heights will be considered on a case by case basis; and • Reference to maximum building heights should be removed <p>Notwithstanding our suggested alterations to the drafted policy, we appreciate that there has been a change in the recognition of very tall buildings. Whilst we understand that very tall buildings are not characteristic of the Borough, we note that the policy as drafted suggests that they would be appropriate in some contexts.</p>					that district landmarks are exceptionally rare is a statement of fact.
Policy CR4														
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CR4	No		Y	Y	Y	Y	<p>STREETSCAPE</p> <p>Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. The Borough contains many listed buildings and Conservation Areas which can suffer significant harm from inappropriate street furniture. This should be reflected in the policy.</p> <p>CR 4 Streetscape</p> <p>The Council will require improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard, that street clutter is removed and that street furniture, advertisements and signs are kept to a reasonable minimum advertisements and signs are carefully controlled to avoid clutter and to avoid harmful impacts on visual amenity and in particular on the appearance of heritage buildings and Conservation Areas to support the Council's aim of driving up the quality of the Borough's streetscape.</p> <p>To deliver this the Council will:</p> <p>e. resist adverts that by reason of size, siting, design, materials or method of illumination, including on street furniture, harm amenity and visual amenity the appearance of heritage buildings or Conservation Areas or public or road safety;</p>	No		Yes		<p>Policy should include reference to the Conservation Area with regard to the harm of street furniture</p> <p>Policies CL3 and CL4 provides policy on conservation areas and listed buildings respectively - an additional reference within Policy CR4 is unnecessary.</p>
Victoria Road Area Residents' Association (Michael Bach)	No (I am submitting a new response)	CR4	Yes and No	See previous comments		Y	Y		<p>Saved UDP Policies</p> <p>Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily.</p>	Yes		Yes		

									<p>The Society considers that the following policies have not been satisfactorily incorporated or have been omitted:</p> <ul style="list-style-type: none"> • Saved UDP Policy CD55: Off-street parking in forecourt & gardens: This policy contains the only explicit policy for preserving and enhancing the traditional street boundaries identified in conservation area appraisals (CAPS). Whilst the revised conservation and design chapter now includes reference to walls, railings, etc there is no specific policy that deals with this. A new policy after CR4 (g) is proposed. This has been a major problem in Victoria Road – planning officers are unaware of proposals in De Vere Conservation Area Policy Statement. • Saved UDP Policy CD79: Hoardings: The revised policies CR4 (e) and (f) do not mention either temporary or permanent advertisement hoardings, which is an oversight – it also needs to refer to advertisement towers. The new policy is unsound if it does not deal with these challenges explicitly. 					<p>Need a policy to preserve traditional street boundaries” – Disagree. This is dealt with in policy CL6 small scale alterations and additions.</p> <p>Policy CD79 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'advert', see Policy CR4(e)</p>
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CR4	No			Y			<p>Policy CR4 Streetscape Paragraph 33.3.19 Add after 'parking' the words 'including the loss of railings, walls, piers, gateposts, trees and areas of greenery'. We believe that saved Policy CD54 provided valuable guidance and the above alterations are necessary to continue that protection.</p>	Yes		Yes	On the aspects set out above .	<p>Additional wording This wording is unnecessary. Adequate provision is found with the policy and Reasoned Justification.</p> <p>Policy CD54 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Policy CR4 and the Reasoned Justification provides protection and will not be amended further.</p>
The Kensington Society (Amanda Frame)	No (I am submitting a new response)	CR4	Yes and No	See previous comments		Y	Y		<p>Saved UDP Policies Since the remaining Saved UDP Policies on Conservation and Design are to be cancelled as a result of this review, the Society has reviewed whether all of the remaining saved policies have been incorporated satisfactorily. The Society considers that the following policies have not been satisfactorily incorporated or have been omitted: • Saved UDP Policy CD55: Off-street parking in forecourt & gardens: This policy contains the only explicit policy for preserving and enhancing the traditional street boundaries identified in conservation area appraisals (CAPS). Whilst the revised conservation and design chapter now includes reference to walls, railings, etc there is no specific policy that deals with this. A new policy after CR4 (g) is proposed. This has been a major problem in Victoria Road – planning officers are unaware of proposals in De Vere Conservation Area Policy Statement. • Saved UDP Policy CD79: Hoardings: The revised policies CR4 (e) and (f) do not mention either temporary or permanent advertisement hoardings, which is an oversight – it also needs to refer to advertisement towers. The new policy is unsound if it does not deal with these challenges explicitly.</p>	Yes		Yes		<p>Need a policy to preserve traditional street boundaries” – disagree this is dealt with in policy CL6 small scale alterations and additions.</p> <p>Policy CD79 was superseded as part of the Core Strategy adoption in 2010. It has not been used for over three years. Temporary and permanent advertisement hoardings and advertising towers are covered by the broad term 'advert' see CR4(e) and the reasoned justification as part of the policy.</p>
