

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

MEETING OF THE COUNCIL – 12 OCTOBER 2011

REPORT OF THE MAJOR PLANNING DEVELOPMENT COMMITTEE

EARL'S COURT PLANNING APPLICATION – CROSS BOUNDARY MATTERS

The Council is asked to agree to the London Borough of Hammersmith and Fulham discharging the Council's functions as local planning authority by determining 'Application 2' in so far as the application applies to two land parcels that are within the administrative boundary of the Royal Borough of Kensington and Chelsea.

FOR DECISION

1.0 Background

1.1 The report attached at **Appendix A** was considered by the Major Planning Development Committee (MPDC) at its meeting on 8th September 2011.

1.2 The Committee resolved to :

- (i) recommend to Full Council that, at its meeting on 12 October 2011, it agrees to the London Borough of Hammersmith and Fulham discharging the Council's functions as local planning authority by determining ' Application 2' in so far as the application applies to two land parcels within the administrative boundary of the Royal Borough of Kensington and Chelsea, and
- (ii) request that the Executive Director note the Committee's comments regarding the report and update it as necessary before it was presented at the Council meeting.

2.0 Executive Summary

2.1 Planning applications have been submitted to both the Royal Borough of Kensington and Chelsea (Application 1) and the London

Borough of Hammersmith and Fulham (Application 2) for the redevelopment of the main Earl's Court site which comprises the Earl's Court Exhibition Centres, Lillie Road Depot, Gibbs Green and West Kensington Estates. The boundaries of the respective planning applications are indicated in **Appendix 2** of the report which was presented to the meeting of MPDC on 8th September 2011.

- 2.2 The applications have been submitted in outline form and only seek approval for access, the various land uses and the 'maximum amount of development' at this stage. Any planning applications submitted in respect of reserved matters relating to scale, layout, appearance and landscaping would be submitted to and considered subsequent to any grant of outline planning permission for either of these applications
- 2.3 The documents submitted with the planning applications fix the maximum amount of development in terms of content, layout and form by way of plot based parameter plans. These divide each application site into a series of smaller separate plots which are divided by proposed key streets and open spaces throughout the development. The proposed individual plots are shown in **Appendix 3** of the report that was presented to the meeting of MPDC on 8th September 2011.
- 2.4 The planning applications have been structured so as to respond to the proposed layout of the plots and the alignment of the planning application boundary ensures that each plot is included either wholly within Application 1 (RBKC) or Application 2 (LBHF). However, this results in two small parcels of land which are within the administrative boundary of RBKC being included within Application 2 which has been submitted to LBHF.
- 2.5 For clarification, a series of plans have been attached to this report which show the existing and proposed land parcels that are involved. These are as follows:
- 2.6 Image 1: An aerial photograph showing the Borough boundary through the main Earl's Court site and Seagrave Road. These show that the land parcel to the North is currently used as part of a road and railway land and the land parcel to the South is currently in use as the EC2 deck, road a rail land.
- 2.7 Image 2: An aerial photograph showing the Borough boundary through the main site and Seagrave Road
- 2.8 Image 3: An aerial photograph showing the Borough boundary through the main site and Seagrave Road with the development plots included within Application 1 and Application 2 overlaid

- 2.9 Image 4: The main Earl's Court site showing the development plots and the Borough boundary with the two land parcels highlighted
- 2.10 Image 5: The main Earl's Court site showing the development plots in 3D with the Borough boundary overlaid
- 2.11 Image 6: The main Earl's Court site showing the development plots in illustrative 3D form with the Borough boundary overlaid
- 2.12 Image 7: The main Earl's Court site showing the illustrative masterplan with the Borough boundary overlaid
- 2.13 The development plots that are affected are **WK03**, which lies immediately South of Cromwell Road and **BW07** which lies North of Lillie Bridge. The affected areas within these plots that lie within RBKC total 0.38 hectares in area and the details of each plot are as follows:

WK03:

The principal land use would be residential (Class C3) with retail uses (Classes A1-A5) at ground level together with either commercial (B1) private hospital (Class C2) and/or hotel (Class C1) uses at ground and upper levels .

The indicative heights for this plot would be 6 – 10 storeys (31.5 – 53 metres in height AOD)

There would be 20% of open space within this plot

BW07

The principal land use would be residential (Class C3) with retail use (Class A1-A5) at ground level, commercial use (Class B1) at ground and upper levels and leisure use (Class D2) and /or Class D1 use below and above ground

The indicative heights for this plot would be 2- 16 storeys (13.3 – 64.5 metres in height AOD)

There would be 35% open space within this plot

- 2.14 The Council is being asked to agree that LBHF discharges this Council's functions in respect of these land parcels because, in the interests of good urban design, the layout of the proposals does not follow the Borough boundary and isolates the narrower strips of land in the part of the site that naturally falls to LBHF.

- 2.15 Should the Council agree to LBHF determining application 2 in respect of the two land parcels that are included within the development plots that are described above, the proposals will be subject to the relevant planning policies that are contained within the development plan for the Royal Borough (ie The Core Strategy and the London Plan 2011).
- 2.16 It should be noted that there will be one S106 agreement which will cover both planning applications that have been submitted to RBKC and LBHF and both Boroughs would be party to the agreement. The s106 agreement would deal with matters such as affordable housing, social and community facilities and open space.
- 2.17 The Royal Borough will be consulted on the entirety of the proposals the subject of Application 2 (submitted to LBHF). Application 2 will be reported to MPDC for their formal comments on the proposals and to consider whether any objections should be raised.

3.0 Legal Implications

- 3.1 Under S101 of the Local Government Act 1972, a local authority may arrange for the discharge of any of their functions by any other local authority. The Executive Director, Planning and Borough Development under his delegated powers has arranged for the responsible officer at LBHF to deal with the administration of Application 2 in so far as it applies to the two land parcels. The LBHF will deal with all of the representations made in respect of application 2.
- 3.2 Any arrangements made under s101 of the Local Government Act 1972 are not irrevocable and do not prevent the Royal Borough from take a decision to bring the arrangements to an end. Such a decision would need to be made, however, before Application 2 is determined by LBHF's Planning Committee.

JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT