

Conservation and Design Policy Review
(Policies CL1, CL2,CL3, CL4, CL5, CL6, CL8, CL9, CL10, CL11, CL12, CR4, CR5, CR6)

Q1 State planning policy or paragraph number to which you are referring

Name	Response	Summary of comment and Council's Response	Council's Recommendation
Anthony Ogilvie Thompson	Basements Publication	Not relevant to this consultation	-
British Sign Association (Chris Thomas)	CR4 Streetscape	-	-
ESSA (Anthony Walker)	Conservation and Design Policies CL1, CL2,CL3, CL4, CL5, CL6, CL8, CL9, CL10, CL11, CL12, CR4, CR5, CR6	-	-
Kensington Society (Michael Bach)	<p>Most of the revised policies are sound and effective, even though the Society has proposed improvements and additions designed to cover omissions and ensure that the consolidation of the UDP Saved policies and generic policies from Conservation Area Proposals Statements are fully covered.</p> <p>In most cases the policies are in themselves sound even if incomplete</p>	-	-
Outdoor Media Centre (Outdoor Media Centre)	CR4 Streetscape	-	-
Port of London Authority (Lucy Owen)	CR5	-	-
St Helens Residents Association (Henry Peterson)	CR4, CR5 and CR12 on Conservation	-	-
Susan Walker Architects (Susan Walker)	CL12	-	-
The Friends of Holland Park (Jennie Kettlewell)	CL4 CR5 CR6	-	-
The Norland Conservation Society (Mr Wilson)	<p>Proposed Policy</p> <p>We have welcomed and participated in the extensive consultation exercise that contributed to this new policy statement. In general we support the policies. Our following comments focus entirely on policies which we find inadequate or missing. We have not included comments on policies or reasoned justifications which we support.</p> <p>Comments on the new policy ie Section 34.3, paras 34.3.1 - 108, and Policies CL1 - 12 (excl CL7: Basements - on which we have commented separately)</p>	<p>34.3.74-76 and Policy CL8 – condition on roof terraces suggested</p> <p>Paragraph 206 of the NPPF states: <i>'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'</i>.</p> <p>Therefore this would not be justified or consistent</p>	<p>34.3.74-76 and Policy CL8</p> <p>No change</p>

Name	Response	Summary of comment and Council's Response	Council's Recommendation
	<p>The Society has comments on and is proposing changes to these two parts.</p> <p>34.3.74 - 76 and Policy CL8 There is no mention of furniture and planting on roof terraces, which can in some cases, seriously disrupt and detract from original roofline intentions. A condition should be included to the effect that: Roof terraces will be subject to a condition requiring the Council's approval of enclosure design and materials, landscaping, planting and furniture, in order to avoid compromising rooflines.</p> <p>34.3.9 and Policy CL1 (a) There is no reference to the need to provide open space/gardens in new developments and there should be.</p> <p>CL6: Small-scale Alterations and Additions: and 34.3.42 - 45 There is no mention of the need to protect front garden enclosures, and prevent pavement crossovers to create front garden parking. CL6 should include a policy to this effect: eg "Resist the removal of front garden walls, fences or railings or of piers in conservation areas and encourage their reinstatement to match their original design or match others in the terrace when such features have been lost" In this connection, somewhere, a policy should be included requiring any paving of front gardens to be permeable: Any paving must enable runoff to go to the soil not to the sewer.</p> <p>CL9: Existing Buildings – Extensions and Modifications The last sentence of CD47f ("Full width extensions will not be usually be allowed" should be instated.</p> <p>We do not accept that CD47h ("There would be a significant increase in overlooking of neighbouring properties or gardens") is covered within the section on living conditions CL5.</p>	<p>with national policy.</p> <p>34.3.9 and Policy CL1 (a) reference to need for new development to provide open space suggested – Public open space is dealt with elsewhere in the plan, and living conditions is dealt with in policy CL5. We do not specify gardens or balconies for all new dwellings in CL5 because there are many situations where, for design reasons, this is not able to be achieved.</p> <p>34.3.42-45 and CL6 – policy protecting front boundary enclosures suggested - policy already deals with this matter.</p> <p>CR4(g) policy requiring paving in front gardens to be permeable suggested CE2(f) covers this point</p> <p>CL9 - reinstatement of CD47(f) suggested Disagree: CL9(c) addresses the issue of full width extensions through the matter of rhythm</p> <p>CL5 - reinstatement of CD47(h) suggested requiring reasonable visual privacy – covered by CL5 already</p>	<p>34.3.9 and Policy CL1 (a) Include reference to the role of external space on improving the living conditions of the dwelling in 34.3.35</p> <p>34.3.42 and CL6 – no change</p> <p>CR4(g) – no change</p> <p>CL9 – no change</p> <p>CL5 - no change</p>
Various Clients (Agent - GVA)	We have provided comments below in relation to design quality, views and building heights, set in the context of the tests of soundness as stated in the NPPF.	-	-

Q2 Do you consider the planning policy to be sound?

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
Anthony Ogilvie Thompson	NO		-	-
British Sign Association (Chris Thomas)	NO		-	-
Brompton Association (Ms Whewell)	NO	Please see attached note - we consider parts of the planning policy to be sound and parts not to be sound	Text from attached note has been added to General Comments below	-
ESSA (Anthony Walker)	YES	The policies to a large extent are based on existing policies with small refinements. The	34.3.11-14 and CL1h/i – additional para on	CL1 – no change

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>workshops and consultation procedures enabled a good feedback of practical experience from local residents and amenity groups.</p> <p>We welcome the proposed revisions to the policies and, as stated in the response form, consider them to be sound and legally compliant.</p> <p>We have some comments however which we ask to be taken into account and these are shown below.</p> <p>CL1 h and i Two building forms, ie Mews and Artists' Studios, are singled out and described in paragraphs 34.3.11 and 34.3.12 but Mansion Blocks, although they are mentioned in policy CL1h, have no descriptive paragraph to support this.</p> <p>Mansion blocks are an important part of the history of the development of the Borough in the late nineteenth and twentieth centuries. The English Heritage Selection Guide for listing makes specific reference to their role in Kensington, the RBKC Virtual museum refers to mansion block development in the late 1800's, and Pevsner, in London 3 page 451, commented on artists' studios as being a popular form of infill, noting that: 'it was blocks of flats which provided the most promising outlet for the Kensington developer'.</p> <p>We ask that an additional section to 34.3.13 be provided as follows: '34.3.14 Mansion blocks have been important as a building type from the 1870's onwards, providing a wide range of residential accommodation from luxury flats to industrial housing throughout the Borough. They have made a significant contribution to the character and appearance as well as the density of population in the Borough'.</p> <p>In Policy CL1 add a further section j as follows: j resist proposals that would harm the scale, massing, height, proportion and roof line of a mansion block or which would neither preserve nor enhance the character of the building and its site context.</p> <p>CL3b We support the objective of preserving and enhancing the sense of place. We consider that paragraph 34.3.22 needs to include reference to the sense of place and its relationship to the mixed uses in the area. In a recent appeal decision (APP/K5600/A/13/2194206) the Inspector concluded that the application would have an adverse effect on the 'neighbourhood centre' but would not adversely affect the Conservation Area. We consider that in the planning policy it is necessary to clarify the fact that the two are closely interrelated.</p> <p>CL3cii We consider that this should be amended to read: 'a scheme of redevelopment which does make a positive contribution to the area has been approved;'</p> <p>Reinstate the following from CL3(d) of Core Policy 'require a replacement replica in the event of a collapse or unauthorised demolition of a structure that made a positive contribution to the character or appearance of a conservation area'</p>	<p>mansion blocks suggested - purpose of Core Strategy is to provide reasoned justification for making decisions, not just detailed description of the character of the Borough. Each case is required to assess the surrounding character and context of which, if relevant, mansion blocks will form a significant part.</p> <p>CL1j – additional clause suggested CL1(h) says “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”</p> <p>‘scale, massing, height, proportion and roof line of a mansion block’ is covered by ‘characteristics of the type of building’ in this policy</p> <p>34.3.22 and CL3b - Support</p> <p>CL3(c)(ii) – policy amendments suggested Any scheme would be expected to make a positive contribution to the conservation area, in accordance with CL3(a). And – reinstatement of former clause CL3(d) requiring a replacement replica suggested Policy no longer regarded as necessary. The conservation area duty should be sufficient to</p>	<p>CL1j – no change</p> <p>34.3.22 and CL3b – no change</p> <p>CL3cii – no change considered necessary</p> <p>CL3(d) – None</p>

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>CL4 c Add ; including the integrity, plan form, hierarchy of historic floor levels and features and other items identified as being of significance'</p> <p>CL5 We consider that in addition to ensuring good conditions there should be a specific requirement to ensure that there is a no worsening requirement for living conditions in existing buildings as a result of alterations to the building or any adjoining development.</p> <p>CL5e To avoid any doubt we request that after 'noise' the words 'and light pollution' be inserted as this is another specific and important form of disturbance.</p> <p>Roof alterations We welcome the specific requirements to protect roof lines but consider that they are not robust enough. We ask that paragraph 34.3.75 is amended to read as follows: '...townscape, detract from skylines of architectural or historic interest nor harm the character or appearance of the setting of the area and adjoining buildings.'</p> <p>CL9c At the end of this line, to avoid confusion, we suggest that the following be added: 'full-width extensions will not usually be allowed'.</p>	<p>ensure that any replacement preserves or enhances the conservation area.</p> <p>CL4(c) – policy amendments to add further detail suggested The detail is included in 34.3.29.</p> <p>CL5 – no worsening to existing conditions to be included. This could effectively stop any development taking place</p> <p>CL5(e) insertion of term 'light pollution' suggested. This could be viewed as unreasonable given the densely populated nature of the Borough. Some flexibility is necessary to allow windows to be lit in a built up area. Applications will be assessed on a case by case basis – there is sufficient protection to ensure development appropriately reflects the character of the area.</p> <p>34.3.75 amendments to this para to strengthen position on rooflines suggested – the suggestions bring in conservation and historic building tests which are contained in policies CL3 and CL4</p> <p>CL9(c) reinstatement of CD47(f) suggested Disagree: CL9(c) addresses the issue of full width extensions through the matter of rhythm</p>	<p>CL4(c) – No change</p> <p>CL5 – no change</p> <p>CL5e – no change</p> <p>34.3.75 – no change</p>
Egerton Gardens Mews Residents' Association (Joanna Morritt)	YES		-	-
Kensington Society (Michael Bach)	YES	<p>There still some that need:</p> <ul style="list-style-type: none"> • changing, such as the issue of density and, in particular, living conditions; • adding/retaining earlier text; and • additional text. <p>Some of the changes and additional material have emerged through closer scrutiny of the final text and although, with few exceptions, they do not challenge the soundness of the policies, they often represent oversights in the transfer of saved policies into the consolidated document. These gaps need to be filled if the Local Plan is to be effective.</p> <p>The Society's comments on the reasoned justification and the policies are covered in the accompanying representations.</p>	Text from attached note has been added to General Comments below	
Outdoor Media Centre (Outdoor Media Centre)	NO		-	-

