



Responses to the Inspector

Matter 6: Strategic Site Allocations - Earl's Court

Core Strategy with a focus on North Kensington

Examination in Public

July 2010

Public Examination of Royal Borough of Kensington and Chelsea's Core Strategy with a focus on North Kensington DPD

Royal Borough of Kensington and Chelsea's Statement

Matter 6 – Strategic Site Allocations: Earl's Court

Question 1

Earlier drafts of the Core Strategy referred to Earls' Court Town Centre, whilst the Allocation new refers to a Neighbourhood Centre designation within the Earl's Court Opportunity Area whilst Policy CA7 indicates 'small scale retail uses to serve day-to-day needs of the new development'. Is there evidence to support the range and type of uses associated with a new centre?

1.0 *The Council considers that there is evidence to support the creation of a new centre on the wider Earl's Court Site, the scale of which will be dependent on the scale of the development which occurs on the site. This centre could either be in this Borough or in Hammersmith and Fulham. The function of the centre must be to serve the day-to-day need of residents of the area. Its scale must be that which does not harm the vitality of any adjoining centres. The Council considers that this question is the same as Question 1, Matter 7 (Fostering Vitality, Policy CF1(e)) which asks if there is evidence to support a more general indication of the order of centre [for the Earl's Court Opportunity Area]?*

Evidence of need – areas deficient in local shopping facilities

1.1 Kensington and Chelsea is a densely developed borough which contains ten higher order centres and some thirty-five smaller neighbourhood centres. This is one of its strengths, with most of the people living within the Borough being within easy reach of the shops and services needed to meet their day-to-day needs. However, not all areas are as well served as others, and to this end, the Council has mapped areas of deficiency for local shopping facilities, i.e the parts of the Borough more than 400 m (or a five minute walk) from a neighbourhood or higher order centre. Just 25 % of the Borough is considered "deficient". This includes much of the Earl's Court Strategic Site. The creation of a new small centre in the Earls' Court area will help meet this deficiency.

1.2 This map illustrating deficiency is included as page 167 of the Submission Core Strategy (Keeping Life Local).

Evidence of need – Retail Needs Assessment

1.3 The Council has commissioned Nathaniel Litchfield and Partners to carry out a Retail Needs Assessment to consider, amongst other matters, the 'need' for additional retail floorspace across the Borough. This study was published in July 2008. This study concluded that there was minimal need for new comparison floorspace in this part of the Borough to 2015. However, there was some 'need' for additional

convenience floorspace, with the study predicting that there was a 'need' of approximately 2,500 sq m between 2008 and 2015, or 4,600 sq m between 2008 and 2020 across the Borough. This 'need' is in addition to that expected to be provided on the Lots Road Power Station Site in the south-western corner of the Borough.

- 1.4 Some of this 'need' could be accommodated on the Earl's Court Site.

Scale of development on site likely to generate its own need

- 1.5 The Council, does however, recognise that the Earl's Court wider site (the area for the tentative Opportunity Area) is likely to contain a significant amount of development over the lifetime of the plan. This development will create its own demand for town centre uses. The amount of 'need' created will be dependent on the scale and nature of the development which ultimately takes place. However, there is no presumption in policy that all the 'need' generated must be accommodated on the wider Earl's Court site. 'Need' which relates to comparison retail should properly be directed to existing centres to boost their vitality. It is the convenience day-to-day shopping needs that can legitimately be expected to be met on the development site.
- 1.6 The scale of development has yet to have been decided, but for the wider Earl's Court site, a site which lies in both this Borough and Hammersmith and Fulham, it is likely to include a minimum of 2,000 new homes and have an 'indicative employment capacity' of some 7,000 new jobs. It is the role of the SPD currently being prepared on the wider Earl's Court Site with our partners in Hammersmith and Fulham and the GLA to establish the scale of development considered appropriate on the site. The Council's allocation for land in this Borough (Policy CA7) is not insignificant, including a minimum of 500 homes, a minimum of 10,000 sq m of office space, as well as other non-residential uses such as hotel, leisure and social and community uses. In addition a cultural facility, is sought. There is some flexibility in the wording of Policy CF7 for the non-residential uses to be located in Hammersmith and Fulham as part of a comprehensive masterplan for the wider area. These uses proposed within this Borough are confirmed in a statement of common ground between this Council and Hammersmith and Fulham (dated 28th May 2010 and included within the 'Response to inspector's Questions' dated 25th May 2010).
- 1.7 The scale of the retail element appropriate on the Earl's Court site will be explored within a retail report currently being commissioned as part of the evidence base for the SPD. Any new retail development must comply with the requirements of PPS4. Whilst the scale of the retail development should be to serve the day-to-day need of residents of the area, and not have a wider comparison role that could compete with existing centres, the Council does recognise that the final 'classification' of the centre can only be made when the scale of the wider development has been established. Reference to a "small-scale" centre makes the Council's ambitions clear but also does not pre-judge the production of the SPD.

- 1.8 If the inspector were so minded, the Council would support making a change to Policy CF1 and the supporting text to make this clear.

Proposed changes - Policy CF1

- 1.9 The Council will

(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~~ small-scale centre in the Earl's Court Opportunity Area, 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.~~

(f) Require, where proposals for new retail development do not comply with parts (a) to ~~(e)~~ (d) , that it is demonstrated either:

Proposed changes – supporting text

- 1.10 Para before 31.3.6

The nature of the retail element of the wider Earl's Court Site, will be established by the future SPD in response to evidence regarding need. Need relating to comparison retail should be directed to existing centres in this Borough and Hammersmith and Fulham. Need relating to convenience retail outside the catchment of existing centres may be accommodated on the wider site, and this is likely to result in the creation of a 'small centre'. The convenience retail element must, however, be of a scale which provides for the day-to-day needs of local residents. A neighbourhood centre in the area will, therefore, be appropriate, as long it is of a scale which ~~It must does not harm the vitality of nearby centres, be these in this Borough or in Hammersmith and Fulham.~~ A new centre is 'supported' rather than 'required' as it is possible that its eventual location may be in Hammersmith and Fulham.

- 1.11 In additional the reference to the creation of a neighbourhood centre in the Earl's Court Place should be amended for consistency.

Para after 10.3.10

The area of Earl's Court is currently deficient of access to neighbourhood or higher shopping facilities. The Council will therefore support a new small-scale ~~neighbourhood~~ centre in this location. ~~supporting the day to day needs if the development. However, this new centre must not compete with existing centres.~~ The nature of the retail element of the wider Earl's Court Site, will be established by the future SPD in response to evidence regarding need. Need relating to comparison retail should be directed to existing centres in this Borough and Hammersmith and Fulham. Need relating to convenience retail outside the catchment of existing centres may be accommodated on the wider site, and this is likely to result in the

creation of a 'small centre'. The convenience retail element must, however, be of a scale which provide for the day-to-day needs of local residents.

Para 10.4.2

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

'Support' for a new centre rather than designation

1.12 The Council 'supports the creation' of a new centre, rather than 'designating' it as it is possible that this centre may eventually lie within Hammersmith and Fulham. A Council cannot allocate land in a neighbouring borough.

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Question 2

Chapter 26 makes it clear that the Site Allocation has considerable potential as part of a wider mixed-use Earl's Court Regeneration Area. A joint Supplementary Planning Document (with the adjacent authority) is proposed to consider the full development capacity and disposition of uses. Does Policy CA7 provide sufficient flexibility in respect of the amount of residential development; the amount of office floorspace; and the prescriptive requirement for a cultural facility of at least national significance?

- 2.0 *Yes. Core Strategy Policy CA7 provides flexibility in the delivery of the land use requirements on the Earl's Court Strategic Site, either through the strategic site allocation or through the Earl's Court and West Kensington Opportunity Area Supplementary Planning Document (SPD).*
- 2.1 Core Strategy Policy CA7(a) states that *"a minimum of 500 homes within the Royal Borough, which could be increased if (b) to (e) below are provided within LBHF as part of the masterplanning process conducted in the preparation of the SPD;"*
- 2.2 The quantum of residential and office accommodation is stated in Core Strategy Policies CA7(a) and CA7(b) as being *"a minimum of ..."*, based on calculations of indicative land use capacity for the Strategic Site using the London Plan density matrix. The methodology for calculating the indicative land use capacity for the Strategic Site is set out in the Statement of Common Ground with the London Borough of Hammersmith and Fulham, dated 28 May 2010 (ID3/ID3A) already submitted to the Inspector.
- 2.3 In using the London Plan density matrix, this indicative calculation of capacity assumes the provision of an average mix of flats and houses of approximately 3.1 – 3.7 hr/unit. However, this may change depending on the consideration of existing housing need and need predicted through the Strategic Housing Market Assessment. The impact of this change locally on the 500 units is not yet known, but may result in fewer homes if larger family houses are required or additional homes if smaller family flats are required.
- 2.4 Furthermore, the upper limit of the density range (200 – 700hr/ha) used to calculate the indicative capacity is generally consistent with that of the surrounding context, being 4 storey Victorian terraces with a density of approximately 700 habitable rooms per hectare. Once the Urban Design Framework has been established it might be found that the mansion block typology, that typically delivers a high density,

might be appropriate for part of the site. However, it is too early in the planning process to give the possibility of increased residential density much weight, as this will be subject to detailed evidence in the form of housing need, urban design analysis and transport capacity being produced for the Earl's Court and West Kensington Opportunity Area SPD.

