

Core Strategy with a focus on North Kensington Examination in Public (July 2010)

Representations on behalf of Martin's Properties (Chelsea) Ltd

Responses to the Inspector

Matter 4 – Keeping Life Local

Question 2

“Policy CK1 protects social and community land and buildings for re-use, for the same, similar or related uses. **Should the policy provide flexibility for the relocation of uses through use swaps?**”

- 1.1 Yes. There may be the potential for the re-distribution of social and community uses to better meet the needs of the Borough's residents.
- 1.2 Whilst the Council's Evidence Base Document 13 illustrates a good distribution of social and community uses across the Borough residents generally living a maximum of 800 metres (10 minutes walking time from a particular social and community use), there may be instances where the relocation of a social and community use would assist in the Council's objectives of Walkable Neighbourhoods and Keeping Life Local by relocating the use to an area of need.
- 1.3 For instance, relocating a social and community use into an area which is deprived such as a part of the North of the Borough (paragraph 2.2.7 – 2.2.10 of the Submission Core Strategy).
- 1.4 Use swaps have been established practice in planning proposals for many years. They can be used as a mechanism for better re-distributing land uses within a wider area. For example, within the Central Activities Zone the London Plan recognises the concept of housing swaps or credits between appropriate sites within or beyond the CAZ boundaries. (Paragraph 5.178 the London Plan Consolidated with Alterations since 2004).
- 1.5 A mechanism can be put in place through a Section 106 Agreement to ensure that the relocated social and community use is provided ready for occupation prior to the donor site being occupied.
- 1.6 A use swap may enable a social and community use to be relocated in a new improved facility within the same catchment area and in which case deliver clear benefits.

- 1.7 It is considered therefore that the policy is not sound on the basis there is not sufficient flexibility within the policy to enable the strategy to be effective and to allow for proposals where such a land use swap may deliver social and community benefits.

Matter 4 – Keeping Life Local

Question 3

“Policy CK1(C) applies a sequential approach to the protection of land or buildings currently or last used for a social community use. It is proposed as a pragmatic approach to allowing necessary changes whilst maintaining the overall stock of such uses. **Is this sequential approach too restrictive, hindering redevelopment proposals?”**

- 2.1 Yes. A list of social and community uses is set out at paragraph 30.3.4 of the Submission Core Strategy. These range from care homes to petrol filling stations. The social and community uses identified fulfil very different functions and meet very different needs of the Borough's residents. We consider that there is a need to distinguish between the use classes and the planning merits of any particular use.
- 2.2 As currently exists under adopted policy SC2 we consider that consideration of the loss of a social and community use should relate to the existing use of the building or site rather than the whole gambit of social and community uses that could be delivered on the site.
- 2.3 It is accepted that if there is a particular need for a social and community use that currently exists on a site then that use should be protected unless it can be adequately demonstrated that there is no existing or future need for that particular use.
- 2.4 The policy as it is currently drafted, requires an applicant to demonstrate that the site or building cannot be used for any of the alternative social and community uses before considering whether an alternative non-social and community use would be allowed on site. We consider that this approach is not sound as it is not flexible enough to enable buildings to be brought into beneficial use where the need for the current use no longer exists whilst providing or contributing to social and community uses elsewhere.

2.5 We suggest that the policy is amended to state:

Policy CK1

Social and Community Uses

The Council will ensure that social and community uses are protected or enhanced throughout the Borough and will support the provision of new facilities.

To deliver this, the Council will:

- a) **Provide a new academy for the communities of North Kensington;**
- b) **Permit new and the expansion of existing, social and community uses which predominantly serve, or which provide significant benefits to, Borough residents except where the proposal results in a shared or communal residential / social and community entrance;**
- c) **In respect of proposals for a change of use of social and community uses:**
 - i. **Protect land and / or buildings where the current use is or the last use was of a social community use, for re-use for the same, similar or related use;**
 - ii. **Where the continued or future need for the use can no longer be established permit enabling development on land and of buildings where the current use is or the last use was a social and community use in order to:**
 - **Provide an alternative social and community use elsewhere within the Borough as part of a use swap;**
 - **Improve that use;**
 - **Provide another social and community use on the site which provides significant benefits to Borough residents and where it is successfully demonstrated that there is a greater benefit to the Borough resulting from this change of use;**
 - **Improve social and community uses elsewhere within the Borough and where it can be demonstrated that there is a greater benefit to the Borough resulting from this enabling development.**