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
Port of London Authority (Lucy Owen)	NO		-	-
Princes Gate Mews Residents' Association (Jane Whewell)	NO	Please see attached note - we consider parts of the planning policy to be sound and parts not to be sound	Text from attached note has been added to General Comments below	-
St Helens Residents Association (Henry Peterson)	YES	<p>CONSERVATION AND DESIGN, POLICIES CR4, 5 AND 12</p> <p>Overall, the association supports the policies proposed by the council, and considers them sound and to reflect the views of local people in a borough with a significant architectural heritage.</p> <p>On policy CR 4 Streetscape, paragraph e) currently reads as below and does not make sense. It should be amended to make clear that this policy applies also to freestanding advertising towers on private land.</p> <p>e. resist adverts that by reason of size, siting, design, materials or method of illumination, including on street furniture that harms amenity or public or road safety;</p> <p>On policy CR 5, we support the proposed text and especially sub-paragraph d) which reads 'require that there is no harmful increase in the sense of enclosure to existing buildings and spaces neighbouring gardens, balconies and terraces'. This 'sense of enclosure' policy is relatively unusual and may be challenged by developers. In our experience it has proved important in enabling the council to resist planning applications grossly over-ambitious in scale height and density, and which seek primarily to exploit the uniquely high land values in the borough.</p> <p>We strongly support Policy CR12 on Building Heights. Many developers may argue that this is unduly restrictive, but in our view it is sound and reflects the view of residents of the borough.</p>	<p>CR4(e) – policy amendments suggested to explicitly refer to private land – not necessary, the policy as drafted covers any land ownership</p> <p>CR5 – policy on sense of enclosure supported Noted</p> <p>CL12 – policy on building heights supported Noted</p>	<p>CR4(3) – no change</p> <p>CR5 – no change</p> <p>CL12 – no change</p>
Susan Walker Architects (Susan Walker)	YES		-	-
The Friends of Holland Park (Jennie Kettlewell)	YES	<p>Conservation & Design Policy Review July 2013 – Comments from The Friends of Holland Park.</p> <p>We consider the revisions to the policies to be sound, as defined in the introduction to this form, and to be legally compliant.</p> <p>We have some comments, shown below, that we ask to be taken into account.</p> <p>CL4 a. We suggest that preservation of heritage significance of a building should also apply to temporary structures immediately adjacent to listed buildings in that they should be appropriate in style and size and not unduly restrict the view of the listed building.</p> <p>CL4 c. In our view this should include the established view of original external features and not just the preservation of those features.</p> <p>We support CL4 b. d. e. f. and g as sound and needing no further comment.</p>	<p>CL4(a) – policy amendments to include reference to temporary structures suggested – temporary structures are included because the policy refers to 'all development' (so that would include temporary structures) and it covers things adjacent to historic buildings by referring to their 'setting'. The concerns are therefore already dealt with by the policy.</p>	<p>CL4(a) – no change</p>

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>CR5 f. We support the preservation of open space, in particular that all green open space optimises biodiversity and wildlife habitat. We would like it made clear that woodland enclosure wildlife habitats in parks should not be further opened up for activities that inevitably result in loss of wildlife and habitat.</p> <p>CR6 e. The trees should not only be suitable for the location but should embrace diversity of species, so that when whole species are under threat from disease we don't lose large areas of trees. New trees should also be planted with regard to the space it will need when mature.</p>	<p>CL4(c) – policy amendments to include established view of original external features suggested – not clear what change is sought (what 'established view' means)</p> <p>CL4bdefg – policies supported Noted</p> <p>CR5(f) – reference to the management of woodland to reduce the loss of wildlife and habitat – how the open space is managed is not something for control through the local plan</p> <p>CR6(e) – policy amendments to include variety of tree species – this is too great a level of detail</p>	<p>CL4(c) – no change</p> <p>CL4bdefg – no change</p> <p>CR5(f) – no change</p> <p>CR6(e) – no change</p>
The Norland Conservation Society (Mr Wilson)	YES - Mostly and NO - In parts	<p>To be "sound" the contents of a local plan should be POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.</p> <p>"Positively prepared" means that the planning policy needs to:</p> <ul style="list-style-type: none"> • be prepared based on a strategy which seeks to objectively assess development and infrastructure requirements, including those of neighbouring authorities where it is reasonable to do so. • It must also be consistent with achieving sustainable development. <p>Norland Conservation Society view: The policies in CL1 -12 (excl CL7) are mostly an improvement on further than the existing Core Strategies. To this extent, they are "positively prepared". But in our submission we point up a small number of omissions and improvements which have not been included, and which result from oversights in considering development and infrastructure requirements. We also support comments, modifications and additions proposed by the Kensington Society. To this extent, in our opinion, the policies are not completely "positively prepared" and therefore not completely "sound".</p> <p>"Justified" means that the planning policy must be:</p> <ul style="list-style-type: none"> • founded on a proportional evidence base • the most appropriate strategy has been selected when considered against the reasonable alternatives. <p>Norland Conservation Society view: The policies in CL1 -12 (excl CL7) are mostly an improvement on further than the existing Core Strategies. To this extent, they are "founded on a proportional evidence base". But the "evidence base" is lacking as indicated above, and results in some gaps in policy which need to be filled, as suggested.</p> <p>"Effective" means that the planning policy must be:</p> <ul style="list-style-type: none"> • deliverable over its period • based on effective joint working on cross – boundary strategic priorities. 	Comments do not relate to specific policies. These will be considered later in document.	-

Respondent Name	Response Yes/No	Response Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>Norland Conservation Society view: So far as they go, the planning policies CL1 -12 (excl CL7) should be deliverable, but require a few additions and modifications.</p> <p>"Consistent with National Policy" means that the planning policy should enable the delivery of sustainable development in accordance with the guidance contained within the National Planning Policy Framework (NPPF).</p> <p>Norland Conservation Society view: Not qualified to comment</p> <p>"Legally compliant" which means that the planning policies have been prepared in accordance with legal and procedural requirements.</p> <p>Norland Conservation Society view: As far as we are aware, they have been.</p>		
Various Clients (Agent - GVA)	NO		-	-

Q3 If you have selected NO to the planning policy being sound do you consider the planning policy to be unsound because it is not:

Respondent Name	Justification (Not sound because not)	Comment	Summary of comment and Council's Response	Council's Recommendation
Anthony Ogilvie Thompson	Positively prepared Justified	<p>Policy CL7 m. does not adequately cover the future impact of changes in drainage etc. caused by the basement and so does not properly protect adjacent structures.</p> <p>The document does not discuss the huge inconvenience and disruption caused to the surrounding properties. Around Thurloe Square this process has taken up to three years. I believe the surrounding people should be compensated for the disruption, dust and noise created, which are far larger than normal renovations or refurbishments.</p>	Not relevant to this consultation	None
British Sign Association (Chris Thomas)	Consistent with national policy Effective Positively prepared Justified	<p>These representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in response to the above draft DPD. The BSGA represents 65% of the sales of signage throughout the UK and monitors development plans throughout the country to ensure the emerging LDF/Local Plan Policies do not inappropriately apply more onerous considerations on advertisements than already apply within the NPPF, DCLG Circular 03/2007 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.</p> <p>We note that Policy CR4 "Streetscape" has been substantially altered in this draft of the Partial Review. We agree that Policy CR4(e) is an appropriate policy for the control of advertisements within the Borough. We do, however, have substantial concerns about the preamble to the policy and to subparagraph (f). The clauses "... advertisements and signs are kept to a reasonable minimum" (in the preamble) and "where the function for the</p>	<p>CR4 preamble – replace 'advertisements and signs are kept to a reasonable minimum' to 'advertisements and signs are carefully controlled to avoid clutter' – fair suggestion</p> <p>CR4(e) add comma after street furniture – thank you!</p> <p>CR4(f) delete as it is outside the control of adverts regulations – this policy is dealing with those structures which are not covered by the advert regs, ie not wholly subsidiary to the display of the advert.</p>	<p>CR4 preamble – make change</p> <p>CR4(e) – make change</p> <p>CR4(f) – no change</p>

