Notice of Meeting

Council

16 April 2014 at 6.30pm

The Council Chamber
Kensington Town Hall

Contact: Mr M Carver
Tel: 020 7361 2477
E-mail: martyn.carver@rbkc.gov.uk
Website: www.rbkc.gov.uk
Issue Date: 8 April 2014

THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Joint Chief Executive - Nicholas Holgate

Public Agenda

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Council held on 5 March 2014 are submitted for confirmation.

2. SPECIAL ANNOUNCEMENTS BY THE MAYOR

Councillors not seeking re-election.

3. TOWN CLERK AND EXECUTIVE DIRECTOR OF FINANCE'S REPORTS AND COMMUNICATIONS

(i) Apologies for absence;

(ii) Declarations of interest.

Any Member of the Council who has a disclosable pecuniary interest in a matter to be considered at the meeting is reminded to disclose the interest to the meeting and to leave the Chamber while any discussion or vote on the matter takes place.

Members are also reminded that if they have any other significant interest in a matter to be considered at the meeting, which they feel should be declared in the public interest, such interests should be declared to the meeting. In such circumstances Members should consider whether their continued participation, in the matter relating to the interest, would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests, or whether they should leave the Chamber while any discussion or vote on the matter takes place.

4. PETITIONS

Presentation of petitions (if any).

5. ORDER OF BUSINESS

The Mayor to announce the order of business for the remainder of the meeting.

6. REPORTS FROM THE CABINET

(i) Partial Review of the Core Strategy – Basements and Conservation and Design Policies;

(ii) Urgent key decisions.

7. REPORTS FROM COUNCIL-SIDE COMMITTEES

None.

8. MATTERS REFERRED TO THE COUNCIL BY SCRUTINY COMMITTEES

Report of the Tables and Chairs Working Group.

9. MATTERS OF LOCAL CONCERN RAISED UNDER S.O. 19

Members may draw to the Council's attention Ward or other 'live' issues of general / broad principle. Each member raising such an issue under this Standing Order should speak for not more than two minutes in addressing the Council. No more than three Majority Group members and one Minority Party member may raise issues in this way per meeting. Members wishing to raise such matters should register their intent with the Town Clerk and Executive Director of Finance prior to the meeting.

10. MOTIONS FOR DEBATE

(i) Affordable housing

'This Council is very concerned that it will not be able to meet the Mayor of London's Affordable Housing target. To address this, in the first instance it will commit to reviewing the affordable housing percentage proposed for regeneration and development projects, to include the Kensington and Chelsea part of the Earl's Court development. It hopes that, by further analysis of the financial viability assessments, additional affordable housing and housing for social rent will be provided to help meet the Mayor's targets.'

Proposed by: Cllr. Emma Dent Coad

Seconded by: Cllr. Linda Wade

(ii) **Member training**

'After the May elections, this Council will ensure that the incoming Cabinet is fully trained in the respective rights, roles and responsibilities of scrutiny committees, the Cabinet and Cabinet members.'

Mover: Cllr. Judith Blakeman
Seconder: Cllr. Todd Foreman

(iii) **Family and Children's Services scrutiny**

'This Council is concerned at the increasing number of appropriate matters not being reported to the Family and Children's Services Committee for scrutiny and the withholding of other relevant information from that Committee. Recent examples include the failure to report the poor Ofsted reports on three children's centres, the failure to report the outstanding Ofsted report achieved by Maxilla Children's Centre, three-starred Key Decisions, such as the proposal to merge St. Anne's Nursery with Avondale Park School, not being on the agenda for consideration and public consultations not being reported until after they have taken place. This Council therefore asks the Family and Children's Service Scrutiny Committee to review its procedures jointly with officers and representatives from the Schools' Forum to ensure that, after the May elections, the opportunity for full, timely and appropriate scrutiny will be restored to that Committee.'

Mover: Cllr. Robert Atkinson
Seconder: Cllr. Pat Mason

(iv) **Housing needs**

'A recognised 'Buy to Leave' issue has emerged in the Royal Borough over recent years where the majority of large new housing schemes are targeted to meet the needs of the international investment market rather than homes for people who live and work in London. This does not achieve the Council's Core Strategy housing objective to produce mixed and balanced communities and diversity of different types of housing. As the policy is not working this motion calls on the Council, as a matter of urgency, to scrutinise and to take evidence from local communities and to do a survey of major schemes completed in the last five years and those still under construction to establish if we are meeting our housing needs and the community vision we want to encourage.'

Mover: Cllr. Dez O'Neill
Seconder: Cllr. Tim Jones

11. APPOINTMENTS TO COMMITTEES AND OUTSIDE ORGANISATIONS

If any.

12. ANY OTHER ORAL OR WRITTEN ITEMS WHICH THE MAYOR CONSIDERS URGENT

Standing Order 8 requires every Councillor attending a Council meeting to sign the attendance book.

[Each written report on the public part of the Agenda as detailed above:

(i) was made available for public inspection from the date of the Agenda;

(ii) incorporates a list of the background papers which (i) disclose any facts or matters on which that report, or any important part of it, is based; and (ii) have been relied upon to a material extent in preparing it. (Relevant documents which contain confidential or exempt information are not listed.); and

(iii) may, with the consent of the Mayor and subject to specified reasons, be supported at the meeting by way of oral statement or further written report in the event of special circumstances arising after the despatch of the Agenda.]

Exclusion of the Press and Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985.

Should any such matters arise during the course of discussion of the above items or should the Mayor agree to discuss any other such matters on the grounds of urgency, the Council will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

The next meeting of the Council is scheduled to be the Annual Meeting on 11 June 2014 at 6.30pm

6(i)

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
COUNCIL MEETING – 16 APRIL 2014
REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND BOROUGH DEVELOPMENT

PARTIAL REVIEW OF CORE STRATEGY – BASEMENTS AND CONSERVATION AND DESIGN POLICIES – PROPOSED SUBMISSION TO SECRETARY OF STATE

Full Council is invited to consider a summary of the representations received for draft planning policies relating to basements and conservation and design. to conclude that the draft policies are sound without further amendment and to give formal approval for the proposed policies and related documents to be submitted to the Secretary of State for independent examination.

FOR DECISION

1. Introduction

1.1 The Core Strategy was adopted in December 2010 and represents an up to date plan in terms of planning policy. Since this time there have been significant changes to the national policy framework. Some policies in the Unitary Development Plan (UDP) were also saved but these policies now reflect outdated national guidance. This, together with the need for policies to be as effective as possible in tackling specific issues of local concern such as the loss of public houses and the construction of basements, prompted the need for a partial review of the adopted Plan. The topics identified for review were as follows:

- Housing delivery
- Enterprise Review including employment land
- Character of our urban fabric and conservation area policies
- Basement development
- Public houses (adopted in October 2013)
- Other minor matters which may involve changes of a more technical nature (Miscellaneous Matters)

1.2 With the exception of employment and housing policies, this review has now been completed and full Council is requested to agree that the draft policies for basements and conservation and design can now go forward to be submitted to the Secretary of State for formal examination. Full Council approved Miscellaneous Matters for a publication consultation and subsequent submission on 26 June 2013.

1.3 Policies related to the loss of public houses have already been adopted (October 2013). Policies relating to housing and employment are interlinked and will follow the other policies. The timetable for these policies is different to the others because the housing policies need to take account of the proposed Further Alterations to the London Plan (FALP). A consultation on Draft FALP ended on 10 April 2014 and the Council has submitted a response to this consultation.

1.4 The Government published the National Planning Policy Framework (NPPF) in March 2012 with its emphasis on encouraging economic growth, but to also ensure that this is balanced against social and environmental factors. The Core Strategy must be in conformity with this document to become a Local Plan and therefore the opportunity has been taken to update the document by incorporating all the former Unitary Development Plan (UDP) saved policies to ensure that they are up to date and in conformity with the NPPF. Whilst there are no adopted policies which are considered to be out of conformity with the NPPF minor changes are recommended to ensure that the Plan is as up to date as possible.

2. Background

2.1 This report is concerned with the following areas of policy - conservation and design and basements. The principal changes to these policy areas are set out in this report, together with a summary of the representations received. The principal concern of the Council, when submitting the revised policies to the Secretary of State for independent examination, is to ensure that the draft policies pass the 'tests of soundness' and are legally compliant with the regulations.

2.2 There is no further public consultation but it is possible to produce an 'addendum of focussed changes' before submission. However, these 'focussed changes' should not alter the substance of the policy and they do not go to the heart of soundness. They are merely minor changes which the Inspector is invited to consider.

2.3 These policies, together with those on miscellaneous matters, were previously approved by full Council on 26 June 2013 for a publication consultation. The publication consultation took place

between 9 July and 3 September 2013. A large volume of representations were received during this consultation on the basements policy. These representations included detailed evidence on technical issues submitted by basement construction companies. As a result the Council commissioned further reports to ensure that the basements policy is supported by even more robust evidence. However, this necessitated another publication consultation to enable stakeholders to consider the additional evidence. The Council also took the opportunity to make necessary amendments to the policy in response to the additional evidence and valid comments made during the July/September consultation. Changes to the conservation and design policies were also made as a result of valid comments made during that consultation.

2.4 Therefore another round of 'publication' consultation on the soundness of the basements and conservation and design policies was undertaken. The consultation took place between 12 February and 26 March 2014. A 'publication' consultation does not give the opportunity for further changes to be made to the draft policies but asks whether the policies are sound, have been positively prepared and are legally compliant.

2.5 No substantive changes were proposed to the Miscellaneous Matters policies and correspondingly no further consultation was necessary on these policies.

3. Land-use issues

Basement Policy Review

3.1 The driving force of the basement review has been the concern that increasing numbers of basements have been permitted throughout the borough and a new approach is necessary to provide adequate mitigation measures and to ensure that the wider amenity of neighbours is better protected. The Council first consulted on changes to the existing basement policies in April 2012 when a basement issues paper was consulted on. Following this the Council carried out a survey of residents who had either had basements constructed, or had experienced such works in close proximity to them. This was undertaken in August/ September 2012 and the aim was to better understand how they had been constructed, how the works looked after development had been completed and concerns regarding their impact. A further consultation was then undertaken in December 2012/ January 2013 and this was followed up with two specific consultation events in January 2013. A basement working party was also set up consisting of residents, developers and specialists, and four meetings were held in February 2013. A 'second draft' basements policy document was published for a further period

of 6 weeks consultation from 21 March 2013 to 2 May 2013. A further working party meeting was also held at this stage.

3.2 Subsequently the policy was approved by the full Council for a publication consultation on the soundness of the policy. The soundness consultation was undertaken from 9 July to 3 September 2013. As explained in para 2.3 above further evidence was commissioned and produced by the Council which also resulted in changes to the policy. Another round of publication consultation was undertaken from 12 February 2014 to 26 March 2014.

3.3 After considering the responses the submission policies now reflect the following criteria –

- reducing the maximum extent of basements in each garden to 50% and not comprise more than one storey;
- an exception to the above for large sites (generally new developments located in a commercial setting or of the size of an entire or substantial part of an urban block[1]) to permit more flexibility in terms of their projection into the garden and depth;
- clarifying the depth of basements with the general height of a single storey defined as 3-4m floor to ceiling height with a small extra allowance for a swimming pool;
- not add further basement floors where there is an extant or implemented planning permission for a basement or one built through the exercise of permitted development rights;
- not involve excavation underneath a listed building and demonstrate there is no harm to the listed building when proposed in the garden;
- the visual impact of the external elements of basements to be considered on the character or appearance of the building, garden or wider area;
- include sustainable urban drainage system (SuDs) including 1m of permeable soil on top of the basement;
- the existing dwelling or commercial property to which the basement relates is adapted to a high level of performance in relation to energy, waste and water;
- for construction impacts to be considered at the beginning of the process;
- be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London underground tunnels and the highway;
- be protected from sewer flooding through the installation of a suitable pumped device.

3.4 The second consultation on soundness of the policy finished recently (26 March 2014). About 300 individual responses have been

[1] Urban blocks are generally bound by roads on all sides and can contain a mix of uses.

received during this consultation. A large majority of residents and resident associations are in support of the policy restricting basements to a maximum of 50% underneath gardens and to a single storey. However, many of them would like the policy to go further to include more restrictions as follows -

- Basements should not be allowed beyond the footprint of the existing property.
- Basements should not be allowed in the gardens of listed buildings.
- Conservation areas should be given the same weight by the policy as given to listed buildings.

3.5 A large volume of material has been received from some basement construction companies. These companies are strongly opposed to all aspects of the proposed policy. The material submitted includes technical documents on arboricultural issues, structural issues, carbon footprint and other environmental issues. Their suggested approach is to treat each case on its own merit and to avoid a blanket restriction on size of basements as proposed. They submit that construction impacts are not a material planning issue as these are temporary and can be mitigated. These responses also highlight that introducing the limits proposed would have an economic impact by reducing jobs in the construction industry and that this is not in-line with the current Government policy trying to boost the construction industry and economic growth. Therefore the Council's policy is unsound. Some residents have also sent responses stating the policy is unsound as it is too restrictive but these are a minority.

3.6 The draft policies are based on robust evidence gathered from a variety of different sources. A list is provided in appendix B.

3.7 The overarching evidence is that received from Alan Baxter's – a firm of structural engineers who prepared a Basement Study Report in December 2012 which was re-issued in March 2013. However, evidence for each policy criteria has been gathered from a variety of sources including an extensive consultation with both those who had basements added to their properties and neighbours who had been consulted on such development. Photographic evidence has also been compiled showing the effects before and after basements had been constructed.

3.8 In terms of the curtailing of economic growth in the borough the NPPF actually requires an appropriate balance to be struck between the three dimensions of sustainable development: economic, social and environmental. Whilst contributing to building a strong, responsive and competitive economy is clearly important this must be balanced against the need to support strong, healthy and vibrant communities and the need to protect and enhance the natural, built

and historic environment. Basement development is not being prevented in the borough; the purpose of the draft policies is to ensure that the effects of such development are adequately mitigated paying attention to what is possible within the planning framework. Limiting basements to a single storey is unlikely to have a widespread impact on the construction economy in the Borough. This is because basements deeper than a single storey are a small proportion of the overall number of basements granted permission. For example in 2013, 33 planning permissions were granted for two or more levels of basements while the total number of basements granted permission was 259.

3.9 On the basis of the responses received, and the evidence produced by the Council, the draft policies are considered to be sound in all respects. This is discussed further at section 5 of this report.

Conservation and Design policies

3.10 As part of the Core Strategy review existing Unitary Development Plan (UDP) policies are being 'rolled forward' into the Core Strategy. The policies are being brought forward within the 'Renewing the Legacy' and the 'An Engaging Public Realm' chapters. Whilst the wording has been amended the substance of the policies has not changed – they have been effective in the past, and there is no intention to change the policy direction. A public workshop was held in advance of issuing the draft policies for an eight week consultation period between December 2012 and January 2013 together with a specific consultation event in January 2013. A Stakeholder Working Group met in May 2013 to discuss proposed changes prior to the draft policies being publicised for further rounds of consultation in July 2013 and February 2014.

3.11 Just 13 representations were received to the first consultation and these related principally to living conditions and townscape. With regard to living conditions there was concern around issues of privacy and access to daylight as a result of new development and these included comments about roof terraces and their impact on neighbouring properties. With regard to townscape the policies on building heights and views were considered to be particularly important. In general the comments received supported the policies and the overall emphasis on improving design quality. Comments were also received in relation to advertisements.

3.12 In response to the second consultation on the publication policy in February 2014, 28 representations have been received. There is no overarching theme that has emerged from these comments. Rather these were varied comments across the 14 policies under review. Some of these suggest changes to improve clarity and many seek to ensure stricter controls and more restrictive policy regarding

building conservation. On the basis that a major part of this review is to ensure that the extant UDP policies are covered in the Core Strategy, there are a number of comments suggesting that these UDP policies had not been directly translated into the Core Strategy. In many cases the wording of these has been changed to fit with the rest of the current crosscutting Core Strategy policies, which promote positive development rather than the inflexible and less positive approach of the UDP.

