

Proposed Submission Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

Development Plan Document

Local Development Framework

Publication Stage Representation Form

Please e-mail this form to: planningpolicy@rbkc.gov.uk

Alternatively send this form to:

Planning Services
Policy Team
Room 328
The Town Hall
Hornton Street
London
W8 7NX

For further information:

Visit our website at: <http://ldf-consult.rbkc.gov.uk>

Phone the LDF hotline on: 020 7361 3879

Responses must be received no later than midday Thursday 10 December 2009

Personal Details

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To be "sound" a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

- "Justified" means that the document must be:
- founded on a robust and credible evidence base
 - the most appropriate strategy when considered against the reasonable alternatives

- "Effective" means that the document must be:
- deliverable
 - flexible
 - able to be monitored

"Consistent with National Policy" means that it is consistent with government guidance contained within Planning Policy Guidance and Planning Policy Statements



DP1201

10 December 2009

The Executive Director of Planning and Borough Development
The Policy Team
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Hornton Street
London W8 7NX

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Dear Sir,

**RBKC LOCAL DEVELOPMENT FRAMEWORK
PROPOSED SUBMISSION CORE STRATEGY – OCTOBER 2009**

We are in receipt of the above document and have been instructed to make representations on behalf of Brookfield Developments (UK) Ltd, joint owners of the 100 West Cromwell Road site.

Our client welcomes some of the evident amendments to the previous draft version published in July 2009 which has absorbed some of the comments made in our representations dated 4th September 2009. However, we would like to take this opportunity to make some further suggested changes to the submission document.

The text on the representation form attached, are extracts from the Core Strategy with changes to show the alterations being proposed. The text proposed to be deleted has been struck through and the new text is underlined.

We are happy to meet with you to further elaborate on any of the points made in the attached representations. In this regard, please contact Richard Ward or Bob Woodman.

Yours faithfully

A handwritten signature in black ink, appearing to be 'DP9'.

DP9



Do you consider the core strategy to be legally compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do you consider the core strategy to be sound?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have selected YES and you wish to support the legal compliance or soundness of the core strategy, please be as precise as possible when setting out your comments below

Please make it clear which paragraph number, Vision box number, Policy box number or Objective box number you are commenting on.

N/A

If you have selected NO do you consider the core strategy to be unsound because it is not

Justified <input type="checkbox"/>	Effective <input checked="" type="checkbox"/>	Consistent with national policy <input type="checkbox"/>
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Please give details of why you consider the core strategy to be unsound or not legally compliant. Please be as precise as possible when setting out your comments below.

Please make it clear which paragraph number, Vision box number, Policy box number or Objective box number you are commenting on.

Section 10 – Earls Court

The introductory section makes no reference to the important Warwick Road corridor. It is therefore submitted that the following be inserted after paragraph 10.1.2:

“10.1.3 The Warwick Road corridor is located to the north of Cromwell Road and comprises 5 large sites incorporating retail, residential and commercial uses. The corridor is earmarked for high density residential led mixed use development, with a number of the sites subject to proposals and/or planning permissions for major redevelopment.”



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CV10 - Vision for Earls Court

The Vision should include a reference to the wider Earls Court area providing a significant quantum of high quality high density residential development. Our client therefore proposes the following wording:

“The area will deliver a significant quantum of high quality high density residential development and will continue to offer a wide range of types of residential accommodation, and will includeing community infrastructure to support local life...”



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Policy CA6 – Site Allocation

Our client welcomes the allocation of a minimum of 350 new residential units on the 100 West Cromwell Road site. Under the planning obligations sub heading, our client suggests the following rewording:

“g. maximise affordable housing on all the sites subject to viability in order to ensure a mixed and balanced community.”

Our client seeks also clarification on the requirement for individual schemes to provide a contribution to facilitate the unraveling of the Earl's Court One-Way system.

Existing Permissions

Our client submits that this section should refer to the outline planning permission relating to the site and suggests the following additional wording within paragraph 25.4.6:

“Outline planning permission was granted in 1996 for the redevelopment of the greater ‘Fenelon Place’ site to provide a three phase development. Phases one and three have been implemented and comprise the existing Tesco store with housing above and the Kensington Westside residential development respectively. Phase two was for a landmark office building (14,864 square metres) and has not been implemented. The Phase two site is now known as the 100 West Cromwell Road site.”



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Policy C1

The policy should clarify that benefits inherent to the development scheme will be taken in to account in considering appropriate mitigation measures. It is not appropriate for the draft GLA Crossrail SPD to be cited given it is not in force, is controversial and is any event a GLA matter. The proposed change as shown below is consistent with national guidance and provides clarity, in accordance with PPS12.

29.2.4

Planning Obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. They might be used to prescribe the nature of a development; to secure a contribution from a developer to compensate for loss or damage created by a development; or to mitigate a development's impact. Such measures may (as appropriate and applicable to the relevant proposals) include.....

