

building on success



Miscellaneous Matters

Partial Review of the Core Strategy

March 2013

This is a Local Development Document under the Town and Country Planning (Local Planning) (England) Regulations. This consultation relates to Regulation 18.



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

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Consultation Information

This document is being published for comments for a 6 week period from Thursday 21 March to Thursday 2 May 2013. If you would like to respond to this document please do so by Thursday 2 May 2013.

Introduction

The Council is currently undertaking a number of reviews to various parts of the Core Strategy. The 'miscellaneous matters' policy review covers those matters not addressed in the other topic reviews, namely Conservation and Design, Enterprise, Housing, Public Houses and related uses and Basements. These are all topics which are the subject of a separate review.

The Council initially consulted on these other, or 'miscellaneous matters' in December 2012. However, it has now been decided to make further amendments to two policies; the policy relating to Servicing (Policy CR7) and that relating to Climate Change, and in particular the carbon standards that the Council will seek for new development and appropriate extensions. (Policy CE1).

The Council has decided to publish and consult on the proposed changes to these two policies. It is these policies alone that are the subject of this consultation.

How this document is set out

This document contains extracts from the Core Strategy relating to Policies CF7 and CE1. Text to be deleted is shown ~~struck through in red~~. Text to be inserted is shown **emboldened, italicized, underlined and in red**. The full chapter or section in which the change is proposed is shown, so that the change can be seen in context. Please note, the black text is not being issued for consultation – it is only the red changed text that forms the subject of this consultation.

How to respond to this consultation

Please use the attached questionnaire and respond only to the highlighted text that is being changed. In making your comments please say if you agree or disagree with the change. In the case of disagreement, please explain why. Given that the focus of this review is to comply with the NPPF, please indicate if you disagree with the content of the policy, or if you think the change is not compliant with the NPPF. The NPPF is available on-line

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950

If you would like to send in comments on this document, please do so by Thursday 2 May 2013.

- By the dedicated consultation portal on our website
- By email to planningpolicy@rbkc.gov.uk
- By post to Planning Policy Team, Kensington Town Hall, Hornton Street, London, W8 7NX

Chapter 33: An Engaging Public Realm

Servicing

33.3.34 Servicing requirements add to the already high demands on our roads and can be particularly harmful to the appearance and safe functioning of the street.

33.3.35 The servicing of sites, including **coach and other** vehicle parking, refuse storage and off-street loading bays, are essential for a site to function as intended. Although the Borough is primarily residential in nature, there are several strategic traffic routes into and out of London which carry very high levels of traffic. Servicing in the Borough can give rise to traffic congestion, conflict with pedestrians, and has the potential to create disturbance, particularly in or adjacent to residential areas. A Servicing Management Plan **and/or Coach Management Plan** will ensure the safe and effective movement of all service vehicles and minimise any potential negative impacts on **both the** residential amenity, road function and pedestrian safety.

33.3.36 The provision of servicing is a balancing act. On one hand, the Council needs to ensure the safe and efficient management of servicing vehicles so that the road network is not hindered, whilst on the other, the Council wishes to ensure that the physical servicing area is not detrimental to the character or appearance of an area, or detrimental to residential amenity. As the nature of the Borough is predominantly high density residential, the impacts of servicing can have a wider reaching impact and is therefore a matter of strategic importance.

Policy CR7: Servicing

The Council will require servicing facilities **and coach parking** to be well designed, built to accommodate the demands of new development and sensitively integrated into the development and the surrounding townscape. In particular servicing activities **and coach pick-up and drop-off** should not give rise to traffic congestion, conflict with pedestrians or be detrimental to residential amenity.

