

**RBKC Core Strategy EIP  
Representations to Matter 9: Renewing the Legacy & Respecting Environmental  
Limits (CE1, CE2, CL1, CL2, CL3, CL5)  
On behalf of Chelsfield (179625)**

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This Statement follows representations submitted at the Submission Stage of the Core Strategy in December 2009.

**9a - Renewing the Legacy**

***Para 34.3.7 refers to the London density matrix but Policy CL1 (c) requires that the density of development should be optimised relative to the context of the development. The London Plan Policy 3A.3 makes allowances to ensure new development is compatible with the local context. Is it appropriate for the Policy to make specific reference to the London density matrix?***

***1.0 Chelsfield's representations***

- 1.1 Representations at the Submissions Stage considered that Policy CL1 should make specific reference to the London Plan 2008 'density matrix' (Table 3A.2) in order to determine the appropriate density of new development.
- 1.2 Allowances are already made within London Plan Policy 3A.3 to ensure new development is compatible with the local context and the design principles of Policy 4B.1, and does not need to be outlined within the supporting text to the policy at 34.3.7. We maintain this position and consider that it is appropriate for the policy to make specific reference to the London Plan density matrix.

***Policy CL2 (criteria h – m) provides the Council's general approach to high buildings reflecting the '...relatively modest and consistent height of buildings'. Is the Policy unduly restrictive and does it take account of the approach to tall buildings in the London Plan?***

***2.0 Chelsfield's representations***

- 2.1 Representations at the Submissions Stage considered that Policy CL2 must be less prescriptive and allow scope for taller buildings on appropriate sites, where appropriately designed. There is no policy at the national or strategic level supporting an acceptable height ratio or cap of 4 times the context height of a building.
- 2.2 Furthermore, it was considered that the policy should take account of London Plan 2008 policy which states that the Mayor will work with Boroughs to identify suitable locations for tall buildings and promotes the development of tall buildings where they would create attractive landmarks, act as a catalyst for

regeneration and are acceptable in terms of design (Policy 4B.9). As drafted, therefore, the Council's approach is unduly restrictive and does not take account of the approach to tall buildings in the London Plan. The suitability of a site for a tall building should be considered on a site by site basis.

2.3 It was also requested that the policy wording of (h) be amended as follows:

~~“h. resist a proposal ensure that proposal for new tall buildings 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;”~~

***Criterion (g) of Policy CL2 allows for subterranean development only where listed criteria can be met. The justification refers to particular concern with listed buildings and also to the impact on the drainage system. Is there sufficient justification for the Policy and is the risk from surface water and sewer flooding such that there should be a moratorium until Thames Water improvements have been implemented?***

### ***3.0 Chelsfield's representations***

3.1 Due to the development pressures in the Borough, subterranean levels often provide valuable additional space for the location of building services or in some cases additional accommodation.

3.2 Any development proposing subterranean works in sensitive areas will be required in accordance with PPS25: Development and Flood Risk (2006) to submit assessments to demonstrate that its impacts on surface water drainage and the sewage system are acceptable. As such, a moratorium is not necessary, is not in accordance with national policy and would have a detrimental impact on development in the Borough.

***The Government policies on the conservation of the historic environment have recently been updated, replacing PPG15 with PPS5. This does not change the legislation but promotes an integrated approach so that the policies apply to all heritage assets. Is it necessary to review the current terminology of the Chapter, and specifically Policy CL3, to reflect the new advice?***

### ***4.0 Chelsfield's representations***

4.1 Representations at the Submissions Stage considered that Policy CL3 was unsound as the proposed drafting of the Policy and the supportive text is too restrictive and goes beyond the assessment in PPG15, which states that the desirability of preserving or enhancing a conservation area is a material consideration where development proposals would be seen in views in to or out of

the area. The visibility of a new building could have a neutral or positive impact on the setting of a conservation area or listed building or in other sensitive views. For these reasons the policy is considered to be unsound.

- 4.2 The publication of PPS5 to replace PPG15 is a material consideration and the Core Strategy is required to be in conformity with PPS5 as national planning guidance.

***Policy CL5 seeks to achieve high standards of amenity in all new developments. It requires good daylight and sunlight and whilst there is reference to the BRE guidelines in the supporting text at para 34.3.43, it does not set standards within the Policy itself. Should the Policy apply only to residential development – excluding commercial buildings – and should it be more specific in its requirements?***

#### **5.0 Chelsfield's representations**

- 5.1 Representations submitted at the Submissions Stage considered that Policy CL5 should specifically make reference to the recognised standards for assessing the items referred to within the policy or to a future RBKC document that would outline what is considered to be an acceptable standard. For example, as currently drafted the Policy provides no guidance on how to measure privacy or the sense of enclosure. For these reasons it is considered that the policy as drafted is unsound and is not effective.
- 5.2 We also object to the proposed removal of the word 'reasonable' from the policy wording, as the standard for acceptable visual privacy will differ across the Borough depending on the local context. In higher density developments, it may not be possible to achieve absolute visual privacy, whereas a reasonable standard may be achievable and acceptable to affected parties.
- 5.3 It is considered unreasonable to apply the same approach to amenity standards to commercial uses, which have a very different standard and expectation of amenity to residential uses.

#### **9b - Respecting Environmental Limits**

***The Council's policy on Climate Change, CE1, sets specific CfSH/BREEM standards to be met by new development and conversions and refurbishments. The Policy, as drafted, is ambitious but is it too prescriptive and possibly undeliverable? Is it necessary to incorporate a 'subject to viability' requirement?***

#### **6.0 Chelsfield's representations**

- 6.1 Representations at the Submissions Stage considered that Policy CE1 was unsound as it fails to set realistic targets in relation to sustainability and ensure that they are technically feasible and will not impact on the viability of

- development. Targets proposed should also be in line with London Plan targets and timescales. It was also considered that whilst the Council should commit to the principles of sustainability and high standards of energy conservation, special consideration should be given to the impact on listed buildings, conservation area and townscape as potential limiting factors.
- 6.2 It was requested that the policy be amended as follows so as to reflect the importance of feasibility and viability considerations in assessing sustainability, particularly in relation to the impact on listed buildings, conservation area and townscape features.
- 6.3 It is considered that draft Policy CE1 remains unsound because the policy is not effective or consistent with national policy. The targets for sustainability should be more realistic in acknowledging that in some instances, certain technologies, whilst desirable, may not be achievable either because of project feasibility and viability, or because of potential impacts on sensitive receptors such as listed buildings or conservation areas. It is therefore considered that a 'subject to viability' requirement is necessary.