**RESPONSE BY KENSINGTON SOCIETY TO ID/4: SECOND PART**

**DRAFT MATTERS TO BE EXAMINED BY WAY OF PUBLIC HEARINGS**

The following are proposed changes by the Kensington Society, further to those issues proposed by the Inspector.

**CHAPTER 31: FOSTERING VITALITY**

**POLICY CF5:** **Large-scale office development**

There is a lack of clarity, at least in the minds of development management case officers, that “large-scale office development” refers not to the size of the building but to the size of occupiers within the building. Thus, if a 6,650sqm development in an out-of-centre location with poor public transport accessibility contains office units of 1,000 sqm or more it would be classified in policy terms as a “large-scale office development”, whereas if it were divided into seven units each less than 1,000sqm or 50 units of 120-140sqm, it would not. This makes a nonsense of a policy to locate large-scale office developments in higher-order town centres or locations that area highly-accessible by public transport. (Policy CF5)

There appears to be some confusion as to the purpose of locating high trip-generating uses in town centres or, if not, within 500m of public transport interchanges and the treatment of proposals for large office buildings which might contain units smaller than 1,000sqm, classified as premises for medium-sized firms, and which cumulatively may constitute a very large office development. The same building with units larger than 1,000 sqm would now be treated differently.

This is part of a legacy in the Borough of disregarding the locational requirement for large-scale office developments, despite having nominally acknowledged these requirements (see UDP paras 6.xi, xii and xiv; STRAT21; 6.2.1(A); 6.3.1-3.3; and Policy E1(d)).

The confusion or deliberate redefinition is between the term “large-scale business development” - as building - and “large-scale office use” – the individual business unit.

In policy terms, a 6,650sqm office building is a large-scale office development in that it is a high trip-generating development, whether it is used by a single firm, seven firms or fifty firms – the bottom line is that firms with 650 employees generate a lot of trips.

The Society considers that there is a need for greater clarity with regard to “large-scale office developments”.

**Proposal:**

For the sake of clarification the following changes are proposed (Council’s proposed changes are in red – the Society’s proposals are in blue:

**Policy CF 5**

**Location of Business Uses**

The Council will ensure that there is a range of business premises within the Borough to allow businesses to grow and thrive by:

* promoting the consolidation of large and medium-sized office developments within town centres; and where not possible
* permitting their location in areas of high transport accessibility;
* protecting and promoting employment zones for a range of small and medium –size business activities which directly support the function and character of the zone;
* protecting premises for small businesses throughout the Borough.

To deliver this the Council will, with regard to:

***Offices***

a. protect very small and small offices (when either stand alone or as part of a larger business premises) throughout the Borough;

locate medium-sized office developments within the Employment Zones, Higher-Order Town Centres, other accessible areas and primarily commercial mews;

concentrate large office developments in Higher Order Town Centres and other highly-accessible areas, except where:

i. the office is within an employment zone and is being replaced by a light industrial use, workshop or other use which directly supports the character and function of the zone;

ii. the office is within a town centre and is being replaced by a shop or shop floorspace, or another (non-residential) town centre use where this allows the expansion of an adjoining premises;

b. permit very small offices anywhere in the Borough save for ground floor level of town centres;

c. permit small offices anywhere in the Borough;

require medium offices to be located in town centres, in other highly-accessible areas, in Employment Zones and in commercial mews; and

require large offices to be located in higher-order town centres and other highly- accessible areas, except where the proposal:

i. results in shared communal residential/ business entrance;

ii. results in the net loss of any residential units or floorspace; or

iii. in the case of a town centre, harms the retail function of that centre;

d. permit business centres at upper floor levels of higher-order town centres, within accessible areas and within Employment Zones;

e. require all new business floorspace over 100m2 to be flexible, capable of accommodating a range of unit sizes;

**Chapter 45: Glossary**

**Large-scale office/business development.**

A B1(a)/business development with a total floor area of more than 1,000 sq m (GEA) This may be a development which will contain a single occupier or one which will contain a number of smaller units.

**Medium-sized office/business development:**

A B1(a)/B Classdevelopment with a total floor area of between 300sqm and 1,000sqm (GEA). This may be a development which will contain a single occupier or one which will contain a number of smaller units.

**Small office/business development:**

A B1(a)/B class development with a total floor area of between 100 and 300sqm (GEA). This may be a development which will contain a single occupier or one which will contain a number of very small units.

**Reason for proposals:**

* To focus high trip-generating uses in town centres or close to major public transport interchanges in accord with national policy (PPG13 and PPS4), the London `plan and the existing UDP.
* To clarify the distinction between the size of developments as opposed to the size of premises needed by businesses
* To reflect these two issues in the policy and supporting text and in the glossary.

Please note that all the references in the Core Strategy refer to “large-scale business developments” or “large-scale offices” – see the following:

* Large-scale business/office developments: Para 31.3.31; 31.3.33
* Larger business premises: CF5 (a)
* Large-scale offices: Para 31.2.2; 31.3.36; Policy CF5 (k)
* Large offices: Policy CF5: introduction; CF5 (a); CF5 (c)

Only the Glossary takes a firm-based approach, which is fine to describe small and medium-sized enterprises, but is inappropriate for describing the open-ended category “large-scale office **developments”**

**CHAPTER 32: BETTER TRAVEL CHOICES**

**Definition of “Highly Accessible” in terms of Public Transport Accessibility Levels**

National policy (PPG13) refers to **highly accessible** by public transport, while the London Plan

“focus major generators of travel demand in city, town and district centres and near to major public transport interchanges” (PPG13, para 6)

Local authorities should review their development plan allocations and should:

* allocate or reallocate sites which are (or will be**) highly accessible** by public transport for travel intensive uses (including offices, retail, commercial leisure, hospitals and conference facilities), ensuring efficient use of land, but seek, where possible, a mix of uses, including a residential element; and
* allocate or reallocate sites unlikely to be well served by public transport for uses which are not travel intensive.

Local authorities should adopt a positive, plan-led approach to identifying preferred areas and sites for B1 uses which are (or will be) as far as possible **highly accessible** by public transport, walking, and cycling. PPG13, para 32)

The PTAL Map is too generous and the choice of “good” accessibility (PTAL 4 or above)(para 32.3.2) rather than “highly accessible” PTAL6 lacks any semblance of focus on either town centres or sites within 500m of public transport interchanges.

**Proposals:**

31.3.33: Line 5: Add “highly-“ before “accessible”

31.3.34: Line 3: Delete “4 or greater” and insert “6”

Policy CF5 (a) Lines 6 and 9: insert “highly-“ before “accessible”

Policy CF7 (b):Line 6 Change “4 or above” to “6”

32.3.2: Line 3: Change “good” to “high”

Lines 12/13: After PTAL delete “four is recognised as a ‘good’ level of accessibility” to “six is recognised as a high level of accessibility”.

Policy CT1(a): Line 4: Delete “4 or above” and insert “6”

**CHAPTER 33: AN ENGAGING PUBLIC REALM**

**Policy CR3: Street and Outdoor Life**

The top-level policy refers to “the street environment” when the policy also covers publicly-accessible open spaces.

**Proposal:**

Line 2: After “street environment” add “other accessible open spaces”

**Reinstatement of open spaces after “temporary” events**

There is a problem with securing early reinstatement if grassed areas where open space is badly damaged by events, effectively lengthening the period where the spaces are unusable to include setting up, the event, breaking up and the “recovery” period.

Policy CR3 (e) gives the impression that it is the duration of the event that will be assessed – it needs to cover the whole life of the event plus the “recovery” time – ie the period that the “temporary event” sterilises the open space for public use.

**Proposal:**

**CR3 (e)** lines 4 and 5; Change to:

“**in terms of** the duration **(from set up to final reinstatement for public use)**, frequency and scale of event**s, these have** no adverse impact upon:”

**CHAPTER 34: RENEWING THE LEGACY**

**Height of Buildings**

The reasoned justification would benefit from factual corrections (para 34.3.17) as well as clarification. Nevertheless, while we fully support this criteria-based approach, we consider that a “lead” statement on the height of buildings that would be acceptable in this Borough would provide greater clarity for all parties and provide a strong lead policy for the SPG.