3.13 The final wording of the draft policies has taken into account the representations that have been received. For the purposes of examination it is concluded that the draft policies are sound.

4. The Submission Process

4.1 The next stage is what is known as Submission stage. This is the process of submitting the draft policy document to the Secretary of State. The Secretary of State will appoint a Planning Inspector to undertake an examination in public on the soundness of the planning policies. The date for submission has been agreed with the Planning Inspectorate as 29 April 2014.

4.2 The Council cannot make further changes to the draft policies after they have been published, but can recommend minor changes for the Inspector to consider. Members are invited to consider, whether in the light of the representations received, the policies are sound and can be submitted to the Secretary of State. If Members consider that more fundamental changes are required to the draft policies they would need to be revised and further consultation would need to be undertaken before they could be submitted for independent examination.

4.3 The thrust of the response in section 3.0 of this report is that in all cases the draft policies are sound and can now proceed to submission.

5. The process of preparing a Local Plan and the tests of soundness

5.1 The Government has made it clear that the production of Local Plans should follow their principles for community engagement in planning. Involvement should be appropriate to the level of planning involved and engagement should start from the outset so that there is a sense of ownership of local policy decisions. It also needs to be continuous so that consultation is part of an ongoing programme and the methods used need to be transparent and accessible. The timetable for the preparation of specific documents is set out in the

Local Development Scheme (LDS) which has been recently updated to reflect the revised timetable for the partial review process.

5.2 The consultations have been undertaken so that they are in compliance with the Statement of Community Involvement (which has been replaced by the document, 'Involving People in Planning') and the Local Development Scheme. All the publication draft policies conform to the regulations in this respect.

5.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the key stages for the preparation of local plan documents. Regulation 18 requires that the local planning authority notify interested parties and allow them to make representations about what a local plan with that subject ought to contain. The particular stages for each policy strand have been set out. In the case of extant UDP policies which are being carried forward for inclusion in the Local Plan there is no requirement to undertake an initial issue and options stage as the substance of the policies has clearly already been developed.

6. Legal Compliance and the Tests of soundness

6.1 The soundness of the document is tested by a Government Inspector at an independent examination. The key stages before this are discussed below, but the Inspector will be concerned with two separate matters of legal compliance and soundness. Section 20 of the Planning and Compulsory Purchase Act 2004 provides that the purpose of the independent examination is to determine firstly, whether the development plan document (in this case the draft planning policies) have been prepared in accordance with the Act and relevant regulations and secondly, whether they are sound.

6.2 With regard to the first part of the test, the Inspector will wish to ensure that the draft policies have been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, the Local Development Scheme; the Statement of Community Involvement (SCI); that they have been subject to a sustainability appraisal; that they have had regard to national policy and generally conform with the Regional Spatial Strategy (which in London is the London Plan). The draft planning policies must also be sound which means that they must be positively prepared, justified, effective and consistent with national policy. The draft policies have also been prepared in accordance with the timetable set out in the Local Development Scheme.

6.3 Consultation at all stages of the process has been undertaken with specific consultation bodies - the Greater London Authority (GLA), English Heritage, English Nature and the Environment Agency, but also general consultation bodies which includes amenity societies

and business people. Full consideration has been given to all the representations that have been received and at each consultation stage a report has been prepared summarising all the responses that have been received and the response to the comments. The Council's website has also been used to advertise key stages of the process.

6.4 The draft policies have also been subject to sustainability appraisal which appraises the economic, social and environmental sustainability of the policies. This has assisted in the evaluation of alternative options (where necessary) and has provided a key role in providing a sound evidence base for the policies by demonstrating that the most appropriate option has been selected.

6.5 The draft policies must also be in general conformity with the London Plan and a letter of compliance has been received by the GLA.

6.6 In terms of the tests of soundness the NPPF states that to be sound local plan documents should be:

- **Positively prepared –** the proposed planning policies should be prepared based on the strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified** – the proposed planning policies should reflect the most appropriate strategy, when considered against reasonable alternatives, based on proportional evidence. A sustainability appraisal is prepared as part of this process.

- **Effective –** the proposed planning policies should be deliverable over the plan period and based on effective joint working on the strategic priorities.

- **Consistent with National Policy** – the planning policies should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

6.7 The NPPF also states that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross- boundary impacts when their local plans are submitted for examination. This is to ensure that local plans are in

place to provide the land and infrastructure necessary to support current and projected future levels of development. It is considered that the duty to cooperate is not relevant to basements and conservation and design which are the subject of this report.

6.8 The draft planning policies are considered sound in relation to the above tests in addition to meeting the legal requirements under s20 of the Planning and Compulsory Purchase Act 2004.

7. The content of the Core Strategy and the tests of soundness

7.1 A summary of the comments received in relation to the draft policies has been included at Section 3.0 of this report. No comments have been received which are considered to make the draft policies unsound. The proposed draft policies and reasoned justification can be found in the appendices

7.2 Basement policy can be found at appendix A; and Conservation and Design policies at appendix C. The appendices include the publication version of the policy documents. As mentioned above changes to the substance of the policies cannot be made at this stage. Therefore the documents will be submitted with the title updated to reflect submission and any minor changes to improve the clarity of the document following detailed consideration of responses.

8. Need

8.1 There is a statutory duty to prepare planning policies for the Borough under the Planning and Compulsory Purchase Act 2004 and to ensure that they are tested at an independent examination.

9. Legal Implications

9.1 Planning policies must be prepared in accordance with the Planning and Compulsory Purchase Act 2004, the regulations made under the Act (currently the Town and Country Planning (Local Planning) (England) Regulations 2012) and the Environmental Assessment of Plans and Programmes Regulations 2004. Section 39 of the Planning and Compulsory Purchase Act provides that in preparing planning policies the Council must exercise the function with the objective of contributing to the achievement of sustainable development. Section 19 of the Planning and Compulsory Purchase Act 2004 provides that planning policies must be prepared in accordance with the Local Development Scheme and comply with the Statement of Community Involvement. Section 19 also provides that the Council must have regard to the Secretary of State's policy and advice, the London

Plan, the Community Strategy and the resources likely to be available for implementing the proposals in the Core Strategy. The Council must carry out a sustainability appraisal of the proposals in the Core Strategy and prepare a report of findings. Section 19 of the Planning and Compulsory Purchase Act 2004 provides that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change.

9.2 The Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to place a duty on local planning authorities to co-operate with other bodies, including neighbouring authorities, in relation to the planning of sustainable development. (Legal implications verified by LeVerne Parker, Chief Solicitor and Head of Regeneration, Bi-Borough Legal Services).

10. Financial Implications

10.1 The independent examination of the whole of the Core Strategy cost £120,000 which included the employment of a Programme Officer which was paid for by the Council. However, the costs should be substantially less for the examination of a smaller number of policies. The Group Finance Manager, Planning and Borough Development, advises that sufficient budget provision to meet additional costs arising from the review of the Core Strategy was carried forward from 2012 - 13.

11. Equalities Implications

11.1 The Council when taking decisions in relation to any of its functions must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act). Section 149 provides that the Council must in the exercise of its functions (including its functions exercised as local planning authority) have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, advance equality of opportunity between persons who share a protected characteristic and persons who do not share it and foster good relations between persons who share a protected characteristic and persons who do not share it. An equality impact assessment is the tool by which the authority can assess the impacts on various groups and the decision maker must then have due regard to the results of that assessment. An Equalities Impact Assessment has been undertaken for the draft policies and this shows either no impact or a positive impact in all cases.

12. Sustainability or environmental implications

12.1 The statutory process requires the preparation of a Sustainability Appraisal, which is broader than, but covers the requirements of, the Strategic Environmental Assessment Regulations that require plans and programmes to be assessed. The new draft policies have been assessed against the criteria and have been found to have an overall positive impact.

13. Staff implications

13.1 There are no specific staff implications. The draft policies have been prepared by the Planning Policy Team with the assistance of other departments within the Council. This has been absorbed in current work programmes.