Respondent Name	Justification (Not sound because not)	Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>display of advertisements overdominates the primary purpose of the structure" (in subparagraph f) both require an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19): "... it is accepted that anyone proposing to display an advertisement , "needs" that advertisement in that particular location, whether for commercial or other reasons." Although PPG19 has been replaced by the NPPF, this advice is based on the requirements of the law and remains pertinent. It is not within the Council's powers to assume that it is able to assess the "need" for any particular advertisement. It follows that the Council are not empowered to assess whether an advertisement is "a reasonable minimum" nor whether the "need" for an advertisement "overdominates the primary purpose of the structure". The Council's powers extend only to assessing the acceptability of an advertisement on the basis of amenity and public safety (which may, of course, include an assessment of clutter), We therefore suggest that "kept to a reasonable minimum" in the preamble is replaced by "are carefully controlled to avoid clutter". We think that this is really only what the policy means- but it removes any idea that the Council will consider "need". We consider that subparagraph (f) be deleted entirely, If a structure with a different primary purpose displays advertisements which are unacceptable for reasons of amenity or public safety, the Council have adequate powers under the Control of Advertisements Regulations to seek the advertisements' removal And this will effectively determine the "primary purpose" of the structure, If it is of no use without advertising, it will naturally be removed to avoid maintenance/utility costs etc. Finally, in subparagraph (e), a comma is needed after "street furniture" to make the sentence read correctly,</p>		
Brompton Association (Ms Whewell)	Justified Effective Consistent with national policy		-	-
Outdoor Media Centre (Outdoor Media Centre)	Consistent with national policy Positively prepared Justified Effective	<p>These representations are submitted on behalf of the Outdoor Media Centre (OMC - formerly the Outdoor Advertising Association, OAA) in response to the above draft DPD.</p> <p>The OMC represents 97% of the outdoor advertising industry and monitors development plans throughout the country to ensure the emerging LDF/Local Plan policies do not inappropriately apply more onerous considerations on advertisements than already apply within the NPPF, DCLG Circular 03/2007 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended).</p> <p>We note that Policy CR4 "Streetscape" has been substantially altered in this draft of the Partial Review. We agree that Policy CR4(e) is an appropriate policy for the control of advertisements within the Borough. We do, however, have substantial concerns about the preamble to the policy and to subparagraph (f). The clauses " ... advertisements and signs are kept to a reasonable minimum" (in the preamble) and "where the function for the display of advertisements overdominates the primary purpose of the structure" (in subparagraph f) both require an assessment by the Council of the need for a particular advertisement or advertising structure. This is not permitted by the Control of Advertisements Regulations (as was clearly stated in paragraph 9 of former PPG19):</p>	See British Sign Association summary and response above	See British Sign Association changes above

Respondent Name	Justification (Not sound because not)	Comment	Summary of comment and Council's Response	Council's Recommendation
		<p>" it is accepted that anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons."</p> <p>Although PPG19 has been replaced by the NPPF, this advice is based on the requirements of the law and remains pertinent. It is not within the Council's powers to assume that it is able to assess the "need" for any particular advertisement. It follows that the Council are not empowered to assess whether an advertisement is "a reasonable minimum" nor whether the "need" for an advertisement "overdominates the primary purpose of the structure". The Council's powers extend only to assessing the acceptability of an advertisement on the basis of amenity and public safety (which may, of course, include an assessment of clutter).</p> <p>We therefore suggest that "kept to a reasonable minimum" in the preamble is replaced by "are carefully controlled to avoid clutter". We think that this is really only what the policy means- but it removes any idea that the Council will consider "need". We consider that subparagraph (f) be deleted entirely. If a structure with a different primary purpose displays advertisements which are unacceptable for reasons of amenity or public safety, the Council have adequate powers under the Control of Advertisements Regulations to seek the advertisements' removal. And this will effectively determine the "primary purpose" of the structure. If it is of no use without advertising, it will naturally be removed to avoid maintenance/utility costs etc .Finally, in subparagraph (e), a comma is needed after "street furniture" to make the sentence read correctly</p>		
Port of London Authority (Lucy Owen)	Justified Effective	<p>The adopted core strategy currently sets out at policy CR5 (h) how opportunities should be taken to improve public access to and along the river and promote its use for education, tourism, leisure and recreation, health, well being and transport.</p> <p>Without any explanation or justification this policy has now been widened to deal with permanently moored vessels. It is questioned why the council has taken this approach, why has the matter not been dealt with under a separate policy? There is no justification given for the criteria adopted - the policy focuses on biodiversity and the character or appearance of existing residential moorings at Battersea Reach. No reference is made to the need for any permanently moored vessel not to have a detrimental impact on navigation and river regime.</p> <p>Additionally reference is made to adequate services being required in relation to moorings on the Grand Union Canal but not in relation to the River Thames. Also in reference to the Grand Union Canal there is a requirement not to adversely affect other canal uses (water and land). There is no such reference in relation to the River Thames.</p> <p>Re-write the policy so that it reflects the adopted policy. Write a separate policy to deal with permanently moored vessels, apply consistency where relevant to the Thames and Grand Union Canal requirements. Included reference to navigation and river regime. Included supporting text to justify the approach taken.</p>	<p>Summary comment: Policy CR5(h) not 'justified' [reference in fact should be to CR5(i) - no justification for widening policy to include permanently moored vessels. Not consistent when referring to River Thames and Grand Union canal. This policy comes from CD4 from the UDP, which referred only to the River. The reasoned justification from the UDP remains relevant</p>	<p>CR5(i) – insert the following reasoned justification above the policy: “The River 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.’</p>
Princes Gate Mews	Justified		-	-

Respondent Name	Justification (Not sound because not)	Comment	Summary of comment and Council's Response	Council's Recommendation
Residents' Association (Jane Whewell)	Effective Consistent with national policy			
The Norland Conservation Society (Mr Willson)	Positively prepared	See opening comments. Many of the policies are a major improvement. But in some respects, proposed policies need modification or addition as suggested above and by the Kensington Society.	Noted	None
Various Clients (Agent - GVA)	Positively prepared Justified Effective Consistent with national policy	See text in General Comments	Noted	None

Q4 Do you consider the Planning Policy Document to be legally compliant?

Name	Response Yes/No	User's response: Free-Text (formatted)	Summary of comment and Council's Response	Council's Recommendation
Anthony Ogilvie Thompson	NO	Policy CL7 m. does not adequately cover the future impact of changes in drainage etc. caused by the basement and so does not properly protect adjacent structures. The document does not discuss the huge inconvenience and disruption caused to the surrounding properties. Around Thurloe Square this process has taken up to three years. I believe the surrounding people should be compensated for the disruption, dust and noise created, which are far larger than normal renovations or refurbishments.	Not relevant to this consultation	None
British Sign Association (Chris Thomas)	YES		-	-
Brompton Association (Ms Whewell)	NO	Entire Section on Living Conditions and CL5 - please see attached pages.	Addressed elsewhere	-
ESSA (Anthony Walker)	YES	The consultation process enabled all parties not only to voice their opinions but also to hear other opinions and take account of these.	Noted	-
Egerton Gardens Mews Residents' Association (Joanna Morrill)	YES		-	-
Outdoor Media Centre (Outdoor Media Centre)	YES		-	-
Port of London Authority (Lucy Owen)	YES		-	-
Princes Gate Mews	NO	Entire Section on Living Conditions and CL5 - please see attached pages.	Addressed elsewhere	-

Name	Response Yes/No	User's response: Free-Text (formatted)	Summary of comment and Council's Response	Council's Recommendation
Residents' Association (Jane Whewell)				
Susan Walker Architects (Susan Walker)	YES		-	-
The Friends of Holland Park (Jennie Kettlewell)	YES	We consider the Planning Policy Document to be legally compliant because the consultation process has allowed interested parties to comment.	Noted	-
The Norland Conservation Society (Mr Willson)	YES		-	-

Q5 Do you wish to appear at the Examination on any of these matters?

Name	Response (Yes/No)	Response
Anthony Ogilvie Thompson	YES	POLICY CL7 M.
British Sign Association (Chris Thomas)	NO	
Brompton Association (Ms Whewell)	YES	To comment on the issues highlighted in the attached note and in particular on the policy and text in relation to Mews and also on living conditions.
ESSA (Anthony Walker)	YES	With regard to policy CL1 regarding mansion blocks and CL
Egerton Gardens Mews Residents' Association (Joanna Morrill)	NO	
Kensington Society (Michael Bach)	YES	On any of the policies in this chapter which are chosen for discussion to support the Council/challenge objectors to maintain the policies which the Society considers to be not only sound and effective, but vital for development management in a complex, high-density urban environment like Kensington and Chelsea
Outdoor Media Centre (Outdoor Media Centre)	NO	
Port of London Authority (Lucy Owen)	NO	
Princes Gate Mews Residents' Association (Jane Whewell)	YES	To comment on the issues highlighted in the attached note and in particular on the policy and text in relation to Mews and also on living conditions.
St Helens Residents Association (Henry Peterson)	NO	
Susan Walker Architects (Susan Walker)	NO	
The Friends of Holland Park (Jennie Kettlewell)	NO	
The Norland Conservation Society (Mr Willson)	NO	Kensington Society will adequately represent our views
Various Clients (Agent - GVA)	YES	Conservation and Design