***High Buildings***

**34.3.17** Although the majority of the Borough's building stock is of high quality, in the Council's view there are currently only two buildings which are considered to be eyesores, the Holiday Inn in Cromwell Road and Newcombe House in Notting Hill Gate. Where the redevelopment of such buildings comes forth, a flexible approach will be taken in order to facilitate redevelopment. Eyesores will only be identified through Supplementary or Development Planning Documents.

**34.3.22** The relatively modest and consistent height of building within Kensington and Chelsea reflects the primarily residential character of the Borough. High residential densities are delivered within this townscape without recourse to tall buildings and this pattern of development with its medium-rise, high-density residential areas has produced a very attractive townscape, and is central to the Borough’s charm. Given its location close to Central London, the Borough has comparatively few tall buildings, the tallest being Trellick Tower at 98m. Tall buildings are therefore very much the exception. Building height is thus a critical issue and a very sensitive feature of the townscape.

**34.3.23** One approach to determining the appropriate location of high buildings would be to identify where they are not appropriate - such as in Conservation Areas. However, such an approach risks inferring that they are therefore appropriate anywhere else. Higher buildings should only be located where - depending on their impact - they give meaning to the local or Borough townscape.

**34.3.24** Local landmarks are occasional features in the Borough which define points of townscape interest or public functions that are relevant to those living or working within the immediate areas. They do not necessarily rise above the predominant building height - such as the Michelin Building in Fulham Road - but where they do, they will not tend to be more than 11⁄2 times in height above the context, and as such are compatible with their context. Regardless of their location, they should always be of a very high design quality. There will, however, be very limited opportunities for such buildings.

**34.3.25** District landmarks, on the other hand, are visible over wider areas, and tend to highlight major public functions. They can rise to up to 4 times their context in height. Such buildings, however, are not a characteristic of the Borough, being extremely rare. As set out above, the Borough is characterised by high-density, low- and medium-rise development. High density is achieved without resorting to high-rise development.

**34.3.26** Very tall buildings, more than 4 times their context, characterise central metropolitan areas and are thus inappropriate to this Borough, which lies almost entirely outside the Central Activities Zone.

**34.3.27** Height is not the only factor which is important when assessing high buildings. The profile and proportion of the building, especially the part which sits above the prevailing building height, is also a sensitive feature. Bulky tall buildings are not attractive to look at and disfigure the skyline.

**34.3.28** High buildings in the wrong location can interrupt views that are important in the Borough’s townscape, especially those identified within the London Plan, the UDP or within the Council’s Conservation Area Proposal Statements or other adopted documents. It is not enough, however, to ensure that their location avoids this. They should make a positive intervention in the existing townscape. Because district landmarks are visible over a wider area, their location must be of significance to the Borough as a whole, and they will therefore be exceptional. Their location and relationship to the local townscape are therefore of the utmost importance.

**34.3.29** Care is also needed to ensure that their visibility is assessed contextually to ensure they do not appear in incongruous with their context, particularly their impact on the Thames, Metropolitan Open Land, conservation areas and important parks and green spaces. A computer generated zone of visual influence, that includes an accurate model of the relevant context, is an essential tool in assessing the visual impact of district landmarks.

***High Buildings***

h. resist proposals that exceed the prevailing building height within the context, except where the proposal is for a local or district landmark:

i. require a proposed local landmark to:

i. be of high design quality;

ii. be compatible with the scale, rhythm, mass, bulk, and character of the context;

iii. articulate positively a point of townscape legibility of local significance;

iv. not interrupt, disrupt or detract from strategic and local vistas, views and gaps.

j. require a proposed district landmark to:

 i. be of exceptional design quality;

 ii. be of a slender profile and proportion;

iii. articulate positively a point of townscape legibility of significance for the wider Borough and neighbouring boroughs, such as deliberately framed views and specific vistas;

iv. not interrupt, disrupt or detract from strategic and local vistas, views or gaps;

v. provide a strategic London-wide public use;

vi. require an assessment of the zone of visual influence of a proposed district landmark within or visible from the Borough, to demonstrate that the building has a wholly positive visual impact on the quality and character of the Borough’s or neighbouring boroughs’ townscape when viewed from the Royal Borough;

k. resist a proposal that is of a metropolitan scale;

l. require a full planning application for all buildings that exceed the prevailing height within the context.