14. Recommendations

14.1 The Council is recommended:

(i) to consider the comments received in relation to the draft planning policies and reasoned justification;

(ii) to agree that the draft policies meet the tests of soundness, and to approve submission of the planning policies and reasoned justification to the Secretary of State;

(iii) to delegate to the Executive Director for Planning and Borough Development, subject to prior consultation with the Cabinet Member for Planning Policy, Transport and Arts, the authority to recommend minor changes to the policies to improve their legibility and to ensure that they are up to date but which do not affect their soundness prior to submission; and

(iv) to delegate to the Executive Director for Planning and Borough Development, subject to prior consultation with the Cabinet Member for Planning Policy, Transport and Arts, the authority to agree necessary changes for soundness purposes to the policies during the process of examination.

Jonathan Bore
Executive Director, Planning and Borough Development

Contact Officer: Preeti Gulati Tyagi, Acting Planning Policy Team Leader, Ext 5784.
E mail: Preeti.gulatityagi@rbkc.gov.uk

Appendix A: Basements Publication Planning Policy

Appendix B: List of Supporting Documents for Basements Policy

1. Policy Formulation Report, Feb 2014 (pdf - 1MB)
2. Statement of Consultation (Reg 17), Feb 2014 (pdf - 968Kb)
3. Summary of Consultation, Feb 2014 (pdf - 984Kb)
4. Sustainability Appraisal (SA/SEA), Feb 2014 (pdf - 1MB)
5. Habitats Directive Screening Assessment, Feb 2014 (pdf - 1.2MB)
6. Equalities Impact Assessment (pdf - 238 Kb)
7. Monitoring Report, 2013 (Extract Chapter 2) (pdf - 1MB)
8. Population and Household Density, Feb 2014 (pdf - 340Kb)
9. Background Report 01 (Urban Design Strategy), Urban Initiatives, Jul 2006
10. Basements Development Data, Feb 2014 (pdf - 2MB)
11. Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 (pdf - 3.8MB)
12. Basement Works - Impact on Residents, Feb 2014 (pdf - 1.4MB)
13. Alan Baxter Associates Basements Report (Mar 2013) [PDF] (warning large file 5MB)
14. London Terrace Houses 1660 - 1860, English Heritage, 1996 (pdf - 3.1MB)
15. Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 (pdf - 3.4MB)
16. Basements Visual Evidence, Feb 2014
17. Basements Visual Evidence - External Manifestations, Feb 2014 (pdf - 1.3MB)
18. Trees and Basements, Feb 2014 (pdf - 983Kb)
19. Impact of Basement Development on Biodiversity, Feb 2014 (pdf - 965Kb)
20. London: Garden City?, 1998 - 2008, London Wildlife Trust, 2011 (pdf - 1.5MB)
21. Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pdf - 3MB)
22. Evidence Base for Basements and Policy CE1: Climate Change, Eight Associates [PDF] (file size 624Kb)
23. Carbon Offsetting, Feb 2014 (pdf - 32 Kb)
24. Basement Surveys (neighbours and residents) Responses, Aug/Sep 2012
25. Various consultations (including public events) on the emerging basements policy.

Appendix C: Conservation and Design Publication Planning Policy

Conservation and Design Policy Review

Partial Review of the Core Strategy
Publication Planning Policies

February 2014

Regulation 19, Town and Country Planning (Local Planning) (England) Regulations 2012

THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Consultation Information

The period for representations for the Publication Document runs from **Wednesday 12 February to Wednesday 26 March 2014.** Comments relating to the soundness of the policies must be received by **midnight on 26 March 2014**. The Council may not be able to consider representations received after this date.

Please submit your comments online at planningconsult.rbkc.gov.uk, or by completing a comments form and emailing it to planningpolicy@rbkc.gov.uk. You can also send a comments form to:

The Executive Director of Planning and Borough Development
fao The Policy Team
The Royal Borough of Kensington and Chelsea
The Town Hall,
Hornton Street,
London W8 7NX

The comments form can be obtained from the planning policy team by contacting us on 0207 361 3012 or can be downloaded from:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/consultations/conservationconsultation.aspx

All representations must express a view regarding the soundness or legal compliance of the document.

A guide to making presentations on the soundness of the proposed policies can be viewed on the same web page.

The purpose of the consultation

In December 2012 – January 2013 the Council published, for consultation, a document setting out proposed policy updates relevant to conservation and design within the Borough. It was issued for Publication in July 2013. Representations received have been considered and these comments have been used to inform this further Publication Draft of the policy.

The purpose of the policy review is to consolidate our planning policy concerning character and conservation. The main issue is to ensure the Core Strategy subsumes the Extant UDP policies and strategic conservation guidance found in our Conservation Area Proposals Statements. We seek your views on whether these policies are "sound". It is these policies which the Council intends to present to the Planning Inspector for examination.

Please note that the Council is no longer in a position when it can change these policies. Any comments received will be passed to the Planning Inspector who will consider them as part of the future examination. ***If you do not comment at this stage you will not be able to be heard at any future Examination***.

How this document is set out

This document includes those elements of Chapter 33 and 34 of the Core Strategy that have been amended. Given that the policy and supporting text has been extensively re-drafted the normal convention of indicating changes through underlining and colour coding was not considered to be helpful. A document showing these changes in detail is available on the Conservation and Design Consultation website.

There are two main elements that have not been included within the publication draft:

- Policies CR1, CR2 and CR3 and the associated text. This concerns the Council's policies on street form. These have not been altered.

In addition:

- Policy CL7 and the associated text, concerning basement development has not been included as this forms part of a separate review, available at http://www.rbkc.gov.uk/planningandconservation/planningpolicy/consultations/conservationconsultation.aspx

Please note: it is only the text that has changed that forms the subject of this consultation.

Contents

RENEWING THE LEGACY

CONTEXT AND CHARACTER

34.3.1 The Borough's townscape is unique in its high quality, finely grained, historic built environment and has a strong sense of identity and character. The Council has a reputation of upholding high standards of conservation and design. The character and appearance of the Borough are highly valued, locally, nationally and internationally.

34.3.2 Over and above the pure preservation of our historic urban fabric the Council has embraced the principle of resisting design that fails to take the opportunities available for improving the character and quality of the area and the way it functions. Assessment of planning applications is therefore based on whether they are 'good enough to approve' rather than 'bad enough to refuse' to ensure the continuation of our existing high quality environment.

34.3.3 The Borough is a highly desirable place to live, shown by the highest average home prices in England[1]. These residential land values have led to strong pressure to change buildings to residential use. The principle of change of use is addressed in Keeping Life Local and Fostering Vitality. But the part that use plays in character must not be overlooked. The distinctive character of many buildings comes from their use, their role in the community, the facilities they provide and the activity they generate as much as their physical appearance. A building's use can therefore contribute to the character of a conservation area and to a sense of place.

34.3.4 The Borough's townscape is rich in detail. Paying attention to detail, as well as to matters such as form and mass, is therefore important in ensuring new high quality development.

34.3.5 Development proposals should heed their local context. Analysing and responding to context is important in good design. The extent of the relevant context depends on the development.

34.3.6 The Borough has considerable residential densities but surprisingly modest building scales. For example, Victorian terraced housing in the Borough is typically of four storeys, providing 700 habitable rooms per hectare (hrh); Edwardian terraced mansion blocks at six storeys provide 970hrh. In North Kensington, the typical postwar estates are five and six storeys, providing 500hrh, much lower than in the Victorian period.

34.3.7 The Borough is a good example of how high density development can be completely compatible with a high quality environment. The design of a development must take into account the character and scale of the area, the need to foster good design and the Council's and community's aspirations for the site and area. The density of the development should be the outcome of this design process rather than the starting point. The density matrix in the London Plan needs to be considered in this context.

[1] Land Registry (2009).

34.3.8 Developments close to the River Thames and the Grand Union Canal should have regard to and enhance the special character and distinctiveness of those areas. In conformity with the London Plan parts of the Borough adjoining the River Thames have been designated as the Thames Policy Area, to ensure developments in this area reflect the strategic role of the Thames in London.