Chris Thomas Ltd (Chris Thomas)	Yes (but with the additional changes as set out in this response form)	Polcy CR4	No			Y	Y	Y	<p>These representation area submitted on behalf of the Outdoor Media Centre in response to the above draft DPD.</p> <p>We commented on the 1st Publication Draft of this DPD on 11 July 2013. We note that the preamble to Policy CR 4 has been amended as we suggested; we naturally support this change.</p>	No		No		<p>Policy CR4 conflicts with the advertisement regulations.</p> <p>Not accepted. The policy does not deal with the 'need' for the advertisement, it deals with the question as to whether it dominates the structure on which it is placed.</p>

								<p>However, we note that no change has been made to Policy CR 4 (f) despite our objections. The clause "where the function for the display of advertisements overdominates the primary purpose of the structure" still requires an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19):</p> <p>"... it is accepted that anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons."</p> <p>Although PPG19 has been replaced by the NPPF, this advice is based on the requirements of the law and remains pertinent. It is not within the Council's powers to assume that it is able to assess the "need" for any particular advertisement. It follows that the Council are not empowered to assess whether the "need" for an advertisement "overdominates the primary purpose of the structure". The Council's powers extend only to assessing the acceptability of an advertisement on the basis of amenity and public safety.</p> <p>We therefore remain convinced that subparagraph (f) should be deleted entirely. If a structure with a different primary purpose displays advertisements which are unacceptable for reasons of amenity or public safety, the Council have adequate powers under the Control of Advertisements Regulations to seek the advertisements' removal. And this will effectively determine the "primary purpose" of the structure. If it is of no use without advertising, it will naturally be removed to avoid maintenance/utility costs etc. And who in the Council is qualified to determine whether a structure such as a telephone kiosk is required?</p> <p>It is hoped that these comments are found to be useful and informative, if you have any further questions, please contact me.</p>				
British Sign & Graphics Association (Chris Thomas)	Yes (but with the additional changes as set out in this response form)	Policy CR4	No		Y	Y	Y	<p>These representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in response to the above draft DPD.</p> <p>We commented on the 1st Publication Draft of this DPD on 11 July 2013. We note that the preamble to Policy CR 4 has been amended as we suggested; we naturally support this change.</p> <p>However, we note that no change has been made to Policy CR 4 (f) despite our objections. The clause "where the function for the display of advertisements overdominates the primary purpose of the structure" still requires an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19):</p> <p>"... it is accepted that anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons."</p> <p>Although PPG19 has been replaced by the NPPF, this advice</p>	No		No	<p>The policy conflicts with the Advertisement Regulations.</p> <p>Not accepted. The policy does not deal with the 'need' for the advertisement, it deals with the question as to whether it dominates the structure on which it is placed.</p>

									<p>is based on the requirements of the law and remains pertinent. It is not within the Council's powers to assume that it is able to assess the "need" for any particular advertisement. It follows that the Council are not empowered to assess whether the "need" for an advertisement "overdominates the primary purpose of the structure". The Council's powers extend only to assessing the acceptability of an advertisement on the basis of amenity and public safety.</p> <p>We therefore remain convinced that subparagraph (f) should be deleted entirely. If a structure with a different primary purpose displays advertisements which are unacceptable for reasons of amenity or public safety, the Council have adequate powers under the Control of Advertisements Regulations to seek the advertisements' removal. And this will effectively determine the "primary purpose" of the structure. If it is of no use without advertising, it will naturally be removed to avoid maintenance/utility costs etc. And who in the Council is qualified to determine whether a structure such as a telephone kiosk is required?</p> <p>It is hoped that these comments are found to be useful and informative, if you have any further questions, please contact me.</p>					
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	Y	CR 4 Streetscape This policy is Unsound, but could be made sound as follows by amending paragraph g. after 'forecourt parking' add 'including the loss of railings, walls, piers and trees.'	No		Yes		Include the loss of railings, walls, piers and trees – disagree. This is dealt with in policy CL6 small scale alterations and additions.