**Driving up standards – shopfronts**

This subject needs a strong lead policy statement that goes beyond the rather bland statement in para 34.3.30 that “particular emphasis is placed on ensuring high standards of design for all shopfronts” - it as useful as saying “it is important that ..” when you could say “developers should..”. There needs to be a clear message that the Council, in partnership with property owners and retailers, will drive up the quality of shopfronts in order to improve the appearance of our town centres.

As part of a philosophy of promoting a higher quality of design, the Council needs to have an explicit policy for improving shopfronts and the appearance of our shopping streets. There needs to be a “lead” policy for this theme to provide the overall driver to the SPD on Shopfronts, which is currently more about conservation than driving up quality generally. It is no longer acceptable that shopfronts are “no worse” than those they replace – we need to exploit the opportunity offered by the need for a new shopfront, fascia and signage to improve the quality of design and contribute to raising the quality of the shopping centre.

The principle of improving on the existing situation – para 34.3.3 –is a good start, Similarly, Policy CL1 talks about “taking opportunities available to improve the quality and character of buildings ..”, but it needs articulating specifically to promote a higher standard of shopfronts.

**Proposal:**

Paragraph 34.3.30 needs a statement – add at the end:

“Shopfronts, including fascia and signage are critical to the attractiveness and appearance of the Borough’s town centres. Past approaches, where no worsening was good enough, are no longer acceptable. The prevailing philosophy will be to drive up the quality of shopfront design to improve the streetscape of the Borough’s town centres.”

**CHAPTER 35: DIVERSITY OF HOUSING**

The Strategic Objective CO 6 emphasises that the strategic objective is to have a diversity of housing at a local level, but this is not really followed through in the policies of the chapter as there is no attempt to improve the balance in local communities because Policy CH2 (l) does not require affordable housing, where it is to be provided off site, to be provided locally.

**Proposal:**

Policy CH2(l) be amended to say:

(l) require any off-site affordable housing to be provided within the vicinity of the market housing development, and only failing that elsewhere in the Borough, except the following wards: Golborne, St Charles, Notting Barns, Colville, Norland, Earl’s Court and Cremorne”

 **CHAPTER 36 RESPECTING ENVIRONMENTAL LIMITS**

**Omission: Reducing the Impact of Construction**

The Borough is very intensively developed and the roads are often congested. Major developments, including subterranean developments, generate a lot construction traffic and building sites can generate considerable local disruption.

The Council seeks to condition such developments to manage the impacts, but has no clear policy in the plan to handle construction traffic and to minimise the impact of construction projects. A policy is needed to provide the policy backing for the imposition of Construction Traffic Management Plans and to ensure that licensing of use of the street for storage of materials, skips, site offices, toilets and plant seeks to minimise the scale and duration of such licences, with a presumption that such things are kept within the site wherever possible. This is currently covered in the SPD on Transport.

**Proposal**

The Society considers that the key requirements that will be demanded of construction projects should be set out in a policy to provide the policy backing for S106 agreements and conditions that qualify the consent. The Society would be happy to agree such a policy with the Council.

**OMISSIONS**

**Artists’ Studios**

A policy for protecting artists’ studios – ie purpose-built workspace for artists - both historic and recent was in the UDP Policy CD56. This is marked as “expired” (reason unclear), when in fact it is still needed to retain such workspace.

**Proposal**

Add a policy to protect artists’ studios, either under:

* Keeping Life Local by adding them to the list of social and community facilities in para 30.3.4; or
* Fostering Vitality Policy CF5 (a) by adding at the end of Line 1 “and workspace (including artists’ studios)” or
* Fostering Vitality Policy CF6 Line 2 add”(including artists’ studios” after “work-spaces”