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.

34.3.10 Backland sites - sites surrounded by other development with limited or no street frontage - may be difficult to difficult to integrate into the surrounding context.

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. They are an effective form of development for making good use of the space within larger perimeter blocks. Indeed, the mews as a feature of the townscape is one of the factors that distinguish London from other cities. 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.

34.3.12 Artists' studios represent a distinctive building type that emerged in the middle of the nineteenth century. They are characterised by a number of features including large windows and expanses of studio space behind. They exist in many forms from grand studio houses commissioned by famous artists of the day, to more modest and utilitarian speculatively built groups. There are significant numbers in the Borough, which make an important contribution to its character and appearance. There is considerable pressure both for the introduction of new uses and the carrying out of alterations. This pressure is threatening the essence and character of these studios and consequently, undermining the artistic traditions of the Borough.

CL1 Context and Character

The Council will require all development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive for all.

To deliver this the Council will:

a. require development, to contribute positively to the townscape through the architecture and urban form addressing matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials and historic fabric as well as vistas, views, gaps, and open space;

b. require development to respond to the local context;

c. require the density of development to be optimised, but sensitive to context;

d. require riverside and canalside development to enhance the waterside character

and setting, including opening up views and securing access to the waterway;

e. require development within the Thames Policy Area to protect and improve the strategic importance and iconic role that the Thames plays in London;

f. require a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment, resisting schemes which prejudice future development potential and/or quality;

g. require the development of backland sites to ensure vehicular and pedestrian access is properly integrated into the surrounding street network and that the scale and massing respect the hierarchy of the existing urban block so as to enhance the character of the area;

h. ensure that, in carrying out alterations and extensions, the characteristics of the type of building, such as mews, terrace or mansion block, is preserved and enhanced;

i. resist the demolition of, and inappropriate alterations and extensions to, artists' studios.

DESIGN QUALITY

34.3.13 The Royal Borough has a distinctive townscape of high quality, often characterised by a wide variety of architectural styles within relatively small areas. To renew the legacy, a sensitive approach to the architectural design of new buildings, and to extensions and modifications to existing buildings will be required to renew the legacy. This should be to a high quality, with very high quality expected within conservation areas.

34.3.14 Definitions of good design are many and varied. Design is often interpreted to be about appearance. But good design must also take account of functionality. The most commonly used set of objectives for good design in the built environment are character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity[2]. But the Council believes the three criteria set by Vitruvius: functional, robust and attractive, provide a timeless assessment of good design, and can be applied at any scale, from the design of a chair, to a building, or part of a city[3].

34.3.15 Architecture is about more than just aesthetics. Functional issues such as crime prevention, accessibility and inclusivity must be integrated into the design at the outset in order for development to be fit for purpose. This approach will ensure that final architectural quality is not compromised.

[2] These principles are from 'By Design, Urban design in the planning system: towards better practice', CABE, 2000. Whilst the Taylor review recommends cancellation of this guidance, the principles remain valid in considering good design.

[3] Vitruvius proposed that the creations of architecture should display three qualities: utilitas, firmitas and venustas. These were rendered into English in 1624 by Sir Henry Wotton as 'commodity, firmness and delight'. It is difficult to better this description, but we have used more conventional language for the 21st century.

34.3.15 Sustainability is also essential in good design and applies to all levels of development. It must be integrated into the whole design process from the beginning. The Local Plan as a whole is concerned with social, environmental and economic sustainability. In terms of architectural design the focus is on the use of resources. Detailed policies in this regard are set out in Chapter 36 'Respecting Environmental Limits'.

34.3.17 The distinctive townscapes of the Royal Borough vary from large buildings such as the museums and mansion blocks, through, the terraces, squares, crescents to the relative modesty of the mews. These, together with the garden squares, give a unique character to the Borough. In some places there are striking juxtapositions of buildings of different scale. A blanket design approach to new buildings and extensions would therefore not be appropriate. In some cases replicating the design of adjacent buildings will be more appropriate, in others a more contemporary approach will work, depending on the variety or uniformity and quality of the surrounding context.

34.3.18 Some buildings detract from their surroundings because of their scale or design. Where the redevelopment of such buildings comes forth, a flexible approach will be taken in order to facilitate redevelopment. Such buildings will only be identified through Supplementary Planning Documents or Development Planning Documents.

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.

To deliver this the Council will:

a. require development to be:

i. Functional - fit for purpose and legible;

ii. Robust - well built, remain in good condition and adaptable to changes of use, lifestyle, demography and climate;

iii. Attractive - pleasing in its composition, materials and craftsmanship;

iv. Locally distinctive - responding well to its context;

v. Sustainable - in the use of resources, including energy, in construction and operation;

vi. Inclusive - accessible to all;

vii. Secure - designs out crime;

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' by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable.

HERITAGE ASSETS - CONSERVATION AREAS AND HISTORIC PLACES

34.3.19 The historic environment is central to the character of the Borough and the Council has a duty[4] to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

34.3.20 The character and appearance of a conservation area is not only provided by the high quality and appearance of individual buildings within the area and the interrelationship between them but it is also gained from whole and partial street views as well as views into and out of the area. Therefore development that impacts on setting, including the effect on views, gaps and vistas identified in conservation area appraisal documents, needs to be assessed to ensure that the character and appearance of the area is conserved.

34.3.21 Where the quality of an area has been eroded, whether or not in a conservation area, the Council will take steps to ensure that new development and other schemes such as streetscape works improve the environment.

34.3.22 In addition, a building's use can contribute to the character of a conservation area and to a sense of place. The Borough contains a scatter of incidental mixed uses within its residential neighbourhoods, which offer variety, surprise and delight. These punctuate the street scene and add to the vitality and character of a conservation area. Their loss diminishes the character of the townscape, the cherished local scene and the vitality and diversity of the area.

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.**

[4] s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

34.3.24 As the majority of the Borough is covered by conservation areas, there are limited opportunities for new development because the presumption is to retain the original built fabric whether it faces the street or not, where it contributes positively to the character of the conservation area. New buildings should contribute to the character and appearance of the conservation area. There have been a number of instances of inappropriate or premature demolition in conservation areas. There have also been examples of buildings being allowed to deteriorate, followed by demolition. The Council will take all appropriate measures available to it to ensure that there is no incentive for such action.

34.3.25 As the character and appearance of a conservation area can be dependent on the detail of developments, outline planning applications are insufficient within a conservation area; full detailed applications are needed.

CL3 Heritage Assets - Conservation Areas and Historic Spaces

The Council will require development to preserve and to take opportunities to enhance the cherished and familiar local scene.

To deliver this the Council will:

a. require development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting;

b. resist the change of use of any building where the current use contributes to the character of the surrounding area and to its sense of place;

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;

d. require full planning applications in conservation areas.

HERITAGE ASSETS - LISTED BUILDINGS, SCHEDULED ANCIENT MONUMENTS AND ARCHAEOLOGY

34.3.26 There are about 4000 listed structures in the Borough. In addition to buildings, local historic features such as memorials (particularly war memorials,

including those on private land or within buildings), statues, plaques, coal plates, horse and cattle troughs and historic bollards, post boxes and historic telephone boxes are historic assets worthy of protection, whether listed or not. The Borough contains two Scheduled Ancient Monuments: the Brick Kiln in Walmer Road and Kensington Palace.

34.3.27 Listed buildings and scheduled ancient monuments can be negatively affected not only by inappropriate additions, internal and external alterations, and demolition, but also by inappropriate use and unsympathetic neighbouring development. Such changes can diminish the architectural and historic value and detract from their setting.

34.3.28 The setting of a listed building and the surroundings in which it is experienced can also contribute to its special interest. The extent of relevant setting will be proportionate to the significance of the asset.

34.3.29 The special architectural or historic interest of listed buildings goes beyond appearance. It includes the integrity of the building as a whole, the location and hierarchy of rooms, historic floor levels, the structure of the building including foundations, as well as features such as original staircases, original roof structures, later additions, and other features identified as being of significance.