To deliver this the Council will:

- a. require sufficient on-site servicing space **and coach parking** to accommodate the number and type of vehicles likely to be generated and to ensure that this can take place without manoeuvring on the highway;
- b. require a Servicing Management Plan for all sites with on-site servicing space that will control the hours of servicing, including detail on how vehicles will be managed, and controls on the types and sizes of vehicles to ensure they are appropriate to the local area and are environmentally acceptable;
- c. **require coach drop-off and pick-up facilities and a Coach Management Plan at new hotel developments and at extensions to existing hotels;**
- d. require, where developments cannot provide onsite servicing space **or coach parking,** that it is demonstrated that the proposal can function satisfactorily without giving rise to adverse effects on traffic congestion, pedestrian safety, residential amenity or impact on bus routes. A Servicing Management Plan **and/or Coach Management Plan** will be required in these instances;
- e. require on-site servicing *and coach parking spaces* **space** and entrances to be sensitive to the character and appearance of the building and wider townscape and streetscape.

Chapter 36: Respecting Environmental Limits

Climate change, flooding, waste, biodiversity, air quality and noise and vibration

36.1 Introduction

36.1.1 *“The Council recognises the scientific consensus that climate change and global warming is happening; that human activity is contributing to it significantly; and that it has potentially damaging environmental, social and economic impacts” (RBKC Climate Change Strategy 2008 – 2015).*

~~36.1.2~~ *“Development plans should contribute to global sustainability by addressing the causes and potential impacts of climate change; through policies which reduce energy use, reduce emissions, promote the development of renewable energy resources, and take climate change impacts into account in the location and design of development” (Planning Policy Statement 1, Delivering Sustainable Development, 2005).*

36.1.2 “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.” (National Planning Policy Framework, March 2012).

36.1.3 Across the planet, we are using natural resources too quickly and at a rate beyond the capacity of our planet to replenish them at the same rate. It is important that we all play our part to reduce the impact of human activity on the global and local environment. Respecting Environmental Limits is therefore about ensuring that we live within our means and make decisions to help future generations meet their needs. This will contribute to achieving the environmental elements of sustainable development.

36.1.4 The social, economic and other environmental elements of sustainable development are considered elsewhere in the Core Strategy, including encouraging the use of public transport, sustainable economic growth, providing local employment opportunities, providing a diversity of housing, providing community facilities and opportunities within walkable neighbourhoods, protecting open space and encouraging greater opportunities for pedestrians and cyclists.

36.1.5 Most of our energy and fuel, including for the production and transportation of food, comes from non-renewable fossil fuels (coal, oil and gas) which emit carbon dioxide when burned. Carbon dioxide is one of the six principal greenhouse gases, which contributes to global warming resulting in **climate change**. This leads to less predictable weather conditions and more extreme weather events, which may reduce food production and increase the risk of **flooding**. Over two thirds of our **waste** is currently transported by barge down the River Thames to ~~landfill, although this will change when~~ the Belvedere Energy ~~from~~ Waste plant. ~~is fully commissioned in 2014~~. The remaining waste is either composted and recycled. The loss of **biodiversity** we are currently experiencing on a global scale, is considered by many, to be the greatest since the mass extinction of the dinosaurs¹.

36.1.6 In addition to the global concerns mentioned above, there are several important local concerns **including the fact that air pollution can have a serious impact on health**. Vehicles, including those passing through the Borough, the heating and cooling of buildings, especially the use of old inefficient boilers, **and** comfort cooling **and the use of engines and turbines for heating/electricity generation are all significant emitters of produce** gases (some of which are also greenhouse gases) and increase **air pollution**. The ambient **noise** levels in many parts of the Borough are high, which are exacerbated by noise from plant and equipment attached to buildings, road traffic, construction, noisy neighbours and pubs/clubs. **Vibration** is also an issue in parts of the Borough, mostly caused by surface and underground trains, but also by plant and equipment which has not been properly attenuated.

¹ Global Biodiversity Outlook 2 Report, United Nations, 2006

36.1.7 Respecting Environmental Limits is an integral part of the Royal Borough's vision of *Building on Success*. Tackling these issues is central in upholding our residents' quality of life.