- 2.5 The use of minimum quantum of development is consistent with the draft London Plan, which allocates the Earl's Court and West Kensington Opportunity Area to accommodate a minimum of 2,000 homes and an indicative employment capacity of 7,000 jobs.
- 2.6 However, the Council understands that the wording of Policy CA7(a) could be misconstrued to mean that the quantum of 500 units could only be increased if the other non-residential land uses were provided in LBHF. The Council would also consider an increase in the residential component if the land uses specified were proposed within the Royal Borough. Therefore, if the Inspector is minded to allow, the Council will work with the landowners, Capital and Counties, to agree final wording to resolve this confusion through a Statement of Common Ground.
- 2.7 This proposed change will also provide flexibility so ensure that the exact quantum of development, including the residential and office provision, and distribution of the land uses across the Opportunity Area will be confirmed through the preparation of the Earl's Court and West Kensington Opportunity Area SPD and its supporting evidence, in particular the Urban Design Framework and Transport Study. This is already explicit in Para 10.4.4 of the Earl's Court 'Place', as proposed to the Inspector.
- 2.8 The Council's Employment Land Availability Study Update (October 2009) identifies the need for 23,000sqm of office floor space up to the end of plan period. 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 need to benefit residents of the Royal Borough.
- 2.9 The role of Earl's Court as a cultural destination is important in retaining the Earl's Court identity. The reasoned justification to Core Strategy Policy CF5 states that the Borough has several arts and cultural attractions, including amongst others the Earl's Court Exhibition Centre. Core Strategy Policy CF5(a) states that *"the Council will protect all land and/or buildings where the current or last use is/was an arts and cultural use unless that use is re-provided to an equivalent or better standard in the immediate vicinity of the site."* The Council acknowledges that a large proportion of

the cultural provision at Earl's Court may be relocated to Olympia within the London Borough of Hammersmith and Fulham. A cultural facility of national identity will still therefore need to be provided within the Opportunity Area to retain the Earl's Court brand and maximise the opportunities of the site given its high public transport accessibility. However, the exact size of the facility is not specified as the size is not as important as the ability for the cultural facility to retain Earl's Courts national cultural identity. The Council proposes to amend Core Strategy Policy CA7(d), should the Inspector agree, to clarify that the cultural facility must have a national identity and not necessarily a national significance. The exact wording will be confirmed through the Statement of Common Ground, currently being discussed with the landowners.

- 2.10 Decking over the underground lines is not a policy requirement. However, the landowners may decide that this is a viable option to increasing to developable area of the site.
- 2.11 The Council therefore believes that the wording as proposed, with some minor changes as above, provides sufficient flexibility in respect of residential, office and cultural facility.

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Question 3

*The Vision for Earl's Court includes returning the one-way system to two-way working as discussed under Matter 3 (Item 5). Policy CA7(h) presupposes that this will be achieved, although an investigation involving TfL has not reached conclusions. **Should CA7 include a more flexible approach acknowledging the lack of conclusion on two-way working and to reflect that of conclusion on two –way working and to reflect that of Policy CT1(n)?***

- 3.0 *The short answer is no. The Council has already proposed amended text to better reflect Core Strategy Policy CT1(n), which provides sufficient flexibility.*
- 3.1 Core Strategy Policy CT1(n) states that the Council will “work with TfL to improve the streets within the Earl's Court one-way system by: i) investigating the return of the streets to two-way operation, and by implementing the findings of this investigation; ii) by securing improvements to the pedestrian environment; and iii) requiring developments to contribute to objectives (i) and (ii).”
- 3.2 TfL has done an initial investigation into the feasibility of returning the Earl's Court one-way system to two-way working. However, this needs to be taken forward in significantly greater detail, through a detailed feasibility study.
- 3.3 The funding arrangements relating to the Earl's Court one-way system are explored further in Matter 3, Question 5.
- 3.4 The Council expects that the increased redevelopment of the Earl's Court Strategic Site will place significant pressure on the entire one-way system network. The Council will therefore require that this detailed study into the feasibility of returning the entire one-way system to two-way working is funded through planning obligations associated with the redevelopment of the Earl's Court Strategic Site.
- 3.5 This detailed study might conclude that it is feasible to return all, part or none of the existing one-way system to two-way working. If it is considered feasible to return all or part of the one-way system to two-way working, the Council will require that development proposals in the area of the one-way system or part of the one-way system contribute to delivering the findings of the feasibility study, where it is reasonable to require so in accordance with the Council's Policy C1 (Infrastructure Delivery and Planning Obligations).

- 3.6 The Council will be discussing the issue of the Earl's Court one-way system with the agents acting on behalf of the landowners, at which point the Council's policy requirements may be slightly clarified through a Statement of Common Ground.