34.3.30 When development takes place to listed buildings, it is appropriate to take opportunities to reinstate missing features which are considered important to their special interest or to remove additions or modifications that harm the significance of the building.

34.3.31 Listed buildings are best used for their original purpose. Where that original purpose has become obsolete, sensitive adaptation can be possible.

34.3.32 The standard of workmanship in carrying out modifications to historic structures is not something that is readily controlled through the planning system. It is, however, of vital importance to the quality of the building, and owners are urged to employ the appropriate specialists.

34.3.33 Archaeological remains constitute the principal surviving evidence of the Borough's past, but are a finite and fragile resource. The destruction of such remains, by development, should be avoided to ensure the Borough's past is not lost forever.

CL 4 Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology

The Council will require development to protect the heritage significance of listed buildings, scheduled ancient and sites of archaeological interest.

To deliver this the Council will:

a. require all development and any works for alterations or extensions related to listed buildings, scheduled ancient monuments and sites of archaeological interest,

to preserve the heritage significance of the building, monument or site or their setting or any features of special architectural or historic interest;

b. 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;

c. require the preservation of original architectural features, and later features of interest, both internal and external;

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;

e. resist the change of use of a listed building that would materially harm its character;

f. strongly encourage any works to a listed building to be carried out in a correct, scholarly manner by appropriate specialists;

g. require desk based assessments and where necessary archaeological field evaluation before development proposals are determined, where development is proposed on sites of archaeological significance or potential.

LIVING CONDITIONS

34.3.34 The Borough's dense historic pattern of development and the close proximity of buildings mean that new buildings and extensions need to take careful account of the living and working conditions of neighbours, with particular regard to natural light, light pollution, privacy, noise and disturbance.

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.

34.3.36 In assessing whether sunlight and daylight conditions are good, both inside buildings and in gardens and open spaces, the Council will have regard to the most recent Building Research Establishment guidance, both for new development, and for properties affected by new development.

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.

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.

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.

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.

34.3.41 The level and type of activity generated by the development in its final form, as well as during construction, can affect the conditions of building users, through increased traffic, parking, noise, odours and vibrations in addition to impacts created by the development's physical structure which can have microclimatic effects. The anticipated level of activity as well as the effects on the local microclimate should be taken into consideration.

CL5 Living Conditions

The Council will require all development ensure good living conditions for occupants of new, existing and neighbouring buildings.

To deliver this the Council will:

a. require applicants to take into account the prevailing characteristics of the area;

b. ensure that good standards of daylight and sunlight 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;

d. require that there is no harmful increase in the sense of enclosure to existing buildings and spaces neighbouring gardens, balconies and terraces;

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.

SMALL-SCALE ALTERATIONS AND ADDITIONS

34.3.42 There is great pressure for the adaptation of buildings in the Borough.

34.3.43 Small-scale alterations and additions comprise minor external changes to the appearance of a building or its curtilage, including 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.

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. 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. Their control is, therefore, a matter of strategic importance.

34.3.45 A high proportion of the Borough's dwellings are flats[5]. Whilst dwellinghouses have permitted development rights, buildings such as mansion blocks, often in multiple ownership, do not have such rights. The Council receives a high number of planning applications affecting these types of properties. A consistent approach to alterations and additions across the building can ensure that the visual coherence of the building is maintained.

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.

To deliver this the Council will resist small-scale development that:

a. harms the character or appearance of the existing building, its setting or townscape;

b. results in a cumulative effect which would be detrimental to the character and appearance of the area;

c. is not of high quality form, detailed design and materials or is not discreetly located;

Basements supporting text, and policy CL7 Basements will be inserted here subject to separate consultation

[5] RBKC Housing Needs Assessment 2009.

EXISTING BUILDINGS - ROOF ALTERATIONS/ADDITIONAL STOREYS

34.3.74 Additional storeys and roof level alterations may change the character of the street, the skyline as seen from neighbouring houses and streets, and daylighting and sunlighting to neighbouring properties.

34.3.75 Proposals, must be assessed carefully and ensure they do not individually or cumulatively dominate the original building or surrounding townscape, or detract from architecturally interesting skylines.

34.3.76 Terraces that change their architectural style, character or height but are joined are considered as separate terraces. Roof extensions on one are not regarded as precedents for the other terraces within the street.

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 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;

ii. buildings or terraces that already have an additional storey or mansard;

iii. buildings that have a roof structure or form of historic or architectural interest;

iv. buildings that are higher than surrounding neighbours, or where they would detract from significant skylines or profiles;

v. buildings or terraces where the roof line or party walls are exposed to long views from public spaces, and where they would have an intrusive impact on that view or would impede the view of an important building or open space beyond;

vi. buildings that, by the nature of the roof construction and architectural style, are unsuitable for additional storeys, e.g. pitched roofs with eaves;

vii. mansion blocks of flats where an additional storey would add significantly to the bulk or unbalance the architectural composition;

viii. terraces that are already broken only by isolated roof additions.

EXISTING BUILDINGS - EXTENSIONS AND MODIFICATIONS

34.3.77 The combination of the Borough's high land values, high residential densities, modest building heights and the expanse of the conservation areas, has resulted in pressures for a wide variety of residential extensions and modifications.

34.3.78 It is important that extensions and modifications, including conservatories, respect those aspects of character and integrity of the original building and group of buildings that contribute to local distinctiveness such as height, width, depth, building line, footprint, position, symmetry, rhythm, materials, finishes, detailed design, proportions or dimensions of fenestration, important gaps and a sense of garden openness.

34.3.79 The rear and sides of some buildings may also be distinguished architecturally. Where, for example, they overlook communal gardens, these elevations may be of as much importance as the front. Whilst these elevations of buildings are generally subordinate to the front, they often have a simple dignity and harmony which makes them attractive.

34.3.80 Extensions and infill development may have an unfortunate effect in closing an important townscape gap, or in unbalancing an otherwise symmetrical elevation of a terrace, detached or semi-detached property.

34.3.81 Conservatories are a popular form of residential extension in the Borough. They are principally garden features and should be located with this principle in mind. It is important that they fit in with the historic character of the Borough and therefore their location in relation to the building and garden, their impact on neighbouring properties, their size and detailed design will be carefully considered.

34.3.82 Some modifications to buildings have the potential to cause harm, especially if they are not sensitive to the original character of the building or their cumulative impact detracts from the external appearance of the building. Conversely, if handled in a careful and sympathetic manner they have the potential to result in an improvement to the quality and character of the building. Such details may include changes to windows or glazing patterns; projecting mouldings; chimneys and other architectural details; front walls; railings; the replacement of panelled entrance doors; the repair or replacement of stucco; the permanent removal of projected mouldings and the rendering or painting of a brick-faced building.

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:

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;

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;

e. the extension would breach the established front building line;

f. an important or historic gap or view would be blocked or diminished;

g. the architectural symmetry of a building, terrace or group of buildings would be impaired;

h. the original architectural features on a formal flank elevation would be obscured;

i. access to the rear of the property or of those adjoining would be lost or reduced;

j. a conservatory is proposed to be located at roof level, significantly above garden level or on a corner site.

SHOPFRONTS

34.3.83 Shopfronts[6] within the Borough play a key part in establishing and defining the visual character of our high streets and shopping parades. The Borough has many fine examples of shopfront design ranging from the mid-19th Century through to today. While the careful restoration of some of these early examples is important for maintaining our highly valued built heritage, particular emphasis is placed on ensuring high standards of design for all shopfronts, be they of traditional, modern or contemporary style and to ensure they are inclusive for all.

34.3.84 In old buildings, the original fascia and pilasters or columns which form the frame of the shopfront are often integral to the character of the building.

34.3.85 Modern shopfronts are often temporary street features adapting constantly to changing retail demands. It is important that transient retail fashions do not disrupt the character of a building to achieve short-term requirements. House styles may have to be adapted to fit in with the age and character of the building in which the shopfront is situated.