- ~~5- provision of transportation facilities - including public transport and highway improvements to cater for the impact of the development., and towards Crossrail where development within the CAZ (48) would require this as a result of London Plan Supplementary Planning Guidance (SPG), and permit free development.~~*

Policy C1

Planning Obligations

Planning obligations will be negotiated taking account of the proposed development, having regard to the benefits generated by the development and potential implications for the viability of the development project. ~~and~~ In determining which measure receives priority, account will be taken of the individual characteristics of the site, the infrastructure needs of the site and the surrounding area, and the London Plan. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole.

The viability of the development will also be taken into account. In the case of an enabling development, or where the development is unable to deliver all the policy requirements for reasons of viability, a viability study will be required to accompany the planning application. s106 contributions and related obligations and commitments will be reviewed in the context of this viability study. The viability study should use the GLA toolkit or an agreed alternative. The applicant will fund the



independent assessment of the viability study, or other technical studies requiring independent assessment, prior to the application being determined.



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Paragraph 34.2.1

In order to reflect the wording in policy CL2 and to ensure consistency across the document in accordance with PPS12, our client proposes the following revised wording:

“Careful incremental improvement is needed to ensure our conservation areas remain of the highest quality. However, there are a number of small areas in the south and two large areas in the north of the Borough which are not within conservation areas. It is important that these areas are not regarded as ‘second class’ in terms of the future quality and contribution for which we should be striving. We should aspire for these areas to be our future conservation areas and exceptional high architectural and design quality is needed to create a new design legacy for the Borough.”



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Policy CL2

Our client submits that the proposed wording regarding high buildings is unduly restrictive and therefore suggests the following rewording:

"h.-ensure that proposals for new tall buildings ~~proposal that exceeds the prevailing building height within the context, except where the proposal is:~~
i. ~~of a slender profile and proportion; and~~
ii. ~~not within any identified linear views; and~~
iii. ~~are of the highest exceptional design quality;~~"



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Policy CH1

The term 'require' does not provide for sufficient flexibility in application of this policy in light of the suggested amendments to policy CH2.

The proposed amendments to tenure mix targets accord with the position being advocated as part of the London Housing Strategy and acknowledge the need for increasing the opportunity to deliver mixed and balanced communities in accordance with PPS3 and in light of the particular concentrations of social rented tenures which exist in the Borough. The following changes are proposed:

"C. The Council will generally seek the provision of ~~require~~ affordable housing tenures to be provided such that they work towards a Borough wide target of 60.85% social rented housing and 40.15% Intermediate housing."



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Policy CH2

Revisions to the mechanisms by which affordable housing is calculated are considered necessary to provide consistency with PPS3 and the London Plan. Provision as a proportion of habitable rooms or units provides sufficient flexibility for the appropriate amount of affordable housing to be advanced on differing development schemes and on this basis a departure from the London Plan position (to a floorspace calculation) is not justified.

Revisions to tenure balance of new provision are considered appropriate in light of the strategic direction from the GLA and the need to improve tenure balance across the Borough's affordable offer to the end of the plan period.

Together the amendments ensure compliance with PPS3 and the London plan and provide added assurance that policy promotes rather than frustrates delivery of housing in accordance with targets and other policy objectives.

The Council's will ensure new housing development is provided so as to further refine the grain of the mix of housing across the Borough key housing priority is the delivery of new homes both market and affordable which meet needs and contribute towards providing a broad mix of housing for a wide variety of households in the area.

To deliver this the Council will:

- i. *on schemes which have the capacity to provide 10 homes or more, require the maximum reasonable amount of affordable housing with the presumption being at least 50% provision on gross residential floor space in excess of 800m² of either habitable room numbers or unit numbers as affordable housing provision taking into account contributions towards the Borough target from other sources of supply, the need to promote rather than restrain residential development, the viability of the proposals and site specific circumstances including the availability of public subsidy. Where an applicant identifies that a 50% affordable contribution cannot be viably supported by a development the council will require a viability assessment, using the GLA toolkit or an agreed alternative, to be submitted as part of the planning application documentation;*
- j. *require the affordable and market housing to have equivalent acceptable levels of amenity in relation to factors including views, daylight, noise and proximity to open space, playspace, community facilities, and shops;*



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Policy CE1

In order to ensure that climate change related measures are appropriately feasible and viable, the following changes are proposed:

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:

- e. *subject to feasibility and viability 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, North Kensington Sports Centre and Earl's Court; and"*



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Warwick Road

Our client submits that the additional wording be inserted under Section 38.5.6 in order to be consistent with Policy CA6:

“CA6(a v) - Provide a minimum of 350 dwellings on the 100 West Cromwell Road site.”