Policy CR5														
Princes Gate Mews Residents' Association (Jane Whewell)	Yes (but with the additional changes as set out in this response form)	CR5	No		Y	Y	Y	Y	<p>CR 5 PARKS, GARDENS, OPEN SPACES AND WATERWAYS</p> <p>Parts of this policy are not sound as they are not justified (the most appropriate strategy been not selected when considered against the reasonable alternatives) nor effective. In particular, the concept of sustainable development and the need to preserve and create new green space in the Borough is not incorporated in the policy. National policy highlights the importance not just of space, but of green space and there are well know physical and psychological benefits – from drainage to cooling - that are derived from green space and which cannot be obtained from open spaces made merely eg. of concrete. Existing green spaces in the Borough are precious and should be protected. To render the policy sound and in line with national policy and guidance the following amendments should be made.</p> <p>The Council will protect, enhance and make the most of existing parks, gardens, open spaces and waterways, and require new high quality outdoor spaces, in particular green spaces, to be provided.</p> <p>To deliver this the Council will, in relation to: Parks, Gardens and Open Spaces a. resist the loss of existing: ii. public open space and in particular green open space; iii. private communal open space and private open space and in particular green open space where the space contributes to</p>	No		Yes		Need to preserve and create new green space in the Borough is not incorporated in the policy, Disagree. This is covered by Policy CR5(d) and (e)

									the character and appearance of the area; d. require all major development outside a 400m radius of the closest entrance to the nearest public open space to make provision for new open space and in particular green open space which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. f. require all new green open space to optimise biodiversity and wildlife habitat;					
Edwardes Square Scarsdale & Abingdon Association (Anthony Walker)	Yes (but with the additional changes as set out in this response form)	CR5	No			Y			Policy CR5 Parks, Gardens, Open Spaces and Waterways We consider that it would be beneficial if the paragraphs introducing this Policy also referred back to paragraph 33.3.14 which notes that, in comparison with other London boroughs, there is a comparatively small amount of publicly accessible open space in Kensington & Chelsea. People referring only to this policy Parks, Gardens and Open Spaces will not necessarily be aware of this.	Yes		Yes	On the aspects set out above .	Make reference in the Reason Justification about small amount of publically accessible open space, disagree, additional wording does not add anything to the policy.
Onslow Neighbourhood Association (Eva Skinner)			No		Y	Y	Y	Y	CR 5 Parks, Gardens, Open Spaces and Waterways This policy is Unsound, but could be made sound as follows: a. change to read 'resist the loss of or encroachment into existing:' c. change to 'resist any development or underground development of garden squares'	No		Yes		Policy CR5 (a) change to read: "a. resist the loss of or encroachment into existing;" ii. After "open space" add ", such as garden squares". – disagree, covered under resisting the loss of public and private open space. The additional wording is superfluous.
Port of London Authority (Lucy Owen)	Yes (but with the additional changes as set out in this response form)	Paragraph 33.3.28, Policy CR5	No			Y		Y	Paragraph 33.3.28 is confused. It is questioned whether the Council meant it to read: The River Thames is an important transport route, and with its foreshore and banks is a unique open space with a special environmental character. and reduce the river's potential as a navigable waterway. Permanently moored vessels or the extension of riverside sites into the river can have a detrimental effect and reduce the river's potential as a navigable waterway. The Waterways part of policy CR5 sets out how opportunities should be taken to improve public access to, and along the River Thames and promote its use for education, tourism, leisure and recreation, health, well being and transport. This reflects the current approach in the adopted Core Strategy. The policy and the supporting text need further justification and should be consistent with each other. The policy itself is limited to permanently moored vessels yet the supporting text relates to permanently moored vessels or the extension of riverside sites into the river. Reference is made to adequate services being provided to permanently moored vessels on the Grand Union Canal and to the need for other canal users to not be adversely affected but there is no requirement in the policy for any permanently moored vessels on the River Thames to meet the same criteria. The PLA would suggest that it is just as important for services to be provided to vessels on the River Thames and for other water and land based users to not be adversely affected. There is no in principle objection to a policy on permanently moored vessels but it is considered that further amendments are required to the wording to make it conform with the	Yes		No		Paragraph 33.3.28 is confused – agree, revised wording recommended to the inspector. Reference should be made to permanently moored vessels on the River Thames and provision of services –Disagree. The Thames may not be suitable for permanently moored vessels. No change.