34.3.86 Open shopfronts can break up the continuity of a street frontage and leave undesirable gaps in a shopping parade. The creation of an open shopfront affects the form of the space between the buildings. The facades present an envelope which

[6] Shopfronts refer to ground floor entrances of Class A uses and other commercial and non-commercial uses typically found within town centres and shopping parades.

defines the space and its character; the sudden appearance of a large opening within the envelope leaves a gap in the shopping parade, so that the space itself is altered. The facade above is also left visually unsupported, the vertical elements resting uncomfortably on a void.

34.3.87 The under-use of the upper floors or retail premises is of concern to the Council. In the event that they are not required for retail purposes, a separate access will be needed for residential or office use. It is thus important to prevent the removal of separate access unless this is to bring the upper floors into active retail use, making the unit as a whole a more viable retail unit. New independent access arrangements must not undermine the functionality of the retail use.

34.3.88 It is important to control blinds and awnings because, if poorly designed or over-prominent, they can detract from the appearance of buildings and be obtrusive features in the street scene.

34.3.89 Security shutters to shop fronts can prevent light from spilling into the street at night, and create a deadening effect that many people feel creates a threatening environment, undermining the vitality and attractiveness of areas with shops out of hours.

CL10 Shopfronts

The Council will require shopfronts to relate well to the buildings above and to either side to provide an attractive setting for the display of goods and to drive up the quality of the area.

To deliver this the Council will:

a. require alterations to existing shopfronts to preserve those elements that contribute to their traditional character, such as corbels, part-glazed doors, fascia, glazing bars, pilasters, and stallrisers, awnings and blinds;

b. require new, and alterations to existing shopfronts, to:

i. respect the building's original framework;

ii. have a positive visual impact on the appearance of the building or streetscene;

iii. respect the character of the building in relation to siting and design of awnings and blinds;

iv. be inclusive for all;

v. maintain existing independent access to upper floor accommodation;

c. require, where shop units are combined, new shopfronts and signage to be installed within the original surrounds and not to obscure them;

d. resist new shopfronts that would involve the removal of existing separate access

to residential accommodation;

e. resist open shopfronts;

f. resist external security shutters that have a solid appearance.

VIEWS

34.3.90 The quality and character of an area is not only provided by the individual buildings but it is also gained from views into, within, and out of the area. When considering development that will impacts on views, vistas and gaps, it is important to respect the local context.

34.3.91 The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This is evident not only in the public realm, but also at the rear and sides of properties, particularly around areas of private gardens. The presence of mature rear gardens and greenery softens the dense urban scene and provides relief and visual interest when viewed from the street through gaps between buildings or when a corner building has an open return frontage. A similar pleasant contrast may occur by a view of the sky or rear elevations of nearby properties.

34.3.92 Residents' appreciation and enjoyment of the Borough as a whole and the special character and appearance of conservation areas in particular derives from both public viewpoints and views from within their dwellings. Not only the street scenes, but views from other buildings, including upper floors, and gardens, are important to residents living conditions. These will be considered proportionate to the significance of the view. In particular, careful regard will be had to conservation area appraisal documents.

34.3.93 On the rare occasions that development has an impact beyond the immediate street, a wider assessment of the impact needs to be carried out in accordance to the methodology set out in the Views and Building Heights SPD.

34.3.94 It is important that the impact of development on views within the townscape, including in and around conservation areas, as well as of landmarks defining points of townscape interest is taken into account. In addition to the strategic view from St Paul's to King Henry's Mount in Richmond Park, identified in the London Plan, the Borough also has specifically recognised views that are important to protect. These are set out in the Views and Building Heights SPD.

CL11 Views

The Council will require all development to protect and enhance views, vistas gaps and the skyline that contribute to the character and quality of the area.

To deliver this the Council will:

a. resist development which interrupts, disrupts or detracts from strategic and local

vistas, views, and gaps and the skyline;

b. require developments whose visual impacts extend beyond that of the immediate street, to demonstrate how views are protected or enhanced;

c. require, within conservation areas, development to preserve or enhance views:

i. identified in conservation area appraisals;

ii generally within, into, and out of conservation areas, including the rear of properties;

iii that affect the setting of and from development on sites adjacent to conservation areas and listed buildings;

d. require development to respect the setting of a landmark, taking care not to create intrusive elements in its foreground, middle ground or background.

BUILDING HEIGHTS

34.3.95 The relatively modest and consistent height of building within Kensington and Chelsea reflects the primarily residential character of the Borough. High residential densities are delivered without recourse to tall buildings. This pattern of development with its low to medium-rise, high-density residential areas, has produced a very attractive townscape, and is central to the Borough's charm.

34.3.96 New buildings can strengthen the traditional townscape, both through individual buildings carefully designed to respect their immediate context and through larger developments, which can seek to introduce new legible environments consistent with the Borough's character. (See Policy CR2 Three-dimensional Street Form).

34.3.97 Where new larger developments are proposed some variation in roofscape and height can provide visual interest to the streetscape and avoid overbearing and bulky building forms. This could mean differentiation in roof forms and roof lines within parameters based on the prevailing building height, to break up large blocks and reflect the predominantly domestic scale of the Borough.

34.3.98 Tall buildings are very much the exception: Trellick Tower is the tallest at 98m. Building height is thus a critical issue and a very sensitive feature of the townscape. It is important that the Council carefully manages the height of new development that may otherwise erode the Borough’s distinctive character.

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).

34.3.100 Tall buildings in the wrong location can be visually disruptive. They can harm the character and appearance of a conservation area, the setting of a listed building, the visual amenity of important open space; and they can interrupt views.

34.3.101 It is not enough to ensure that their location avoids causing harm; tall buildings should also make a positive contribution to the existing townscape. This is not just a matter of design quality, but also of contributing to legibility and to the skyline. Buildings that rise above the prevailing building height are successful where, depending on their impact, they give meaning to the local or Borough townscape, highlighting locations or activities of public importance.

34.3.102 Local landmarks are occasional features in the Borough that define points of townscape interest or public functions relevant to those living or working within the immediate areas. A local landmark does not have to distinguish itself by its height, for example, the Michelin Building at Brompton Cross. Where they do, they will tend not to be more than one and a half times higher than the surrounding buildings, and remain compatible with their context. Regardless of location, local landmarks should always be of very high design quality and occasional features if they are to retain their meaning.

34.3.103 District landmarks are significantly taller than the surrounding townscape. They are visible over a wider area and tend to highlight major public functions. These are characteristically up to four times higher than the surrounding buildings and are not typical of the Borough. They are exceptionally rare in the Borough's townscape of predominantly low to medium rise development, and will remain very occasional features. Because of their visibility, the location and use of district landmarks must be significant to the Borough as a whole.

34.3.104 Care is needed to ensure that visibility is assessed contextually to ensure that proposals that exceed the prevailing building height have a positive visual impact and do not appear incongruous within their surroundings. A computer generated zone of visual influence that includes an accurate model of the relevant context is an essential tool in assessing the visual impact of buildings significantly taller than the surrounding townscape.

34.3.105 Very tall buildings, more than four times the height of their context, characterise central metropolitan areas which is not characteristic of the Borough.

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. Full planning applications are important for tall buildings to ensure this design-led approach is fulfilled.

34.3.107 Height is not the only factor which is important when assessing tall buildings. District landmarks should be of an exceptional quality of architecture, sustainability and urban design. Successful tall buildings possess an architecture that is convincing and highly attractive, especially when viewed in the round, and that makes for a distinguished landmark on the skyline. This requires the skilful handling

of scale, height, massing, silhouette, crown and facing materials and the careful incorporation of building services and telecommunications equipment. The profile and proportion of the building, especially the part that sits above the prevailing building height, is also a sensitive feature. Bulky tall buildings are not attractive to look at and disfigure the skyline; slender ones are more successful.

34.3.108 Design quality applies equally to the base. At lower levels it is not only the impact on the streetscape and local views, but also how the building functionally relates to the street. Successful tall buildings are those that create meaningful public realm, interacting positively with the surrounding buildings and spaces. This includes contributions to permeability and connectivity, defining edges that reinforce existing building lines and give a coherent form to open space, and providing active ground floor frontages and a stimulating and inclusive public realm (see Policies CR1 and CR2).

