

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

POSITION STATEMENT BETWEEN:

The Royal Borough of Kensington and Chelsea

And

Capital & Counties on behalf of Earl's Court and Olympia Group

**AS DISCUSSED AT THE EXAMINATION IN PUBLIC
MATTER 1 (20TH JULY 2010), MATTER 3 (21ST JULY 2010) and MATTER 6 (22ND JULY
2010)**

FINAL - 29 JULY 2010

Signed by:

Panolya Tchitt on behalf of the Royal Borough of Kensington & Chelsea.

Dated 29 July 2010

 on behalf of Earl's Court & Olympia Group.
Dated 29/7/2010

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1. Introduction

- 1.1 This Key Issues Position Statement has been produced between the Royal Borough of Kensington & Chelsea and Capital & Counties, on behalf of the Earl's Court & Olympia Group.
- 1.2 The Earl's Court and Olympia Group own the Earl's Court Strategic Site, as designated in the Royal Borough of Kensington and Chelsea Core Strategy with a focus on North Kensington (the Core Strategy). The Earl's Court Strategic Site forms part of the Earl's Court 'Place', as identified in the Core Strategy.
- 1.3 The Earl's Court Exhibition Centre Strategic Site also forms part of the Earl's Court & West Kensington Opportunity Area, as designated in the draft Replacement London Plan (2009). The Strategic Site is adjacent to the West Kensington, Earl's Court and North Fulham Regeneration Area, as designated in the emerging London Borough of Hammersmith and Fulham Core Strategy.
- 1.4 Earl's Court Exhibition Centre will be used to accommodate the Olympic Volleyball in 2012. After the Games it is anticipated that the Centre will be redeveloped. The London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea and the Mayor of London are producing a Supplementary Planning Document to guide any redevelopment of the entire Opportunity Area, which might be adopted as an Opportunity Area Planning Framework should the Mayor of London chose to do so.
- 1.5 This Statement relates to matters associated with the Earl's Court Place (Matter 3) and the Earl's Court Exhibition Centre Strategic Site (Matter 6). It is structured according to the key issues and topics raised by Capital & Counties in its representations on the Core Strategy and Written Statements submitted to the Inspector for consideration at the Examination into the soundness of the Core Strategy.
- 1.6 This Statement is prepared to clearly identify those issues of agreement and those issues of disagreement as discussed during the Examination in Public into the Core Strategy with a focus on North Kensington, and in particular those elements relating to potential development at the Earl's Court Exhibition Centre Strategic Site.
- 1.7 Where common ground is not agreed, the statements, representations and evidence submitted to the Inspector still apply.

2. Vision for the Royal Borough (Matter 1)

Council's position

2.1 The Vision for the Royal Borough is set out in CV1. It is agreed during the consideration of Matter 1 that this Vision should include reference to the Council's support for a new centre within the Earl's Court & West Kensington Opportunity Area and provide clarity that the 2,000 homes is within the Royal Borough, and not the Opportunity Area (the Opportunity Area includes land within both the Royal Borough and the London Borough of Hammersmith & Fulham).

2.2 The following revision to CV1 is therefore proposed:

Para 3

Earl's Court will remain an important cultural destination, as well as providing offices, ~~and at least around 2,000 new~~ homes within the Borough and a new town centre to address local shopping deficiency within the Opportunity Area dwellings on surrounding sites.

Capital & Counties' position

2.3 Agreed.

3. Town Centre Designation (Matter 6, Question 1 and Matter 7, Question 1)

Council's position

- 3.1 As currently laid out, the area of the Earl's Court Exhibition Centre Strategic Site is located outside 400m or 5mins walk of a Neighbourhood or Higher Order Town Centre.
- 3.2 It is agreed that the Earl's Court & West Kensington Opportunity Area offers the potential for a new form of town centre. However, the size and function of the centre will be identified through the evidence being prepared to support the SPD and planning applications. Policy CA7 recognises that a range of town centre uses, including small scale retail uses to serve the needs of the development, are supported on the Strategic Site. New retail provision on the Earl's Court Exhibition Centre Strategic Site must demonstrate that the size and function has been identified in accordance with PPS4, the London Plan, local policy and any supporting evidence.
- 3.3 Any new retail provision on the Opportunity Area must meet the day to day needs of the development and not have an unacceptable impact on the short and longer term vitality and viability of existing centres.
- 3.4 This agreement will be reflected in amendments to the following policies:

Policy CF1

(d) require the establishment of new centres in the Latimer and Kensal areas to address identified retail deficiency, and support the establishment of a new ~~neighbourhood~~ centre in the Earl's Court & West Kensington Opportunity Area, with small scale retail provision to serve the day-to-day needs of the development. Any new centre must comply with the requirements of PPS4, and be of a scale that does not have an unacceptable impact on existing centres.