Q6 General Comments

Name	Response	Council's Response	Council's Recommendation
Barclays Bank Plc	<p>2. The National Planning Policy Framework or NPPF</p> <p>As set out in the Bank's numerous representations to the Council's seemingly endless rounds of consultation since March 2012, one of the Government's stated reasons for producing the NPPF was to cut down upon the amount of planning policy and in order to create a usable document which allows and promotes genuine participation by the wider community. Just the two documents under consultation that the Bank has examined amount to some 145 pages. It must be the aim of the replacement Core Strategy to be much more concise, as well as more positive in its tone (see below regarding being "positively prepared"), than the existing planning documents. Essentially, this will mean reducing the number of policies and extraneous verbiage throughout the Plan. Indeed if the existing Core Strategy did not contain so much unnecessary detail, the Council would not have to put out so many consultations about revising it.</p> <p>The adopted Core Strategy states at paragraph 1.2.1 "Legislation requires local authorities to be consistent with national policies in preparing their plans. What this means is that as a general rule of thumb we should follow national policy but if there are good reasons why it is not appropriate for us, we can prepare our own policy, so long as we can justify our different approach". With the exception of a minor amendment to the wording replacing "national policies" with the term "NPPF" it does not seem to be the Council's intention to modify this stance. We are unable to find any basis within the NPPF (or indeed elsewhere) for the Council making the assertion that it can continue with such an approach. Adhering to the Government policy within the NPPF is not optional and we have yet to see any evidence that would justify the Council in taking a different approach than the positive one advocated by the NPPF. The current Core Strategy must be made consistent with its provisions so that it can be considered as "sound" when the Partial Review is submitted for Examination. To be 'sound' a plan must be "Positively prepared", "Justified", "Effective" and "Consistent with National Policy" (paragraph 182). For a "positively prepared" document the Publication version contains a remarkable amount of negativity. For instance, the word "resist" appearing 95 times in the 119 pages of "Miscellaneous Matters" document and then makes a further 24 appearances in the 26 pages of the "Conservation & Design Policy Review". We do strongly recommend that the Council takes the trouble to read the Bank's representations of 27th November 2012 as this would help it to identify the key messages in the NPPF regarding supporting enterprise and meeting the needs of business.</p> <p>The "Conservation and Design" consultation document represents another missed opportunity to reduce the unreasonable burden of over-detailed policy in the Plan. Proposed policies such as CL1, CL3 & 4 add nothing that is not within the NPPF. These policies are 'unsound' as they are not "effective" and can be removed, as they are unnecessary.</p>	<p>Summary comments: approach not sound - fails on 'positively prepared' and 'effective'. Does not comply with NPPF paragraph 182.</p> <p>– 'positively prepared' is not the same as 'permissive'. The Borough has a high quality built environment, and ensuring that quality is maintained into the future is essential – and a positive outcome. Disagree that the NPPF has removed a local planning authority's ability to prepare policy that responds to local circumstance. Why else is there a statutory requirement to prepare a local plan?</p>	No change
Brompton Association (Ms Whewell)	<p>On behalf of the Association and fellow Mews residents I am writing to set out our view of where the proposed policies are considered to be sound or not sound.</p> <p>The policy set out under 34.3.7: Density</p> <p>The Mayor's policy is to optimise housing output, not maximise it as previously, and to ensure that 95% of all housing is within the relevant appropriate density range (Policy 8.4, Key Performance Indicator 2). The London Plan Policy 3.4 sets out the policy for Optimising Housing Potential and Table 3.3 sets out the broad:</p> <ul style="list-style-type: none"> • density ranges that are appropriate for different broad locations; • building forms and different degrees of public transport; • accessibility. <p>We consider that the proposed policy on this point is not sound. The Council should oppose developments that would not be in line with the Mayor's policy, rejecting densities in excess of the density range but also rejecting applications for 'super homes' or other developments that would result in a net reduction in total housing units within the Borough (and indeed reduced Council tax revenues). Excessive increases in densities cause considerable harms (see comments on CL5 below and on para 34.3.9) and ignoring the need to prevent them is neither 'justified' nor "effective"</p>	<p>34.3.7 and CL1(c) Density The Council should reject schemes in excess of the London Plan density range. Amendment to CL1(c) suggested Para 34.3.7 be amended</p> <p>– the text and policy already emphasise the need to take context, not just the quantum of development, into account.</p>	34.3.7 and CL1(c) – no change

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	<p>nor “consistent with national policy”. Similarly, there is already considerable evidence that large units result in such properties remaining empty for months at a time (with consequent reductions in local vitality and closure of local shops and facilities) a reduction in (relatively) affordable homes (with consequent reductions in the variety and diversity of localities) and reductions in revenues in the Borough from fewer Council tax payers. All these harms are contrary to national policy and as such the current proposals are not justified nor are they sound.</p> <p>I would propose that the end of para 34.3.7 be amended, to provide the reasoned justification to Policy CL1(c):</p> <p>“However, the London Plan density ranges are broad and provide for a variety of circumstances. Nevertheless, the London Plan expects all schemes to fall within the appropriate density range for that site, strongly discouraging both underutilisation and overdevelopment of housing sites.”</p> <p>34.3.9 There is no reference to the need to provide open space/gardens in new developments and a reference to require this/amenity space must be added.</p> <p>Section 34.3.11 This section fails to acknowledge that most, if not all, of the Mews in the Borough lie in Conservation Areas and while it acknowledges that Mews are unique to London amongst other cities and have a distinct character – bizarrely then fails to require that the special character of Mews should be protected and respected. This proposed policy is unsound in that it is not “consistent with national policy” nor is it in line with other Council policies which highlight the significant contribution Mews make to the history and character of the Borough – nor indeed with Para 34.3.1 of this same document – which states that “the character and appearance of the Borough are highly valued, locally, nationally and internationally” and para 34.3.7 which states “the design of a development must take into account the character and scale of the area” para 34.3.20 and Policy CL3. No justification has been provided for the failure to require that the unique character of Mews be protected – nor for the inclusion of the peculiar comment “They are an effective form of development for making good use of the space within larger perimeter blocks” with the clear implication that mews are a modern idea in current use in the Borough, rather than the key element in the UK’s (let alone the Borough’s) architectural history that they are. Similarly the reference to the mews being of ‘modest design’ is pejorative when in fact mews houses’ design is a key part of their unique and valuable historical character. This text is not “effective” in that it is confusing, unjustified, not evidence-based and contradicts the tenor of other local and national policies. There is considerable evidence that proposals for development and new uses (eg. commercial uses) are consistently being proposed that, unconstrained, would put at risk the unique character of historic mews in the Borough. The fact that this policy para does not require the unique character to be protected is neither “justified” nor “consistent with national policy” (in particular current national policy in relation to conservation areas and buildings within them). It is also not even consistent with para 34.3.12 which accords considerably more protection and consideration to artists’ studios (which unlike the unique nature of Mews, can be found in many cities all over the UK and elsewhere) than to mews houses.</p> <p>Section 34.3.11 should be amended to delete this confusing (no not effective) and unjustified sentence “They are an effective form of development for making good use of the space within larger perimeter blocks” and the current last sentence should be deleted to remove the pejorative reference to their design (which is in fact a key part of their significant and historic character) and replaced with the following text.</p> <p>“Their origin as stable blocks for large houses gives the mews a unique design, character, scale and unity of materials 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 Mews and consequently risks undermining a historical characteristic of national as well as local significance”</p>	<p>34.3.9 reference to the need to provide open space/gardens in new developments suggested – Public open space is dealt with elsewhere in the plan, and living conditions is dealt with in policy CL5. We do not specify gardens or balconies for all new dwellings in CL5 because there are many situations where, for design reasons, this is not able to be achieved. However, we could include reference to the role of external space on improving the living conditions of the dwelling in 34.3.35</p> <p>34.3.11 amendments to reference the special character of mews suggested – reference to ‘modest’ not pejorative, but a statement of fact</p>	<p>34.3.9 no change, but 34.3.35 – insert reference to external space in improving living conditions</p> <p>34.3.11 – no change</p> <p>CL1(i) – no change</p>

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	<p>In line with the important contribution that specific uses make to the character of the area, the policy in relation to artists' studios should also address the need to preserve the essential character of mews.</p> <p>CL1(i) should be amended as follows CL1(i): resist the demolition of, and inappropriate alteration and extensions to, and change of use of mews cottages/houses and artists' studios</p> <p>In relation to Policy CL(2):Design Quality the following text should be added back. The loss of this text would allow developers to evade planning strictures by having 'deliberate accidents' (there is already evidence of such 'accidents' taking place in the Borough). Omission of such text cannot be justified, is not effective as it is not in line with text at para 34.3.24 and so is not sound. Please amend the policy to include this text.</p> <ul style="list-style-type: none"> • d. require a replacement replica in the event of a collapse or unauthorised demolition of a structure that made a positive contribution to the character or appearance of a conservation area;. <p>We are at a loss to understand how the following proposed policy text could possibly be justified and strongly agree with the comments made by the Kensington Society.</p> <p>CL5: Living Conditions The wording of this section – paras 34.3.35 – 34.3.41 and CL5 is simply not acceptable. It is not 'sound' nor effective, justified not consistent with national policy.</p> <p>The counsel of despair is not a justification, and an abandonment of all living condition standards is neither consistent with national policy, nor indeed European and national human rights legislation with its unqualified requirements to respect of privacy and family life. The current policy would facilitate breaches of such rights and as such is not legally compliant.</p> <p>While existing conditions in the Borough may well be substandard in some places – this is no justification for allowing such a situation to continue, let alone encouraging it as the current proposed policy would do.</p> <p>It is vital that where conditions, such as sunlight and daylight, privacy and overlooking, and sense of enclosure are already "stretched" neighbours look to the local planning authority to ensure a no worsening approach and to improve substandard situations wherever development provides an opportunity for change for the better. This would be in line with CL1 where it states that developments will be required "to contribute positively".</p> <p>An approach to ensure 'no worsening' has existed through successive plans, including in CL5 of the current plan – it is unacceptable to remove this very limited safeguard for people's living conditions and is not consistent with national policy nor EU human rights legislation. Para 34.3.34 – 34.3.41 should be revised to incorporate a 'no worsening' expectation and if possible to include new text which states that where existing conditions are substandard, the Council will expect any developments to "to contribute positively by reducing existing amenity harms and not preserve or worsen them.". There is also no reference to the need to avoid overlooking. This section has moved far too far away from the existing policy with regard to:</p> <p>Policy CL 5: Amenity The Council will require new buildings, extensions and modifications and small scale alterations and additions, to achieve high standards of amenity. To deliver this the Council will: a. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing</p>	<p>CL1(i) policy amendments to include reference to mews suggested – unnecessary, duplicates CL1(h)</p> <p>CL2(d) reinstatement of replacement replica suggested - Policy no longer regarded as necessary. The conservation area duty should be sufficient to ensure that any replacement preserves or enhances the conservation area.</p> <p>CL5 and 34.3.35 – 34.3.41 – amend policy to a position of no worsening - This could effectively stop any development taking place</p>	<p>CL5 and 34.3.35 – 34.3.41 – no change</p>