CL12 Building Heights

The Council will require new buildings to respect the setting of the Borough's valued townscapes and landscapes, through appropriate building heights.

To deliver this the Council will:

a. require proposals to strengthen our traditional townscape in terms of building heights and roofscape by requiring developments to:

i. reflect the prevailing building heights within the context;

ii. provide, for larger developments, a roofscape that reflects that of the context of the site;

iii. seldom use height to express local landmarks so the prevailing building height is maintained;

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;

c. require full planning applications for any building that exceeds the prevailing building height within the context.

AN ENGAGING PUBLIC REALM

Policy CR1 Street Network

No changes proposed

Policy CR 2 Three-dimensional Street Form

No changes proposed

Policy CR 3 Street and Outdoor Life

No changes proposed

STREETSCAPE

33.3.16 Much of the Borough lies within one of thirty-seven conservation areas. The Council has a duty to ensure that new development within a conservation area preserves or enhances the character or appearance of that area. Street furniture, such as guardrails and signs, can both detract from this local character and hinder the safe passage for people with sensory and mobility difficulties.

33.3.17 The excellent quality of our public realm is constantly under threat from poorly designed or uncoordinated development and the paraphernalia used to control traffic and pedestrians, public utility equipment, street furniture and advertising. This undermines the very quality that everyone values. The Council's 'Renewing the Legacy: 21 Projects for the 21st Century' included the creation of the Royal Borough Streetscape Guide. This sets out principles of good design, such as more white lighting, the use of York stone, less clutter, sensitively designed street furniture and more public art.

33.3.18 Advertising hoardings and freestanding adverts can have a negative impact on visual amenity and can also have serious implications for public and road safety.

33.3.19 Front gardens offer a valuable contribution to the streetscape. The loss of front gardens to off-street parking has long had harmful effects upon visual amenity and townscape quality. It can also reduce public safety.

33.3.20 Public art can promote civic pride and help create of a sense of place and promote local distinctiveness.

CR 4 Streetscape

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** to support the Council's aim of driving up the quality of the Borough's streetscape.

To deliver this the Council will:

a. require all work to, or affecting, the public highway, to be carried out in accordance with the Council's Streetscape Guidance;

b. require all redundant or non-essential street furniture to be removed;

c. retain, and seek the maintenance and repair of, historic street furniture such as post boxes and historic telephone kiosks, where this does not adversely impact on the safe functioning of the street;

d. require that where there is an exceptional need for new street furniture that it is of high quality design and construction, and placed with great care, so as to relate well to the character and function of the street;

e. resist adverts that by reason of size, siting, design, materials or method of illumination, including on street furniture, harm amenity or public or road safety;

f. resist freestanding structures such as telephone kiosks where the function for the display of adverts over-dominates the primary purpose for the structure, whether sited on streets, forecourts or roadsides;

g. resist pavement crossovers and forecourt parking;

h. require all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm.

PARKS, GARDENS, OPEN SPACES AND WATERWAYS

33.3.21 The benefit of open space is wider than pure aesthetics, it also provides a valuable recreational resource, and contributes to wildlife habitats and biodiversity and has benefits in minimising noise and air pollution. The Borough has a long history and tradition of high quality parks and gardens, such as Kensington Gardens, the Physic Garden, Holland Park, Royal Hospital and Ranelagh Gardens.

33.3.22 There are 100 garden squares within the Borough. There are also 15 open spaces on England's Registered Parks and Gardens[7], including Kensington Gardens, Holland Park, Brompton and Kensal cemeteries and Kensington Roof Gardens, the latter being the only roof garden on the national register.

33.3.23 The Borough contains four areas of Metropolitan Open Land (MOL): Kensington Gardens, Holland Park, Brompton and Kensal cemeteries. These areas provide attractive breaks in the built-up area, provide open air facilities and contain features or landscapes of historic, recreational, or natural importance.

[7] Register of Parks and Gardens of Special Historic Interest in England compiled by English Heritage

33.3.24 Holland Park and Kensington Gardens are the main public open spaces in the Borough. Hyde Park, although entirely in the neighbouring borough of the City of Westminster, also makes a particular contribution to open space which is accessible to residents of the Borough. However, much of the Borough, particularly in the south, lies beyond a 5 minute (400m) walk to the nearest public open space. In spite of this, there is a strong green amenity to the area, with numerous garden squares and street trees.

33.3.25 The Parks Strategy, Local Biodiversity Action Plan, the Play Strategy and regular updating of Playable Spaces Audits provide both a qualitative and quantitative audit of play and open spaces in the Borough. There are limited opportunities to create larger areas of public open space because of the location and potential size of development opportunities and the fact that many sites have constrained boundaries. Small areas of open space might be possible, but these are often better managed if they are communal[8] to the adjacent development, rather than public - as the garden square tradition of this Borough demonstrates. The provision of new public open space is, therefore, not seen as a strategic issue for this Borough, and will be assessed on a case by case basis, using the up-to-date information from on-going audits of play and open space. Contributions towards the maintenance of the existing public open spaces with appropriate play facilities will be sought from developers while communal external open space which can greatly improve the quality of life of residents, can be designed into quite small schemes. This will therefore, be the focus of our policy.

33.3.26 Maintaining open spaces ensures the ecological and biological diversity of the Borough and contributes positively not only to wildlife habitats but also to the quality of life for residents and those visiting and working here. Optimising wildlife habitat ensures that the Borough and London provides feeding, breeding and nesting areas for a variety of bird and mammal species, which are often marginalised by increasing development pressures.

33.3.27 In the north, the Borough is bounded by the Grand Union Canal, which is currently viewed as a physical barrier to movement. However, it is a valuable public realm asset and its potential to provide for improved biodiversity as well as amenity space and pedestrian and cycle links should be exploited.

33.3.28 The River Thames forms the southern boundary, and like the Grand Union Canal to the north, the potential of the Thames as a leisure, recreation, biodiversity and transport resource remains under utilised. **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.**

[8] such as a private garden square

CR 5 Parks, Gardens, Open Spaces and Waterways

The Council will protect, enhance and make the most of existing parks, gardens, open spaces and waterways, and require new high quality outdoor spaces to be provided.

To deliver this the Council will, in relation to:

Parks, Gardens and Open Spaces

a. resist the loss of existing:

i. Metropolitan Open Land;

ii. public open space;

iii. private communal open space and private open space where the space contributes to the character and appearance of the area;

b. resist development that has an adverse effect upon the environmental and open character, appearance and function of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;

c. resist development that has an adverse effect on garden squares, including proposals for basements;

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 which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. Where this is not possible for justified townscape reasons, that a s106 contribution is made towards improving existing publicly accessible open space;

e. require all major residential developments to provide on-site external play space, including for under-fives, based on expected child occupancy;

f. require all green open space to optimise biodiversity and wildlife habitat;

g. protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets;

Waterways

h. require opportunities to be taken to improve public access to, and along the Thames and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport;

i. resist permanently moored vessels on the River, except where they would not have:

i. a detrimental effect on the **river as a transport route and its** special character, including biodiversity~~, of the river~~;

ii. an adverse affect on the character or appearance of the existing residential moorings at Battersea Reach;

j. permit residential moorings on the Grand Union Canal provided that:

i. there are adequate services for permanently moored vessels;

ii. other canal users (both water and land-based) are not adversely affected.

Policy CR 6 Trees and Landscape

The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

a. resist the loss of trees unless:

i. the tree is dead, dying or dangerous;

ii. the tree is causing significant damage to adjacent structures;

iii. the tree has little or no amenity value;

iv. felling is for reasons of good arboricultural practice;

b. resist development which results in the damage or loss of trees of townscape or amenity value;

c. require where practicable an appropriate replacement for any tree that is felled;

d. require that trees are adequately protected throughout the course of development;

e. require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape;

f. require landscape design to:

i. be fit for purpose and function;

ii. be of a high quality and compatible with the surrounding landscape, and

townscape character;

iii. be clearly defined as public or private space;

iv. optimise the benefit to wildlife habitat;

g. serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.