CO 7

Strategic Objective for Respecting Environmental Limits

Our strategic objective to **respect environmental limits** is to contribute to the mitigation of, and adaptation to, climate change; significantly reduce carbon dioxide emissions; maintain low and further reduce car use; carefully manage flood risk and waste; protect and attract biodiversity; improve air quality; and reduce and control noise within the Borough

36.2 What this means for the Borough

36.2.1 We have one of the most cherished historic townscapes in London. If we do not adapt to and limit climate change the historic assets will be irreparably damaged, and the cultural, social and economic benefits will be lost². We have a statutory duty to contribute to the mitigation of, and adaptation to, climate change³. Therefore, we need to carefully manage development to ensure that the natural and historic environments do not conflict but complement one another.

36.2.2 The Borough is designated as an Area Quality Management Area **due to exceeding as** levels of nitrogen dioxide and particulate matter **exceed national Government standards**. The Council will therefore take action to carefully control emissions, including emissions from alternative fuel sources.

36.3 Planning Policies

Climate Change

36.3.1 The United Kingdom emitted 532,373,000 tonnes of carbon dioxide in 2005, compared to approximately 558,000,000 tonnes in 1990. This constitutes an approximate 4.5% saving from 1990. The Royal Borough emitted approximately **~~1,417,000 tonnes of carbon dioxide in 2005~~ 1,422,000 tonnes of carbon dioxide in 2010**⁴. The Climate Change Act 2008 requires a reduction in CO₂ emissions of at least 26% by 2020 and 60% by 2050, against a 1990 baseline. The government has recently increased this target to 80% by 2050, which will require far more aggressive measures to reduce CO₂ emissions.

² Climate Change and the Historic Environment, English Heritage. January 2008.

³ Planning Act 2008.

⁴ [Department for the Environment and Rural Affairs \(Defra\) / AEA Technology-Plc Environmental Statistics 2005/06. No figures exist for carbon dioxide emissions in the Borough in 1990. Department of Energy and Climate Change. Local and Regional Carbon Dioxide Emissions Estimates for 2005-2010 for the UK.](#)

36.3.2 Global average temperatures have risen by nearly 0.8 °C since the late 19th century and risen by about 0.2 °C per decade over the past 25 years. This warming is, in part, from the greenhouse effect, i.e the result of the interaction of certain atmospheric gases with solar and terrestrial radiation⁵.

36.3.3 In 2005, the Royal Borough emitted an estimated 8.06 tonnes of CO₂ per capita, which is above the London average of 6.45 tonnes but below the national average of 8.84 tonnes⁶.

36.3.4 The Climate Change Strategy 2008 to 2015 states that 57% of the Royal Borough's carbon dioxide emissions are from commercial uses (including shops, offices and hotels), compared to 45% nationally; 28% from domestic sources, compared to 27% nationally; and 15% from road transport, compared to 28% nationally.

36.3.5 Although a higher proportion of the Borough's emissions arise from industrial and commercial uses, DEFRA's projections show that a significant proportion of CO₂ savings can be made within the domestic sector⁷.

36.3.6 Environmental policy suggests that greenhouse gas emissions can be greatly reduced by significantly reducing the amount of heat and energy we use in our buildings, through energy efficient design, materials and construction, such as maximising natural heating and ventilation. Supplying the heat and energy we require locally, through decentralised district heat and energy networks and renewable sources, also minimises greenhouse gas emissions, minimises heat and energy lost during its transportation and contributes to securing heat and energy supply for the future.

36.3.7 Using well established tools such as the Code for Sustainable Homes and BREEAM, a meaningful contribution to carbon reduction can be made. These tools also provide a means of achieving increasing carbon savings by raising the standards expected over time, and the type of developments to which the standards apply. ~~s106 contributions could also have a role to play in the future to achieve further carbon reductions.~~

36.3.8 Achieving Code for Sustainable Homes Level 4 will cost approximately 7% more than delivering to current Building Regulations standards⁸. Refurbishment of existing dwellings to ~~EcoHomes Very Good using BREEAM methodology~~ is considered reasonable⁹. The ~~g~~**G**overnment also intends for all new homes to be zero carbon by 2016. ~~with a major progressive tightening of the energy efficiency building regulations; up to 25% (Code 3) in 2010, 44% (Code 4) in 2013 and zero carbon (Code 6) in 2016~~¹⁰.

⁵ RBKC Climate Change Strategy, 2008 - 2015.

⁶ Department for the Environment and Rural Affairs (DEFRA) / AEA Technology Plc Environmental Statistics 2005/06.

⁷ Analysis to support climate change indicators for local authorities, April 2008. Prepared by AEA Technology PLC for the Department for Environment, Food and Rural Affairs.

⁸ Cost Analysis of The Code for Sustainable Homes, CLG, July 2008. Example used for a flat in the best case scenario.

⁹ ~~Residential Evidence Base Report for Planning Policy CE1, 21 October 2009. Evidence Base report for Basements and Climate Change Policy, March 2013.~~

¹⁰ Building a Greener Future, CLG, July 2007.

36.3.9 The Borough currently consumes an average of 159 litres of water per person per day, which is greater than the average for England and Wales (149 litres per person per day) but less than the London average (162 litres per person per day)¹¹.

36.3.9a **BREEAM Domestic Refurbishment (BDR) is the appropriate assessment method for refurbishment, conversion and basement schemes where the whole property requires retrofitting. In order to meet the policy objectives relating to carbon reduction, water and waste minimum standards have been set for these criteria. The standards will assist in reducing the carbon footprint, enable water to be saved and ensure that construction and demolition waste is diverted from landfill.**

36.3.10 The Royal Borough contains over 4,000 listed buildings and over 70% of the Borough has conservation area status. Re-using historic buildings may significantly reduce energy consumption as existing buildings represent the 'embodied' energy used to produce them; whereas demolishing a brick building wastes the embodied energy and uses up more energy in demolition and rebuilding. The embodied energy in the bricks of a typical Victorian terraced house would drive a car more than ten times around the world¹².

36.3.11 English Heritage acknowledge the importance of making reasonable alterations to the existing building stock to mitigate climate change and state that often the energy efficiency of the historic buildings can be increased in ways sympathetic to their historic character¹³⁽¹³⁾.

36.3.11a **Whilst listed buildings generally represent a greater challenge in terms of retrofitting for carbon reduction, it is possible in most cases, by careful selection of credits to avoid causing harm to the special architectural character or historic interest of the building. However, this may not be possible in all cases and where it is not possible to demonstrate that harm to the building will not result then the Council is likely to resist the principle of a basement extension.**

~~**36.3.12** Planning applications for subterranean development in the Borough are increasing, with 64 in 2003, 89 in 2004, 85 in 2005, 110 in 2006, 192 in 2007, and 212 in 2008. This type of development produces a significant amount of greenhouse gases through the excavation and transportation of spoil, use of concrete, ventilation and lighting. It is right for the planning system to address this environmental impact. Given the nature of subterranean developments and the complexity of calculating and assessing CO₂ emissions and savings, as a proxy the Council will take a pragmatic approach, using EcoHomes to achieve energy savings across the whole of the original building. In most circumstances this will secure a substantial carbon saving, while will not penalising the owners of properties that already have a low carbon footprint.~~

¹¹ Environment Agency, RBKC Fact Sheet, prepared as part of the Environment Agency's State of the Environment - London.

¹² Heritage Lottery Fund. Written Evidence for Heritage White Paper, 19 January 2006. (<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmcumeds/912/912we59.htm>)

¹³ Climate Change and the Historic Environment, English Heritage. January 2008 and draft Planning Policy Statement 15.

36.3.13 The ecological footprint in the Borough is 6.39 global hectares per capita, which is the 2nd highest in London (The London average is 5.48 and national average is 5.30). The primary contributors in the Borough are food (28%) and housing (21%)¹⁴⁽¹⁴⁾. This, together with the greenhouse gases emitted during the transportation of food and manufacture of packaging, makes food production close to its consumption an important consideration for the Borough. There is opportunity, even in small developments, to use private garden space, green / living roofs and sheds to facilitate small scale on-site food production, and larger developments present different opportunities.