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	<p>adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;</p> <p>b. require reasonable visual privacy for occupants of nearby buildings;</p> <p>c. require that there is no harmful increase in the sense of enclosure to existing buildings and paces;</p> <p>d. require that there is no significant impact on the use of buildings and spaces due to increases in traffic, parking, noise, odours or vibration or local microclimatic effects.</p> <p>CL5 text should be amended as follows: Introduction: "The Council will require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;</p> <p>CL5 b) ensure that good standards of daylight and sunlight are achieved in all developments and in properties affected by developments</p> <p>CL5 c) require that there is good visual privacy for occupants of developments and for occupants of properties affected by developments</p> <p>d) require that there is no increase in the sense of enclosure or overlooking to existing buildings and spaces and neighbouring gardens, balconies and terraces resulting from developments and where existing conditions are substandard, developments should seek to improve current standards</p> <p>e) require that the [delete the word "reasonable"] of the use of buildings.....[continue as existing] or revert to the previous text "require that there is no significant impact on the use of buildings and spaces due to increases in traffic, parking, noise, odours or vibration or local microclimatic effects."</p> <p>Existing Buildings – Roof Alterations/Additional Storeys 34.3.74 need to reinstate the beginning of previous 34.3.48 to this statement: "Additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings."</p> <p>Amend 34.3.76 to incorporate a reference to the need to avoid terraces posing damaging effects on neighbours in terms of noise, overlooking, light pollution and lack of privacy.</p> <p>Amend CL8 to add "ix) properties where the creation of a terrace would damage the amenity of neighbours in terms of noise, overlooking, light pollution and lack of privacy."</p> <p>CL9: Existing Buildings – Extensions and Modifications 34.3.78 line 1 delete "including conservatories"</p> <p>CL9: I do not agree that CD47e ("On the site boundary the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property") is covered by CL5c.</p> <p>The last sentence of CD47f ("Full width extensions will not be usually be allowed" must be reinstated.</p> <p>We do not accept that CD47h ("There would be a significant increase in overlooking of neighbouring properties or gardens") is covered within the section on living conditions CL5 – quite the contrary</p>	<p>34.3.74 insert text on character and appearance – this is effectively policy, so not necessary in the reasoned justification</p> <p>34.3.76 reference to damaging effects of terraces suggested – this is effectively policy, so not necessary in the reasoned justification</p> <p>CL8 add new clause to deal with living conditions – not necessary, matters of noise, overlooking etc dealt with by policy CL5 – it does not need to be repeated for each type of development.</p> <p>34.3.78 deletion of "including conservatories" suggested –not clear why this deletion is requested.</p> <p>CD47e not considered to be covered by CL5c. – CL5d deals with sense of enclosure</p>	<p>34.3.74 – no change</p> <p>34.3.76 – no change</p> <p>CL8 – no change</p> <p>34.3.78 – no change</p> <p>CL5d – no change</p> <p>CL9(c) – no change</p>

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	<p>CL 11 Views This section should have dealt with strategic views, main views across the Borough and more local views identified in CAPS.</p> <p>34.3.94 does pick up Richmond to St Pauls from CD17. However, other main views are not noted and should be, Main Views:</p> <ul style="list-style-type: none"> • across and along the Thames from the Embankment and the bridges CD1/CD6 • the Royal Hospital CD8 • the South Kensington Museums CD10 • Kensington Palace and views from the Round Pond CD14 • Holland Park <p>34.3.94:We disagree that the Views and Building Heights is covered in the Views and Building Heights SPD.</p> <p>CL11: Views This policy should be expanded to name the key views, especially those covered by:</p> <ul style="list-style-type: none"> • CD1& CD2: Chelsea Riverside • CD8: Royal Hospital • CD 10: South Kensington Museums • CD 14: Kensington Palace <p>Building Heights: 34.3.106 This paragraph gives the wrong impression that tall buildings might be acceptable and we disagree with its inclusion. The current text is not sound nor justified.</p> <p>Chapter 33: Engaging Public Realm We disagree with the position the Council has taken that there is no need to changes to the policies in CR3 and their specific associated text. In particular, CR3 needs to be amended to take account of the latest evidence of the harms to local residents that the encouragement of activity and street and outdoor life can create and to require a greater balance between the interests of residents and street and outdoor life.</p> <p>Policy CR4:Streetscape</p> <p>CR4(e): We strongly support these changes in response to proposals for eg. payphones on the back of large free-standing advertisement panels or ATMs on the back of payphones and would propose that the text be amended to resisting adverts that would harm the 'character' of an area, particularly a historic or conservation area.</p> <p>CR5:Parks, Gardens and Open Spaces and Waterways and CR6:Trees and Landscape</p> <p>These policies should be amended to make clear the Council will resist the loss of existing "green" public and private open space and green landscapes. The replacement of a green space or green landscape with concrete or hard standing is not acceptable and CR5ai and aii and CR6 f ii should be amended to make this clear.</p>	<p>CD47(f) full width extension to be reinstated Disagree: CL9(c) addresses the issue of full width extensions through the matter of rhythm</p> <p>CD47h ("There would be a significant increase in overlooking of neighbouring properties or gardens") is not covered by CL5 – the Council's view is that the correct test is not the extent of the change, but whether the resultant situation is acceptable or not.</p> <p>34.3.94 views not in the buildings heights spd – agree – the SPD is to be revised in the light of this policy review to include the views.</p> <p>CL 11 Views reference to local views should be included – disagree. The correct place for this level of detail is in SPD. The current Building Heights SPD will be revised to incorporate these views.</p> <p>34.3.106 implies tall buildings might be acceptable – the policy CL12(b) makes it clear that they are only acceptable in exceptional circumstances. In the context of the policy, this sentence is satisfactory.</p> <p>CR3 should better protect residential amenity – not required as there is a dedicated policy (CL5) which deals with living conditions – no specific reference is needed here.</p> <p>CR4(e) support - noted</p> <p>CR5ai and aii – needs to protect the green character of open spaces – do not need to explicitly refer to this in policy – each case is determined on its merits and this will form part of the overall assessment of local context and character.</p> <p>CR6 f ii – needs to deal with green character – it would be too prescriptive to</p>	<p>CL5 – no change</p> <p>34.3.94 – no change</p> <p>CL11 – no change</p> <p>34.3.106 – no change</p> <p>CR3 – no change</p> <p>CR5(a) – no change</p> <p>CR6(f)(ii) – no change</p>

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		require all landscape design to be green hard landscape can be attractive: the important factor is the context, which the policy acknowledges.	
English Heritage	<p>Thank you for the opportunity to provide comment on the Royal Borough of Kensington and Chelsea's Partial Review of its Core Strategy (pertaining to the policies on Basements, Conservation and Design, and a range of Miscellaneous Matters). As the Government's adviser on the historic environment, English Heritage is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of local planning.</p> <p>English Heritage has reviewed the document in light of the National Planning Policy Framework (NPPF), which includes, as one of its core principles, that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Having done this, English Heritage advises that we are broadly content with the soundness of the proposed revisions in terms of the historic environment.</p> <p>We would ask the Royal Borough to consider the potential for a more detailed approach to matter of retrofitting heritage assets for improved energy performance, perhaps via a dedicated Supplementary Planning Document. We also note that the relevant reference (Footnote 20 on page 58, Miscellaneous Matters) is out of date and is probably best replaced with a reference to our website as follows: www.english-heritage.org.uk/your-property/saving-energy .</p> <p>For the avoidance of doubt it must be stated that this advice is based upon information provided by you and does not affect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the SPD, and which may have adverse effects on the environment.</p>	<p>Support noted</p> <p>Advice on the potential for advice on retrofitting historic buildings for energy efficiency noted</p>	-
Greater London Authority (Hermine Sanson)	Statement of general conformity with the London Plan (Planning and Compulsory Purchase Act 2004, Section 24 (4) (a)) and no other comments related to C & D.	Noted	-
Highways Agency (Nick Elphick)	<p>The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport. The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.</p> <p>We have reviewed the consultation and do not have any comment at this time.</p>	Noted	-
Kensington Society (Michael Bach)	<p>Preamble</p> <p>The current policy is embedded in the Core Strategy which was adopted on 8 December 2010. Since that time there has been various changes in national and London policies. Changes may be triggered by:</p> <ul style="list-style-type: none"> • London Plan 2011: especially Chapter 7 • NPPF March 2012 • further proposed changes in Government policy • Government Acts: the Enterprise and Regulatory Reform Act and the Growth and Infrastructure Act • experience in applying existing policies • the need to consolidate policy from the UDP and CAPS • the need to ensure that there are stronger/clearer lead policies in the Local Plan to support SPGs (eg driving up quality for shopfronts, promoting clutter-free streetscapes, requiring better management of implementation of developments, including construction traffic management plans) – ie stronger active verbs! • possible omissions as part of consolidation process, such as: <p>Non-conservation issues: needing stronger CS policies:</p> <ul style="list-style-type: none"> • pavement crossovers - impact of loss on residents' parking and on walls, railings, trees, streetscape, etc, (see 		