~~(e) support the establishment of a new neighbourhood centre in the Earl's Court Opportunity Area, to serve the day to day needs of the development.~~

- 3.5 The supporting text will also be amended as follows:

Para 31.3.5

The *Keeping Life Local* Strategic Objective (Chapter 30) introduces the concept of walkable neighbourhoods, and includes a map which shows those parts of the Borough that are not within five minutes walk of a centre. The main areas of deficiency are in the Kensal and Latimer areas and the area of the Earl's Court Exhibition Centre Strategic Site. New centres in these areas will meet this deficiency, with the scale of development within these new centres reflecting the nature of the the proposed development in the wider area.

~~In addition,~~ A significant amount of development is expected within the plan period in the Earl's Court and West Kensington Opportunity Area. This site, designated within the draft London Plan as an Opportunity Area, straddles the boundary with Hammersmith and Fulham. Both the quantum of development, and the distribution of land uses across the Opportunity Area ~~its detailed nature (including whether the constituent parts lie in this Borough or within Hammersmith and Fulham)~~ will be established within a future planning brief. This brief will be prepared jointly by LBHF, this Borough and the GLA. ~~However,~~ It is likely that the ~~wider area~~ Opportunity Area will include a significant amount of housing, as well as business uses, leisure and hotel floorspace, and a ~~destination~~ cultural destination facility. This development is likely to generate some retail need in its own right.

The new centres at Kensal, Latimer and Earl's Court will serve a localised retail catchment, providing the convenience goods and services required by the local communities. The extent to which, from a retail perspective, there is scope for a larger centre on any of these sites, will depend on a detailed analysis of retail need, taking account of the vitality and viability of existing centres (both in this and within neighbouring Boroughs) both at the time of the development and in the longer term.

~~A neighborhood centre in this area will, therefore, be appropriate, as long it is of a scale which does not harm the vitality of nearby centres. A new centre is 'supported' rather than 'required' within the Earl's Court wider area as it is possible that its eventual location may be in Hammersmith and Fulham.~~

Para after 10.3.10

The area of Earl's Court and West Kensington Opportunity ~~Area~~ is currently deficient of access to neighbourhood or higher shopping facilities. The Council will therefore support a new ~~neighbourhood~~ centre in this location, which includes small scale retail provision supporting the day to day needs of the development and other acceptable town centre uses identified in Policy CA7. ~~However, this new centre must not compete with other existing centres. The size and function of the centre will be confirmed through the joint planning brief, having regard to the up-to-date evidence. The extent to which there is scope for a larger centre within the Opportunity Area will depend on a detailed analysis of retail and leisure need, taking account of the vitality and viability of existing centres (both in this and within neighbouring Boroughs) both at the time of the development and in the longer term.~~

Para 10.4.2

The Council will also support a new ~~neighbourhood~~ centre in the Earl's Court and West Kensington Opportunity Area, with small scale retail provision to serve the day-to-day needs of the development.

Para 26.2.2

The area of the Strategic Site is outside 400m or 5mins walk of a deficient in access to neighbourhood or higher order centre-facilities. The Council will therefore support the establishment designation of a new neighbourhood centre within the Earl's Court and West Kensington Opportunity Area, with small scale retail provision to serve the day-to-day needs of the development and of a scale that does not have an unacceptable impact on short and longer term vitality and viability of existing centres in RBKC and LBHF.

- 3.6 It is also agreed that Core Strategy Policy CA7 as amended by changes proposed in this Statement of Common Ground and CF1(d) as amended above provide sufficient flexibility to confirm the size, function and location of the new centre, having regard to up-to-date evidence, the joint planning brief and masterplanning process.

Capital & Counties' position

- 3.7 Capital & Counties agree with the above proposed changes except for:

- reference to 'shorter and longer term' vitality and viability (in para 26.2.2). Capital & Counties propose that reference to 'shorter and longer' term is deleted in order to accord fully accord with Policy EC16 of PPS4; and
- reference to small-scale retail in Policy CF1, and paras 31.3.5, 10.3.10, 10.4.2, 26.2.2 (and consequential changes to Policy CA7). Capital & Counties consider that reference to small-scale retail implies that the type, nature and amount of retail provision will be limited and restricted. It is unnecessary and overly prescriptive at this stage to limit and restrict retail provision. The last sentence of Policy CF1(d) as proposed by the Council above is sufficient to ensure impact arising from retail provision is addressed. The appropriate provision of retail floorspace (both comparison and convenience) will be determined through the preparation of the SPD, masterplanning and supporting assessment/evidence. Indeed, the Retail & Leisure Assessment prepared by Capital & Counties (REP/139439/22C) demonstrates significant potential for retail use. Capital & Counties propose that Policy CF1(d) should be worded (together with all supporting text) as follows:

"Policy CF1

(d) require the establishment of new centres in the Latimer and Kensal areas to address identified retail deficiency, and support the establishment of a new neighbourhood centre in the Earl's Court & West Kensington Opportunity Area, with appropriate small-scale retail provision to serve the day-to-day needs of the development. Any new centre must comply with the requirements of PPS4, and be of a scale that does not have an unacceptable impact on existing centres."

4. Flexibility of Residential Allocation (Matter 6, Question 2)

Council's position

- 4.1 It is agreed that the redevelopment of the Earl's Court Exhibition Centre Strategic Site will bring forward a mix of uses but will be predominantly residential led.
- 4.2 It is agreed that the Earl's Court Exhibition Centre Strategic Site has the potential to contribute towards RBKC's residential targets. The Strategic Site is capable of accommodating comfortably more than 500 homes and the non-residential land uses identified in the Core Strategy Policy CA7 without the wider Opportunity Area coming forward for development. The Core Strategy makes provision for the number of residential units to increase if some of the land uses are provided in LBHF or through the evidence being prepared for the SPD. The flexibility in the land use allocation afforded through Policy CA7 is set out in the Council's response to the Inspector's Matter 6, Question 2. If the SPD is not in place before a planning application is submitted for the Strategic Site, the applicant will have to demonstrate that the development is in accordance with CA7 and does not compromise wider regeneration aspirations identified by the GLA, LBHF and RBKC having regard to material planning conditions such as up to date evidence and viability (This is considered under Item 9 of this Statement of Common Ground).
- 4.3 It is agreed that the Core Strategy Policy CA7(a) currently (unintentionally) overly restricts the ability of the Earl's Court Exhibition Centre Strategic Site to deliver more than 500 homes. Although Policy CA7(a) recognises that to some extent a minimum number of 500 homes can be increased, it constrains the ability to deliver more homes with the Earl's Court Exhibition Centre Strategic Site to only being possible if other allocated land uses come forward elsewhere in the Earl's Court & West Kensington Opportunity Area i.e. in LBHF. It is agreed that it is not the intention of Policy CA7(a) to be inflexible and restrictive in this regard and the policy should be revised, as follows:

Policy CA7

- a. a minimum of 500 homes within the Royal Borough, which could be increased, in particular if (b) to (e) below are provided within LBHF as part of the masterplanning process conducted in the preparation of the SPD

Capital & Counties' position

- 4.4 The proposed text change to Policy CA7 is agreed, although Capital & Counties maintain its objection to a minimum of 500 homes (refer to paragraph 5.5).

5. Minimum Residential Allocation (Matter 6, Question 2)

Council's position

- 5.1 It is agreed that the Earl's Court Exhibition Centre Strategic Site can comfortably accommodate over 500 new homes.
- 5.2 RBKC believes that the current quantum provides sufficient flexibility to increase residential numbers, but any increase must reflect detailed evidence being prepared through the SPD. The 500 homes on the RBKC Strategic Site is a minimum. The flexibility to increase this figure is set out in the Council's response to Inspector's Matter 6 Question 2.
- 5.3 The Council proposes the following revision to para 26.2.1, to clarify this and better reflect the wording in the draft London Plan:

It is clear that the site has considerable potential. The draft London Plan ~~indicates states~~ that the Earl's Court & West Kensington Opportunity Area has ~~the potential to provide the capacity to accommodate~~ over 2,000 dwellings and ~~approximately 7,000 jobs.~~ The draft London Plan further states that "the potential for a strategic leisure, cultural and visitor attraction and strategically significant offices should be explored together with retail, hotels and supporting social infrastructure". ~~along with leisure, cultural and visitor attraction uses.~~ Within the Royal Borough it is anticipated the scheme will be residential-led, as the Strategic Site can comfortably accommodate over 500 new homes. ~~although~~ ~~The full development capacity and exact disposition of uses across the Opportunity Area should be considered as part of the spatial planning for the Opportunity Area, through the joint Supplementary Planning Document (SPD). This SPD will be prepared and adopted by both boroughs, and be capable of being adopted by, in consultation with the GLA as an Opportunity Area Planning Framework.~~

Capital & Counties' position

- 5.4 Capital & Counties agree with the proposed text changes above, in particular the text explaining that the 'Strategic Site can comfortably accommodate over 500 homes.'
- 5.5 However, and notwithstanding the above, Capital & Counties propose a revised minimum homes target of 1,000 to reflect the strategic nature of the Earl's Court Exhibition Centre Strategic Site and the fact that it is clear that more than 1,000 homes are readily capable of being delivered. The justification for an increased allocation is set out in Capital & Counties' response to inspector's Matters 3 and 6 together with representations and supporting evidence base. As explained at the Matter 6 session of the Examination in Public, Capital & Counties consider that the assumptions used by the Council in arriving at a minimum of 500 homes

are overly conservative, and for this reason not reasonable or effective in the context of PPS12. A more reasonable and effective, but still conservative, alternative approach can be taken. Capital & Counties include calculations within their Matter 6 Written Statement to support a minimum of 1,000 homes. Clearly there is a difference of opinion between the Council and Capital & Counties and it is for the inspector to decide if the Core Strategy should promote a minimum number of homes between these two figures.

6. Office Allocation (Matter 6, Question 2)

Council's position

- 6.1 It is agreed that the Earl's Court & West Kensington Opportunity Area will deliver a mix of uses, including office use.
- 6.2 The Council's Employment Land Availability Study Update (October 2009) identifies that of the 69,000sqm office floor space needed up to the end of the plan period 23,000sqm is not provided for. This takes into account floorspace already in the pipeline, either being built / built out or where consent is already granted. The Council has therefore allocated 10,000sqm of this office floorspace in each of the Earl's Court and Kensal Strategic Sites. The office provision at Earl's Court will contribute to the provision of the 7,000 jobs in the Opportunity Area in accordance with the draft London Plan. However, Core Strategy Policy CA7(b) provides some flexibility for this office floorspace to be provided in LBHF in return for additional housing. Office accommodation provided in this way will not contribute to the Royal Borough's office floorspace provision, but being located so close to the borough boundary will still benefit residents of the Royal Borough.
- 6.3 It is also agreed that should any development proposal come forward in advance of the Earl's Court and West Kensington Opportunity Area SPD, the mix of uses will be considered in accordance with Policy CA7 having regard to material planning considerations, such as up-to date evidence and viability. (This is also considered under Question 9).

Capital & Counties' position

- 6.4 Draft Core Strategy Policy CA7(b) requires a minimum of 10,000 sqm of office floorspace to be delivered as part of the Earl's Court Exhibition Centre Strategic Site. Capital & Counties consider this minimum office floorspace requirement to be unduly prescriptive given the masterplanning and SPD process to be gone through. The 10,000 sqm of floorspace should include wider non-residential uses to allow for an appropriate, properly evidenced, mix of uses as part of the masterplanning evidence. See Capital & Counties' statement in relation to Matters 3 and 6 for further detail.
- 6.5 It is important to note that the 7,000 jobs figure referred to in paragraph 6.2 above is an indicative figure within the draft Replacement London Plan. It is currently the subject of public examination and may change as a result.

7. Cultural Use (Matter 6, Question 2)

Council's position

7.1 It is agreed that the qualitative credentials of the cultural facility prescribed in Core Strategy Policy CA7(d) is more important than the size of this facility. It is also agreed that this facility must be of a size that is sufficient to retain the Earl's Court cultural brand, although this brand is more likely to be through its 'identity' than through any numeric assessment of its draw or destination. The policy and supporting text will need to be revised to reflect this.

o Policy CA7(d)

A cultural facility, of at least national identity significance, to retain Earl's Court's long standing brand as an important cultural destination, located on the area of the Opportunity Area nearest to public transport accessibility;

7.2 It is agreed that reference to the potential provision of an International Convention Centre at the Earl's Court & West Kensington Opportunity Area or Olympia will be removed from Chapter 26, paragraph 26.2.3 of the Draft Core Strategy as follows: Plans for an International Convention Centre are not being progressed.

Para 26.2.3

Key to the long term success of the area is the redevelopment of the Exhibition Centre. Earl's Court has a long standing role as an important cultural destination of London, which contributes to the distinctive Earl's Court 'Brand'. A cultural facility that is a national or international destination is required. ~~This may be in the form of an International Convention Centre. The preferred location for the International Convention Centre is as part of a major refurbishment and/or development within the existing Earl's Court and Olympia complexes.~~ However, if that facility is located at Olympia (in the London Borough of Hammersmith and Fulham) which is (in the same ownership as Earl's Court Exhibition Centre, and is likely to be refurbished and extended to accommodate some of the cultural, conference and exhibition uses at Earl's Court.) ~~However,~~ then a significant cultural use that is of at least a national identity destination should also be retained in the Earl's Court and West Kensington Opportunity Area to continue the long standing Earl's Court brand. It is expected this will be located within the most public transport accessible part of the Opportunity Area. The exact location of any cultural or destination uses or attractions will be determined through the Supplementary Planning Document to be prepared jointly by the Royal Borough, the London Borough of Hammersmith and Fulham and the Greater London Authority.

Capital & Counties' position

7.3 The above changes are agreed, except for reference to 'national' in Policy CA7(d). Capital & Counties consider that reference to "national significance"

should be removed. The term is ambiguous, uncertain and cannot be readily defined. The nature/size/visitor draw of cultural facilities can vary enormously, as well as evolve over many years. Reference to 'national' will create uncertainty and will place an onerous constraint on future redevelopment proposals. See Capital & Counties' statement in relation to Matters 3 and 6 for further detail. Policy CA7(d) should be reworded as follows:

"Policy CA7(d)

A cultural facility, of at least ~~national~~ significant identity significance, to retain Earl's Court's long standing brand as an important cultural destination, located on the area of the Opportunity Area nearest to public transport accessibility; "

8. Improvements to the Earl's Court One-Way System (Matter 3, Question 5 and Matter 6, Question 3)

Council's position

- 8.1 It is agreed that the vision for Earl's Court, as set out in 10.2, should be to significantly improve the pedestrian environment, including the pedestrian environment harmed by the one-way system. These improvements can be made through various design and traffic management measures, such as environmental improvements, although without returning the one-way system to two-way working any measures will be limited in their impact. Investigating the potential and implementing those measures to return the one-way system to two-way working is an important part of the Council's Core Strategy for this part of the Borough. TfL have undertaken some initial feasibility work, which finds that this may be problematic and no funding has been identified to take the matter further forward. This is explained in TfL's Position Statement (REP/305087/4) submitted to the EIP. These problems are not insurmountable and the feasibility of returning the one-way system to two-way working should, at the very least, be explored further. The quantum of development being considered by the land owners for the Earl's Court and West Kensington Opportunity Area has the potential to place significant pressure on the Earl's Court one-way system. It is therefore agreed that the landowners of the Earl's Court Strategic Site, in consultation with TfL and the Boroughs, will explore the extent to which the entire Earl's Court one-way system could be returned to two-way working and improve conditions for all users. Subject to the findings of the feasibility study and viability considerations, landowners of development sites in the area of the one-way system will then be required to implement or contribute to the implementation of measures identified in the study commensurate to the scale and transport impact of that development.