36.3.14 The evidence on climate change shows that we need a policy to ensure that development mitigates against, and adapts to, climate change without unacceptable impacts on air quality. The Council also intends to take a leading role in identifying new and existing opportunities for decentralised heat and energy networks through heat and energy masterplanning.

¹⁴ Environment Agency: RBKC Environmental summary factsheet, quoting REAP (Resources and Energy Analysis Programme) 2004.

Policy CE 1

Climate Change

The Council recognises the Government's targets to reduce national carbon dioxide emissions by 26% against 1990 levels by 2020 in order to meet a 60% reduction by 2050 and will require development to make a significant contribution towards this target.

To deliver this the Council will:

- a. require an assessment to demonstrate that all new buildings and extensions of 800m² or more residential development or 1,000m² or more non-residential achieve the following Code for Sustainable Homes / BREEAM standards:
 - i. **Residential Development** ÷ **should meet** Code for Sustainable Homes **Level 4.**
~~Up to 2012: Level Four; and seek to achieve:~~
~~2013 to 2015: Level Five;~~
~~2016 onwards: Level Six.~~
 - ii. **Non Residential Development** **should meet Relevant BREEAM Assessment** very good with 60% of the unweighted credits available in the energy, water and materials sections.

~~Up to 2015: Excellent; and seek to achieve:~~
~~2016 onwards: Outstanding;~~
- b. require an assessment to demonstrate that conversions and refurbishments of 800m² or more residential development or 1,000m² or more non-residential achieve the following relevant BREEAM standards:
 - i. **Residential Development:** ~~EcoHomes Very Good (at design and post construction) with 40% of credits achieved under the Energy, Water and Materials sections, or comparable when BREEAM for refurbishment is published;~~ BREEAM excellent for Domestic Refurbishment including the following minimum standards:
 - (a) the minimum standards of excellent for Energy;
 - (b) 80% or more of the un-weighted credits in the waste category
 - ii. **Non Residential Development:**~~should achieve BREEAM very good rating.~~

~~Up to 2015: Very Good (with 40% of credits achieved under the Energy, Water and Materials sections); and seek to achieve:~~
~~2016 onwards: Excellent (with 40% of credits achieved under the Energy, Water and Materials sections);~~

- ~~g. require an assessment to demonstrate that the entire dwelling where subterranean extensions are proposed meets EcoHomes (at design and post construction) with 40% of the credits achieved under the Energy, Water and Materials sections, or comparable when BREEAM for refurbishment is published;~~
- dc.** require that carbon dioxide and other greenhouse gas emissions are reduced to meet the Code for Sustainable Homes, ~~EcoHomes~~ and BREEAM standards in accordance with the following hierarchy:
- i. energy efficient building design, construction and materials, including the use of passive design, natural heating and natural ventilation;
 - ii. decentralised heating, cooling and energy supply, through Combined Cooling Heat and Power (CCHP) or similar, whilst ensuring that heat and energy production does not result in unacceptable levels of air pollution;
 - iii. on-site renewable and low-carbon energy sources;
- ed.** require the provision of a Combined Cooling, Heat and Power plant, or similar, which is of a suitable size to service the planned development and contribute as part of a district heat and energy network for:
- i. strategic site allocations at Kensal, Wornington Green, Kensington Leisure Centre and Earl's Court; and
 - ii. significant redevelopment and regeneration proposals at Notting Hill Gate and Latimer as set out in the places section of this document;
- fe.** require all CCHP plant or similar to connect to, or be able to connect to, other existing or planned CCHP plant or similar to form a district heat and energy network;
- gf.** require development to connect into any existing district heat and energy network, where the necessary service or utility infrastructure is accessible to that development;
- hg.** require development to incorporate measures that will contribute to on-site sustainable food production commensurate with the scale of development;
- ih.** require, in due course, development to further reduce carbon dioxide emissions and mitigate or adapt to climate change, especially from the existing building stock, through financial contributions, planning conditions and extending or raising the Code for Sustainable Homes and BREEAM standards for other types of development.

In addition Policy CL7: Basements has specific requirements in relation to basement developments and should be referred to where relevant.