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	<p>proposals for para 34.3.37 and Policy CL6 below)</p> <ul style="list-style-type: none"> • permeable surfaces for all redevelopment within gardens, front, rear and side. <p>The Council has undertaken a complete review of the policies in an attempt to consolidate the saved UDP policies. This was done in close consultation with all stakeholders through workshop sessions and a session to review how the former UDP's Conservation and Design (CD) policies had been incorporated in the revised chapter.</p> <p>Soundness: The Society considers almost all of the changes to be sound. There still some that need:</p> <ul style="list-style-type: none"> • changing, such as the issue of density; • adding; and • additional text. <p>Some of the changes and additional material have emerged through closer scrutiny of the final text and although, with few exceptions, they do not challenge the soundness of the policies, they often represent oversights in the transfer of saved policies into the consolidated document. These gaps need to be filled if the Local Plan is to be effective. An example which illustrates this is the case of front boundary treatments – walls, railings, etc – which have had clear “policies” in Conservation Area Proposals Statements, but because the policy that could have covered this in the UDP (policy CD54) was seen as a policy to deal with forecourt parking its role (CD54(c)) in seeking to control the demolition of walls and railings, is now no longer specifically covered by any policy. Its absence from the policy set, as with other reinstatements that we are seeking, would make the plan less effective in managing development in conservation areas – specifically the boundary “policies” in CAPS would have no policy “hook” in the Local Plan, without which it could not be operated. In short, the strategy for preserving or enhancing the conservation area would be ineffective in retaining these features without a clear policy to inform such decisions. Does that make it unsound or just ineffective?</p> <p>34. RENEWING THE LEGACY:CONTEXT AND CHARACTER</p> <p>34.3.1 to 34.3.12. The Society strongly endorses the rewording throughout, especially: 34.3.3: the importance of the use and activity generated plays as part of the character of conservation areas and their sense of place, their role in the community and the facilities they provide. A classic example, that should be quoted here, is the role of pubs.</p> <p>There are, however, some exceptions where we propose further text to ensure that the text recognises certain key issues that have been omitted: Views, vistas and gaps:</p> <p>34.3.5: Reinstate original 34.3.5 at the end of revised 34.3.5: “Vistas and views as well as gaps between developments are often planned aspects of townscape, particularly within the Victorian and Edwardian periods”. This is essential as reasoned justification for CL1 (a).</p> <p>Density: 34.3.7: Density: The Mayor's policy is to optimise housing output, not maximise it as previously, and to ensure that 95% of all housing is within the relevant appropriate density range (Policy 8.4, Key Performance Indicator 2). The London Plan Policy 3.4 sets out the policy for Optimising Housing Potential and Table 3.3 sets out the broad:</p> <ul style="list-style-type: none"> • density ranges that are appropriate for different broad locations; • building forms and different degrees of public transport; • accessibility. 	<p>CD54 was not kept as an extant policy, following the introduction of the 2004 Act, and the requirement to 'save' only relevant policies. As it is a defunct policy, it is not part of this review.</p> <p>34.3.3 support noted</p> <p>34.3.5 reinstate text about townscape gaps – this is covered in 34.3.90 and 34.3.91</p>	<p>-</p> <p>34.3.5 – no change</p>

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	<p>The Society is concerned about two types of situation which the Council should be controlling more effectively:</p> <ul style="list-style-type: none"> • densities in excess of the appropriate density range, such as those along Warwick Road between West Cromwell Road and Kensington High Street; and • densities below the appropriate density range, such as those where new developments or conversions have produced very few, very large housing units. <p>The Society, therefore, proposes adding at the end of para 34.3.7, to provide the reasoned justification to Policy CL1(c):</p> <p>“However, the London Plan density ranges are broad and provide for a variety of circumstances. Nevertheless, the London Plan expects all schemes to fall within the appropriate density range for that site, strongly discouraging both underutilisation and overdevelopment of housing sites.”</p> <p>Open spaces in new developments: 34.3.9 There is no reference to the need to provide open space/gardens in new developments and there must be.</p> <p>Mews: 34.3.11: The Society is concerned that this section on mews does not express concern about the scale of additions. Conflating the policy with concerns about terraces and mansions blocks as in the proposed policy CL1(h) does not do the job! There should be a separate policy for mansion blocks.</p> <p>After 34.3.13: There needs to be a reasoned justification which recognises the critical contribution the mansion blocks play in the Borough's townscape generally, and to some conservation areas in particular. The Society considers that this is an essential addition given the scale of this building type.</p> <p>Policies: CL1 Context and Character The Society strongly endorses this policy, subject to the following:</p> <p>CL1(c): Density: The Society welcomes the policy to “require the density of development to be optimised, but sensitive to its context.”</p>	<p>34.3.7: insert more specific text about the London Plan density matrix – disagree: this locks the local plan into delivering within the density range. The intention of the policy as worded is to allow us to allow for situations where the context means that the density from the matrix would be too high for the site, and a lower density must be used for reasons of context.</p> <p>34.3.9 reference to gardens and open space is needed – Public open space is dealt with elsewhere in the plan, and living conditions is dealt with in policy CL5. We do not specify gardens or balconies for all new dwellings in CL5 because there are many situations where, for design reasons, this is not able to be achieved. However, we could include reference to the role of external space on improving the living conditions of the dwelling in 34.3.35</p> <p>34.3.11 need more detailed policy for specific typologies – disagree: CL1(h) covers the matter.</p> <p>34.3.13 need text on mansion blocks - purpose of Core Strategy is to provide reasoned justification for making decisions, not just detailed description of the character of the Borough. Each case is required to assess the surrounding character and context of which, if relevant, mansion blocks will form a significant part.</p> <p>CL1(c) clarify it relates only to residential development – not sure the clarification is</p>	<p>34.3.7 – no change</p> <p>34.3.35 – include reference to the role of external space on improving the living conditions of the dwelling in 34.3.35</p> <p>34.3.13 – no change</p> <p>CL1(c) – no change</p>

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	<p>Add: "residential" before "development" – this does not apply to non-residential development. This needs to reflect the London Plan requirement to be within the appropriate density range (see proposal for para 34.3.7 above).</p> <p>The following is required either:</p> <ul style="list-style-type: none"> • add a footnote reference to London Plan Policy 3.4 and Table 3.2); or • after "optimised" add", in accord with London Plan Policy 3.4 and Table 3.2,." <p>CL1(h): Mews: The Society objects to losing the statement in UDP Policy CD55: To ensure that the character of mews properties is preserved and enhanced and to resist inappropriate alterations and extensions</p> <p>CL1(i): Artist's Studios: In line with the important contribution that specific uses make to the character of the area, the policy for artists' studios should also deal with change of use.</p> <p>The Society proposes after "demolition" adding "and changes of use"</p> <p>CL1(j): Mansion blocks are a very important characteristic of much of Kensington and require a category same as mews and artist studios and then covered in CL1 with an addition (j) to read:</p> <ul style="list-style-type: none"> • "resist proposals that would adversely affect the proportions, appearance and character of a mansion block, such as increase in the height, which would harm the character of the building and/or the area." <p>Design Quality:</p> <p>34.3.18 There is a danger in offering flexibility. We may not like these buildings but we do not want to trade the use for a "better building" and lose the use</p> <p>Policy CL(2):Design Quality</p> <p>CL3 (d) as worded in the July paper we support. However, CL3 (d) in the Core Strategy and the December paper the following was included and require reinstating:</p> <ul style="list-style-type: none"> • d. require a replacement replica in the event of a collapse or unauthorised demolition of a structure that made a positive contribution to the character or appearance of in a conservation area; <p>CL4 (c) Reinstating the rewording from December and March papers at the end of sentence:</p> <ul style="list-style-type: none"> • "...in particular the integrity, plan form, the original hierarchy of historic floor levels and structure of the building including the ground and first floor principal rooms, original staircases and such other areas of the building as may be identified as being of special interest;" <p>CL5: Living Conditions</p> <p>The wording of this section is not acceptable, is unsound and would be ineffective in providing protection in a very tight urban environment. It has little reference the context of the Borough.</p> <p>Paragraphs 34.3.34 to 3.3.41: These are very disappointing and extremely superficial considering the very densely-developed nature of the Borough and the extreme sensitivity of changes that adversely affect neighbours. This is largely due to the fact that the existing conditions are "substandard" by many of today's standards and expectations.</p> <p>It is therefore vital that where conditions, such as sunlight and daylight, privacy and overlooking, and sense of enclosure are already "stretched" neighbours look to the local planning authority to mediate and to use a no worsening approach.</p>	<p>helpful, as it might infer that non-residential development has no density constraints. It is accepted that for non-residential development density will not be assessed in terms of habitable rooms, but other measures might be employed instead.</p> <p>34.3.7 References to the London Plan required – London Plan already referenced in a satisfactory way.</p> <p>CL1(h) – specific mews policy requested – not necessary, CL1(h) deals with all typologies.</p> <p>CL1(i) insert change of use in relation to artists studios – change of use is covered by CF7</p> <p>CL1(i) insert text on mansion blocks – that is dealt with by CL1(h).</p> <p>34.3.18 use needs to be protected – changes of use are dealt with in the Fostering Vitality chapter – and it may be in some circumstances the change of use is the appropriate 'flexibility'.</p> <p>CL3(d) reinstate 'replica' wording - Policy no longer regarded as necessary. The conservation area duty should be sufficient to ensure that any replacement preserves or enhances the conservation area.</p> <p>CL4(c) reinstate detail in the policy – not necessary, it is set out in the reasoned justification.</p> <p>34.3.34 et seq and CL5 (all clauses) must reinstate the reference to no material worsening where living conditions are already sub standard – it is considered that the policy as drafted will deal with this matter</p>	<p>34.3.7 – no change</p> <p>CL1(h) – no change</p> <p>CL1(i) – no change</p> <p>CL1(i) – no change</p> <p>CL1(i) – no change</p> <p>34.3.18 – no change</p> <p>CL3(d) – no change</p> <p>CL4(c) – no change</p> <p>34.3.34 – no change</p>

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	<p>This approach has existed through successive plans, including in CL5 of the current plan – it is unacceptable to remove this very limited safeguard for people's living conditions.</p> <p>The new, streamlined approach shows a degree of complacency about the authority's role, especially new CL5(a)</p> <p>The Society is very concerned that this section has swung too far away from the existing policy with regard to: Policy CL 5: Amenity The Council will require new buildings, extensions and modifications and small-scale alterations and additions, to achieve high standards of amenity. To deliver this the Council will:</p> <ul style="list-style-type: none"> a. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions; b. require reasonable visual privacy for occupants of nearby buildings; c. require that there is no harmful increase in the sense of enclosure to existing buildings and paces; d. require that there is no significant impact on the use of buildings and spaces due to increases in traffic, parking, noise, odours or vibration or local microclimatic effects. <p>NOTE: Refer to Policy CE6 in relation to noise and vibration. The Society is particularly concerned with the failure to provide protection from further deterioration in daylight and sunlight conditions where these are already substandard. The new policy as written suggests that good standards would be achieved – there is no guarantee against further worsening where conditions are already substandard.</p> <p>Privacy: reinstate former paragraph 34.3.48</p> <p>CL5(a) Rewording is not acceptable. The policy from the Core Strategy should be reinstated:</p> <ul style="list-style-type: none"> a. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions; <p>CL5(c) The issue of overlooking and privacy, especially from terraces, as mentioned in para 34.3.9, is not carried through into the policies in Policy CL5.</p> <p>The Society proposes adding at the end of CL5(c) : “including overlooking from terraces and balconies”.</p> <p>CL5 (c)/(d): Terraces on the roof: in para 34.3.9 but not adequately covered in CL5(c) or (d)</p> <p>CL6: Small-scale Alterations and Additions: 34.3.37: This “list” would be more readily understood as bullets. Fourth bullet should read: “removing railings, walls, piers and gates to create forecourt parking;”</p> <p>CL6: This needs an additional policy on boundaries: “Resist the removal of front garden walls, fences or railings or of piers in conservation areas and encourage their reinstatement to match their original design or match others in the terrace when such features have been lost”</p> <p>Reinstate d) and e) from December draft and/or a) iv and b) from Core Strategy:</p>	<p>CL5(c) needs to deal specifically with terraces – disagree: the policy deals with all forms of development</p> <p>34.3.37 clarify 'removal of' railings walls etc... – disagree – policy applies not only in the case of removal – but there are two 'barriers to access' in the paragraph that needs tidying up</p> <p>CL6 – needs specific clause on boundaries</p>	<p>CL5(c) – no change</p> <p>34.3.37 – tidy up the 'barriers to access' repetition</p> <p>CL6 – no change</p>

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	<p>d. do not remove physical barriers to access or improve the security of the building in a sensitive manner in relation to the character and appearance of the building and surrounding area;</p> <p>e. require telecommunication, plant, micro-generation and other mechanical equipment to be sited discretely so that visual amenity is not impaired.</p> <p>CL8: Existing Buildings – Roof Alterations/Additional Storeys 34.3.74 need to reinstate the beginning of previous 34.3.48 to this statement: “Additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings.”</p> <p>34.3.75 needs to refer to the historic roof line profile. Amend as follows: “...townscape, detract from skylines of architectural or historic interest nor harm the character or appearance of the setting of the area and adjoining buildings.”</p> <p>CL9: Existing Buildings – Extensions and Modifications 34.3.78 line 1 delete “including conservatories”</p> <p>CL9: We do not agree that CD47e (“On the site boundary the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property”) is covered by CL5c.</p> <p>The last sentence of CD47f (“Full width extensions will not be usually be allowed” must be instated.</p> <p>We do not accept that CD47h (“There would be a significant increase in overlooking of neighbouring properties or gardens”) is covered within the section on living conditions CL5.</p> <p>CL10: Shopfronts: 34.3.61: The Society does not consider that residential use should be the preferred first floor use. The first preference, where there is demand, should be retail; in higher-order centres the next preferred use should be offices with residential as third choice; elsewhere the second preference/default should be residential.</p> <p>We are concerned that in two recent cases – in Britten Street and Thackeray Street – landlords have used the creation of a first floor flat as a device for terminating retail leases on the ground floor. Therefore, where the first floor remains in retail use, separate access will not be necessary, but where offices or residential use are preferred then access needs to be retained.</p> <p>CL10: Shopfronts CL10(b) v: Add at the end: “, except where the first floor is in active use by the ground floor use.” and remove “existing” and add “reinstate where removed”.</p> <p>CL11: Views: We do not agree with the new addition in 34.3.92 “These will be considered proportionate to the significance of the view”.</p> <p>We agree with the addition of 34.3.93.</p> <p>This section should have dealt with strategic views, main views across the Borough and more local views identified in CAPS.</p>	<p>and telecoms etc – disagree: the generic ‘character’ clause (a) deals with this.</p> <p>34.3.74 insert text on negative effect of roof extensions – this would be policy in the reasoned justification – not necessary when read with the policy</p> <p>34.3.75 should refer to historic interest – not necessary as policy CL3 deals with that matter.</p> <p>34.3.78 delete ‘including conservatories’ – is it not clear why this is requested</p> <p>CD47e should be reinstated – cliff like effect – disagree: CL5(c) deals with this satisfactorily.</p> <p>CD47f should be reinstated – full width extensions - Disagree: CL9(c) addresses the issue of full width extensions through the matter of rhythm</p> <p>34.3.61 residential should not be the preferred use above shops – not sure of the reference: 34.3.87 makes it clear that there is no ‘preferred’ use.</p> <p>CL10 modify to stop upper floor retail or town centre use being ‘ousted’ by resi, making the GF unit unviable – this policy deals with shopfronts not town centre uses.</p> <p>34.3.92 remove penultimate sentence – disagree: even if this sentence was not here, it would in practice be the way the view was assessed.</p>	<p>34.3.74 – no change</p> <p>34.3.75 – no change</p> <p>34.3.78 – no change</p> <p>CL5(c) – no change</p> <p>CL9(c) – no change</p> <p>34.3.61 – no change</p> <p>CL10 – no change</p> <p>34.3.92 – no change</p>

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	<p>34.3.94 does pick up Richmond to St Pauls from CD17. However, other main views are not noted and should be, Main Views:</p> <ul style="list-style-type: none"> • across and along the Thames from the Embankment and the bridges CD1/CD6 • the Royal Hospital CD8 • the South Kensington Museums CD10 • Kensington Palace and views from the Round Pond CD14 • Holland Park <p>34.3.94: We disagree that the Views and Building Heights is covered in the Views and Building Heights SPD.</p> <p>CL11: Views This policy should be expanded to name the key views, especially those covered by:</p> <ul style="list-style-type: none"> • CD1& CD2: Chelsea Riverside • CD8: Royal Hospital • CD 10: South Kensington Museums • CD 14: Kensington Palace <p>We endorse the addition of "listed buildings " to CL11 c) iii</p> <p>Building Heights: - support new title! 34.3.106: This paragraph gives the wrong impression that tall buildings might be acceptable and we disagree with its inclusion.</p> <p>Chapter 33: Engaging Public Realm We disagree with the position the Council has taken that there is no need to changes to the policies CR1 and CR3 and their specific associated text. We note and comment on the associated text for CR4, CR5 and CR6 and disagree that there is no need to change the text in CR4, CR5 and CR6.</p> <p>Policy CR1: Street Network There should be the opportunity for access "roads" within developments to be developed to less space-consuming standards than public roads. This policy in particular (d) leads to too much of the "open space" within developments (e.g. Charles House) being devoted to paved surfaces rather than usable/green spaces. In addition, it does not relate to "appropriate street widths" in Policy CR2(a).</p> <p>Streetscape 33.3.17: Streetscape Design Guide – this was "updated" in 2012.</p> <p>33.3.19: This should also deal with or contain a cross-reference to ensuring that any paving of front gardens will have to be permeable. (see Policy CE2(f)) It needs to be amended to make clear that whenever paving of front gardens is taken up "reinstatement" the policy with regard to ensuring permeability will be applied. Any paving must enable runoff to go to the soil not to the sewer.</p> <p>Previously the issue of front walls and railings was mentioned in para 34.3.22, but there was no policy in CL2 to cover this.</p> <p>Loss of front garden walls, railings and trees are also policy issues which should arise from the creation of pavement crossovers and front garden parking,</p>	<p>34.3.93 support noted</p> <p>34.3.94 add in local views – this is too much detail for the statutory plan – they will be included in the revised SPD</p> <p>34.3.94 views not in the buildings heights spd – agree – the SPD is to be revised in the light of this policy review to include the views.</p> <p>CL11 – include local views – this is too much detail for the statutory plan – they will be included in the revised SPD</p> <p>CL11(c)(iii) support noted</p> <p>34.3.106 implies tall buildings might be acceptable – the policy CL12(b) makes it clear that they are only acceptable in exceptional circumstances. In the context of the policy, this sentence is satisfactory.</p> <p>CR1 – need a policy to allow for private roads – disagree: our policy is to adopt all highways to ensure the public realm is fully accessible to all</p> <p>33.3.17 – out of date reference</p> <p>CR4(g) policy requiring paving in front gardens to be permeable suggested CE2(f) covers this point, and in sufficient detail</p> <p>CL2 needs policy to cover 'removal of railings walls etc... – disagree – policy does</p>	<p>34.3.93 – no change</p> <p>34.3.94 – no change</p> <p>34.3.94 – no change</p> <p>CL11 – no change</p> <p>CL11(c)(iii) – no change</p> <p>34.3.106 – no change</p> <p>CR1 – no change</p> <p>33.3.17 – remove reference to publication date</p> <p>CR4(g) – no change</p> <p>CL2 – no change</p>

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	<p>Add at the end “and to the loss of on-street residents’ parking.”</p> <p>See UDP Policies- it should also be dealt with in the Transport SPD</p> <p>Policy CR4: Streetscape The Transport SPD will also be relevant, not just the Streetscape Design Guide.</p> <p>CR4: Line 4: delete “reasonable” - this is otiose and open to argument. The clear purpose should be to minimise these things!</p> <p>CR4(a): The Society has expressed concerns about the status of the Streetscape Guidance since it has never been tested through public consultation, it cannot have the status of SPD. The recently revised Streetscape Guidance (2012) should be subject to consultation and revised to cover a wider range is issues (e.g. phone boxes, broadband cabinets) and raised to SPD status for guiding decisions and in appeals. (see 33.4.2)</p> <p>CR4(b): We asked that “badly-maintained” be added after “redundant” as it will give the policy backing for enforcement action against fly-posted telephone kiosks.</p> <p>CR4(d): We asked for this to read: “require new street furniture, where there is an exceptional need, to be of high-quality design and construction...”</p> <p>CR4(e): We strongly support these changes in response to JC Decaux/BT proposals for payphones on the back of large free-standing advertisement panels.</p> <p>CR4(f): We asked that after “kiosks” add “and broadband or other cabinets”</p> <p>CR5:Parks, Gardens and Open Spaces and Waterways A specific mention of Kensal Green and Brompton Cemeteries is needed to cover UDP policy CD16.</p> <p>As radius is inappropriate in the streetscape of Kensington and Chelsea we asked that</p> <p>CR5 (d): Line 1: Delete “radius” and insert “walking distance”</p> <p>CR5(g) retain existing (g) and renumber proposed new (g) as (h) and so on for the rest of the policy.</p> <p>CR6: Trees and Landscape</p> <p>We have seen many mature trees replaced by small trees or not at all and as a result CR6 (c): to be rewritten as:</p> <p>“require an appropriate replacement in terms of size and amenity value for any tree that is felled and require sufficient space for the tree to grow.”</p> <p>i.e delete “where practicable” and after “felled” add “and require sufficient space for the tree to grow”</p> <p>We have asked that CR6 (f) needs to deal with avoiding impermeable surfaces and ensuring SUDS are provided to provide water for trees.</p>	<p>not need to be specific to removal.</p> <p>Unclear what paragraph is being referred to – 34.3.22 is not about cross overs.</p> <p>CR4 delete reasonable – in response to another representation, recommending the phrase ‘advertisements and signs are kept to a reasonable minimum’ to ‘advertisements and signs are carefully controlled to avoid clutter’</p> <p>Streetscape guide needs to be adopted – noted, but not a matter for this consultation</p> <p>CR4(b) add ‘badly maintained’ – this was not included as it reduces our options on other furniture which is not badly maintained</p> <p>CR4(d) change the word order – it does not alter the meaning of the policy CR4(e) support noted</p> <p>CR4(f) add in broad band cabinets – not necessary, the policy says ‘such as’ and therefore it is not an exhaustive list</p> <p>CR5 name Kensal Green and Brompton Cemeteries – not necessary to name specific items when the policy covers the historic park and garden category.</p> <p>CR5(d) change radius to walking distance – this is to variable, radius is satisfactory as an indicator.</p> <p>CR5(g) include ‘old’ (g) on quality of landscape – not necessary, this is covered by CR6(f)</p> <p>CR6(c) strengthen policy – when (c) is read in conjunction with (e), the changes to (c)</p>	<p>CR4 – make change to refer to clutter rather than minimum</p> <p>Streetscape guide – discuss with Transport services the status of this document</p> <p>CR4(b) – no change</p> <p>CR4(d) – no change</p> <p>-</p> <p>CR4(f) – no change</p> <p>CR5 – no change</p> <p>CR5(d) – no change</p> <p>CR5(g) – no change</p> <p>CR6(c) – no change</p>

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		are not necessary. CR6(f) add suds - agree	CR6(f)(iv) add at the end 'and to water management', and make necessary changes to the reasoned justification including reference to suds.
Natural England (Piotr Behnke)	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not consider that this Partial review of the Core Strategy with a focus on North Kensington poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.</p> <p>We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.</p>	Noted	-
Princes Gate Mews Residents' Association (Jane Whewell)	Comments duplicate those made by the Brompton Association – please see above for comments and responses.	-	-
Thames Water Property Services	Thames Water has previously commented on the earlier stages of consultation, most recently in May 2013. Having reviewed the proposed planning policies Thames Water has no further comments.	Noted	-
Various Clients (Agent - GVA)	<p>Design Quality, replacement paragraph 34.3.18, p9</p> <p>The NPPF requires plans to be both positively prepared and effective. In our previous representation, we supported policy CL2 and its preceding text, as we felt that the proposed text would fulfil both of these requirements. Our representation suggested that the supporting text and the policy be retained as drafted. Although the policy has remained the same, the new draft of the supporting text has been altered in the following ways:</p> <ul style="list-style-type: none"> • The term 'eyesore' has been removed • Specific 'eyesore' buildings are no longer identified <p>We support the flexible approach to facilitate redevelopment of unattractive buildings. However, as drafted, the supporting text would not be positively prepared, as it is a Core Strategy Objective to redevelop Newcombe House, which would be considered as one of the buildings that 'detract from their surroundings'. Failing to mention specific buildings would conflict with this objective.</p> <p>The proposed text would also not be effective and therefore would fail another test of soundness. Due to the constraints of the site, the redevelopment of Newcombe House would require a flexible approach. Should Newcombe House not be identified as an 'eyesore' building, this flexibility of redevelopment may be compromised and therefore the policy would not be effective in achieving its objectives. The NPPF also states at paragraph 58 that local authorities should create policy that would ensure that appropriate innovation would not be prevented or discouraged. At paragraph 60, the NPPF goes on to state that policies and decisions should not stifle innovation, originality or initiative. These aims should be more clearly expressed at this point in the document for it to be considered consistent with national policy.</p>	<p>CL2 and 34.3.18 – plan inconsistent as this policy does not support objective elsewhere of redevelopment of Newcombe House: concern that policy may not be applied to Newcombe House – chapter 16 of the plan makes it clear the preferred objective is the redevelopment of Newcombe House – that does not need to be repeated in this policy as the plan is read as a whole. By taking away named examples the policy provides greater flexibility, with the safeguard that designation of an 'eyesore' requires supplementary or development plan policy.</p> <p>CL11 'protect and enhance' too stringent a test and not in line with NPPF para 133 or London Views Management Framework – understand the arguments, but NPPF para 64 provides a positive test, and the 'harm' test is no longer the current approach. Given the locally distinctive issue of the quality of</p>	CL2 and 34.3.18 – no change

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	<p>In order for the policy to be sound, we believe that the following change needs to be made:</p> <ul style="list-style-type: none"> • Revert the wording of the supporting text at 34.3.18 to the previous draft to include the mention of 'eyesore' buildings, and to identify examples of these, such as Newcombe House. • Retain Policy CL2 as drafted. <p>Views, CL11, p20 Policy CL11 is a new addition to the Core Strategy. It builds upon part e of the existing Policy CL1 (Context and Character), which states that the development should be resisted if it interrupts, disrupts or detracts from strategic and local vistas, views and gaps. The amended policy text at CL11 moves the test for new developments to a position where it must be demonstrated that the proposal would 'protect and enhance' views, vistas, gaps and the skyline.</p> <p>We consider the test to protect and enhance too stringent. The language used within the NPPF (see paragraph 133) refers to the degree of harm to the significance of heritage assets (such as in key townscape views). In addition, the London View Management Framework (March 2012), in assessing impact on designated views, states that the proposals should not "harm the composition of the view".</p> <p>To be consistent with national and strategic planning policy, we continue to recommend the following changes to have regard to the desire to not significantly harm key views and vistas:</p> <ul style="list-style-type: none"> • Both of the references to 'protect and enhance' in the first line of the policy and at part b should be deleted and replaced with the following insertions that reflects strategic policy: <ul style="list-style-type: none"> ○ First line - 'require all development to not harm views, vistas gaps.....' ○ Part b - 'to demonstrate that they do not cause harm.' <p>Building Heights, CL12, p23 Before addressing the policy in detail we set out the strategic background to design policy. The NPPF includes a section addressing good design. It lists at paragraph 58 a number of objectives to be used when making planning decisions to ensure that developments:</p> <ul style="list-style-type: none"> • Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; • Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; • Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; • Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; • Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and • Are visually attractive as a result of good architecture and appropriate landscaping. <p>The objectives include optimising the potential of development sites in the context of local character and history reflecting local surroundings and materials. It is important to note that this is qualified on the basis that planning decisions do not discourage appropriate innovation. At the London wide level the Mayor addresses this overall strategy at Policy 7.6 of the London Plan which includes requirements for high quality architectural design, proposals of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and development that optimises the use of sites. The London Plan goes on to set out a criteria based assessment for</p>	<p>the townscape of the borough, this is regarded as appropriate</p> <p>CL12 the policy is arbitrary, setting a single building height, and is not in line with the NPPF or the London Plan which seeks to optimise development – the policy does not set a single building height, it requires consideration of the context in order to establish the prevailing height, and as such is fully in line with the NPPF and the London Plan which require context to be an important dimension in design quality. The statement that district landmarks are exceptionally rare is a statement of fact.</p>	<p>CL11 – no change</p> <p>CL12 – no change</p>

Name	Response	Council's Response	Council's Recommendation
	<p>Tall Buildings at Policy 7.7 including factors such as access to public transport, visual significance and the requirement for the highest standards of architecture.</p> <p>Our previous representations highlighted key issues in the drafted policy that we suggested should be changed in order for the document to be found sound:</p> <ul style="list-style-type: none"> • Prevailing building height should not be included as a single policy as it would place undue weight on this assessment; • Undue weight should not be placed upon a particular form of building height; • Remove references to District Landmarks as being 'exceptionally rare' and replace with examples of District Landmark buildings in the Borough and a reference noting that appropriate building heights will be considered on a case by case basis; and • Any reference to an arbitrary maximum building height should be removed. <p>These suggested changes have not been implemented in the new policy, and so we consider the drafted policy to not be positively prepared, consistent with national policy or effective and therefore fail the tests of soundness.</p> <p>The draft Building Height Policy CL12 fails to adopt the approach set out in the NPPF and London Plan for criteria based assessments to ensure the optimum level of development on sites. The policy as drafted includes an arbitrary approach to the assessment of prevailing building heights and applying multiples to this factor, placing undue weight on a particular form of building height. The policy therefore directly conflicts with Paragraph 58 of the NPPF as it does not allow developments to optimise the potential of the site, and would not be consistent with National Policy and not be sound.</p> <p>As well as this, the inclusion of prescriptive buildings heights would not be consistent with national policy, in particular NPPF Paragraph 60 which requires that policies should not "stifle innovation... through unsubstantiated requirements to conform to certain development forms or styles."</p> <p>In light of these points, we suggest that the following alterations be made to ensure that the policy is found to be sound:</p> <ul style="list-style-type: none"> • Prevailing building heights should not be included as a single policy; • Undue weight should not be placed upon a particular form of building height; • References to District Landmark buildings being 'exceptionally rare' should be removed, and it should be noted that appropriate building heights will be considered on a case by case basis; and • Reference to maximum building heights should be removed <p>Notwithstanding our suggested alterations to the drafted policy, we appreciate that there has been a change in the recognition of very tall buildings. Whilst we understand that very tall buildings are not characteristic of the Borough, we note that the policy as drafted suggests that they would be appropriate in some contexts.</p>		