Policy CA7(h):

a design of the ~~on-site road pattern network~~ network and connections with the surrounding area that which significantly improves residential amenity, the pedestrian environment and public transport access in the area of the one-way system, and does not have an unacceptable impact on traffic congestion circulation in the surrounding area, and on primary routes in the London Borough of Hammersmith and Fulham and the Royal Borough, providing a key component in returning the one-way system to two-way working;

Policy CA7(l)

securing highway contributions including the investigation, in consultation with TfL and the Boroughs, into returning the Earl's Court one-way system to two way working; and implementation of those measures identified during the investigation commensurate to the development proposal; -to return the Earl's Court one-way system to two-way working and significant improvements to

quality of residential amenity, the pedestrian environment and public transport access in the area of the Earl's Court one-way system;

Vision for Earl's Court Place:

~~By returning the one-way system to two-way working, reducing the traffic flow, and improving the pedestrian environment,~~ The western edge of the Borough will be reintegrated with the and Earl's Court Neighbourhood Centre so that the centre is will be able to blossom, offering an attractive 'urban-village' environment which local residents can enjoy. Crucial to this is reducing the impact of the one-way system on residential amenity, the pedestrian environment and public transport users, preferably by returning the one-way system to two-way working or other significant environmental improvements.

Capital & Counties' position

- 8.2 Amendments to the above policies and supporting text is agreed on the basis that, where needed for consistency purposes, references elsewhere in the Core Strategy in relation to the one-way system are amended accordingly.
- 8.3 Capital & Counties question the basis of the Council's statement in paragraph 8.1 that 'problems are not insurmountable' in regard to the TfL Position Statement and that the Opportunity Area has 'the potential to place significant pressure on the Earl's Court one-way system' given the level of feasibility / evidence based work at the current time.

9. Implementation / Delivery

Council's position

- 9.1 Policy CA7 sets out the requirements for development on the Earl's Court Strategic Site, to be taken into account whether or not the SPD has been produced. This policy makes provision for the residential component to be increased if among other things the other non-residential land uses are located in the Opportunity Area, as part of the masterplanning for the SPD. However, the Core Strategy should make clear that any redevelopment should not compromise the future regeneration opportunities of the Earl's Court 'Place' and the Opportunity Area, being developed through the work on the Opportunity Area SPD.

Propose change to the Earl's Court 'Place' Policy CP10:

The Council will ensure an attractive 'urban-village' environment in Earl's Court by supporting improvements to the public realm, pedestrian environment and open space. The Council will ~~and~~ resist development proposals which prejudice the opportunities for wider regeneration of the area and compromise delivery of the vision ~~realisation of the full potential of opportunities in the area.~~

- 9.2 There is also a risk that the SPD may not be adopted in advance of a planning application being submitted for the Strategic Site. This is already identified as a risk no. 7(b) Risk (ii), however this should not only relate to the Earl's Court one-way system but should be its own risk and given the tight timescales that the landowners are working to; is considered a 'high' risk and 'high' likelihood.

Propose inclusion of the following text into the end of para 26.3.1.

There is also a risk that the SPD is not adopted in advance of a planning application being submitted for the Strategic Site. If this risk is realised, the planning application will be considered in accordance with Policy CA7 and any material planning considerations, which may include up to date evidence and viability being prepared for the SPD and a planning application.

Propose change to risk 7(b) Risk (ii) in Chapter 39 to become Risk 7(c) to the following:

Column 3: Dependency – n/a

Column 4: Central to the delivery – yes

Column 5: Risk – Risk (ii) The different sites are not developed comprehensively but come forward in a piecemeal manner

Column 6: Likelihood – low-med

Column 7: Impact on strategy – med

Column 8: Plan B – yes

Column 9: Alternatives – Strategic Site comes forward on its own. The policy and supporting text in chapter 26 takes this in to account.

Capital & Counties' position

- 9.3 Agreed, except in relation to the level of risk to the delivery of the Core Strategy as a result of the above changes to Policy CO10 and para 26.3.1. The Council propose the risk to be medium. Capital & Counties propose that the level of risk is low because policy and supporting text within the Core Strategy take into account the possibility of a planning application being submitted for Strategic Site in advance of the adoption of an SPD.

6

END