

AWR/CDT/DP2077

14 June 2010



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Dear Sir

**RBKC LDF CORE STRATEGY EXAMINATION IN PUBLIC  
DRAFT MATTERS TO BE EXAMINED BY WAY OF PUBLIC HEARINGS  
COMMENTS BY CAPITAL & COUNTIES  
PARTICIPANT REF: 139439**

Capital & Counties (C&C), on behalf of Earls Court & Olympia Group (EC&O Group), is pleased to submit comments on the Draft Matters to be Examined by Way of Public Hearings with regard to the Earls Court Strategic Site which forms part of the Earls Court Regeneration Area. This follows representations submitted at the following stages of the Core Strategy:

- i) Core Strategy Issues and Options – representations submitted in April 2008
- ii) Core Strategy “Towards Preferred Options” – representations submitted in October 2008
- iii) Places and Strategic Sites – representations submitted in June 2009
- iv) Draft Core Strategy – representations submitted in September 2009
- v) Proposed Submission Core Strategy – representations submitted in December 2009

As explained in the representations, the Earls Court Regeneration Area is a significant brownfield development opportunity located in the London Borough of Hammersmith & Fulham (LBHF) and the Royal Borough of Kensington & Chelsea (RBKC). The Earls Court Regeneration Area comprises the Earls Court Exhibition Centre which is owned by EC&O Group, the Lillie Road Depot owned by Transport for London (TfL), and the West Kensington and Gibbs Green housing estates owned by LBHF. The combined holdings total 28 hectares and constitute the majority of the Earls Court & West Kensington Opportunity Area which has been newly designated in the Draft Replacement London Plan (DRLP).

C&C has reviewed the Draft Matters and also attended the EiP Preliminary Meeting on 9 June 2010. This letter provides an explanation and overview of C&C’s representations and comments on the Draft Matters.



## Overview of Representations

The Proposed Submission (PS) Core Strategy incorporates some of the alterations proposed by C&C in previous representations, which is welcomed. Further modifications are appropriate, nonetheless, to acknowledge the full potential offered by the comprehensive development opportunity and its recognised status as a Strategic Site within an Opportunity Area and to ensure that the Core Strategy is sound.

The following key themes cover the representations.

### Places and strategic site allocation for the Earls Court Strategic Site

The changes proposed to the Earls Court Strategic Site text include references to the approximate minimum level of residential accommodation that could be delivered across the Earls Court Regeneration Area and in relation to the RBKC part of the site. Whilst the figures are approximate at this stage, the suggested 1,000 homes as a minimum quota for RBKC sits comfortably within the density matrix in the London Plan and a lower minimum figure would not be justified or be sound in PPS12 terms. The unit numbers will become more finely tuned through the Planning Framework and Masterplan process and as further assessment work is undertaken. It is clear, however, that, from the work undertaken to date, the site can make a much more significant contribution towards meeting the Borough's residential requirements in accordance with the PS Core Strategy vision than the minimum figure of 500 homes. Furthermore, following additional changes to the wording of Policy CA7, the figure of 500 homes becomes a maximum within RBKC unless the other non-residential uses are provided on the LBHF side of the Earls Court Regeneration Area. C&C consider this to be too prescriptive in light of the evidence demonstrating that more homes are able to be accommodated within RBKC than currently allocated. The Statement of Common Ground between RBKC and LBHF submitted to the Inspector acknowledges that the site can comfortably accommodate significantly more than 500 homes, though it should be noted that the Statement of Common Ground (which C&C was not invited to participate in) still significantly under-estimates the site capacity for residential uses, and is predicated on premature assumptions concerning the range and quantum of site uses ahead of completion of the masterplanning process.

The C&C representations to the site allocation text propose changes to clarify that the 10,000 sqm floorspace allocated on the site relates to "non residential" land uses rather than purely offices. Elsewhere, the PS Core Strategy confirms that the site would be suitable for other uses including cultural destination use, hotels and some retail. C&C's changes also propose that the floorspace figure should be a minimum. The PS Core Strategy recognises that the site has "considerable potential" and that its capacity may be in excess of stated figures. It is appropriate, therefore, and in the interests of a sustainable development solution, for the site allocation to refer to minimum figures.

RBKC has been keen to seek a destination use in the event that the existing exhibition centre is redeveloped, albeit following masterplanning such a facility may be within the LBHF part of the site. C&C support this aim as part of the vision for the wider area but propose modifications to broaden the description in the PS Core Strategy to "appropriate cultural / destination uses" to embrace a range of destination uses that may be appropriate to the new development. C&C considers the term "of at least national significance" to be premature, overly prescriptive and in any event difficult to quantify. The proposed changes also ensure a consistency in terminology



where there are references elsewhere in the PS Core Strategy text to providing a significant cultural use across the wider EC Regeneration Area, also reflecting planned enhancements at nearby Olympia. The changes are required to enhance deliverability and flexibility of the site.

#### Town centre designation for Earls Court Regeneration Area

The representations propose a town centre designation within the Earls Court Regeneration Area. Whilst currently outside an existing town centre, the site is clearly identified for high density mixed use development in emerging strategic and local policy guidance. The proposed range of uses includes town centre functions (office, retail, leisure, hotel, cultural, destination facilities etc). The town centre function would be a consequence of this land use mix which is explained in more detail in the various land use studies in the Evidence Base.

Policy CA7 accepts the principle of retail development outside designated locations and Policy CF1 accepts the principle of a centre within the Earls Court Regeneration Area. Policy CF1 refers to a "neighbourhood centre" whereas C&C has demonstrated that the quantum and type of development envisaged in the Earls Court Regeneration Area can be supported and will manifest in a new higher order centre which will be needed to ensure a sustainable community.

#### One way system – need to ensure no pre-determination of outcome of further investigation

The representations propose alternative, more appropriate, wording with respect to references to the Earls Court one way system. C&C supports the desire to reduce the impact of existing traffic along Earls Court Road and to bring forward public realm and environmental improvements. The optimum way this can be achieved will depend on feasibility analysis / testing and enlisting support from TfL as the responsible authority. TfL is currently undertaking a transport study for the area which will help to inform this process. It is clear from the GLA and TfL representations on Places and Sites (June 2009) that a proposal for two-way traffic is yet to be proven possible, or even desirable.

The changes propose clarification to explain the objective for "improving" current arrangements and also refer to the need for assessments to be undertaken to help inform possible solutions. The revised drafting provides flexibility for a deliverable solution to come forward, without undermining the overall objective. In PPS12 terms, it is the most appropriate policy wording in terms of evidence base and flexibility.

It is noted that the Statement of Common Ground between RBKC and LBHF confirms that Policy CA7 does not necessarily require the returning of the one way system to two way working, only the implementation of any measures identified through further investigations.

#### **EiP Draft Matters**

As explained above, C&C's representations to the PS Core Strategy raise a number of important strategic issues and more specifically in relation to the Earls Court Strategic Site. Strategic Sites are centrally important to the delivery of new homes and jobs across RBKC and their allocations form a key basis of the Core Strategy and its ability to accurately plan for change over the Plan period. The Strategic Site allocations must be robust and accurately reflect the potential of each area. They must be up to date and reflect available evidence and technical justification. This is particularly the case for the Earls Court Strategic Site.



It is in this context that C&C suggest the following additional questions for **Matter 6 - Earls Court** to be examined at the EiP:

- Is the land use mix and minimum amount of development specified not sufficiently flexible for the RBKC part of the wider Earls Court Regeneration Area (which covers land in both LBHF and RBKC)?
- Is there evidence to support a future town centre on the site and how should this be dealt with in relation to the RBKC part of the wider Earls Court Regeneration Area?
- Is Policy CA7 too prescriptive in terms of requiring a minimum of 10,000 sqm of office floorspace?
- Is it overly prescriptive and inflexible for Policy CA7 to require a cultural facility “of at least national significance” in advance of completion of the masterplanning process, particularly if the Earls Court site (as part of the wider Earls Court Regeneration Area) was to come forward ahead of the rest of the wider Earls Court Regeneration Area? Is the term “of at least national significance” unclear and overly inflexible in any event, and shouldn't account be taken of planned enhancement to nearby Olympia as set out elsewhere in the Core Strategy?
- Shouldn't the wording of Policy CA7 allow for the outcome of the TfL transport study being that returning the one way system to two way working is not appropriate?

With regard to the current set of questions set out under Earls Court in the Draft Matters, C&C suggest some additions to the first two questions to add clarity and focus to the issue:

- Is Policy CA7 sufficiently flexible to allow the ~~Is there~~ potential to increase the residential element of the redevelopment proposals?

C&C also suggest the following questions in relation to **Matter 3 – Policies for Places** and in particular Chapter 10 – Earls Court:

- Are the land uses described in 10.2 Vision and 10.3 Priorities for Actions appropriate for the Earls Court strategic site, particularly in respect of the relationship with the wider Earls Court Regeneration Area?
- Should there be flexibility in the “Vision” for Earls Court to accommodate the scenario that following proper assessment the returning of the one way system to two way traffic was not found to be appropriate?

C&C would also like to request that the Inspector consider the specific reference to the Earls Court Strategic Site allocation under “Quantum of Development” at paragraph 10.4.2 and the “Infrastructure Needs” at paragraph 10.4.3 during the hearing for Matter 6 – Earls Court Strategic Site.

Separate to the allocation for the Earls Court strategic site, but important as to the soundness and delivery context of the Core Strategy, C&C have the following comments and suggested questions for **Matter 2 – Housing Trajectory** and **Matter 10 – Diversity of Housing**:



Matter 2:

- Is there an over-reliance on windfalls?

Matter 10:

- Does Policy CH2 provide sufficient flexibility to ensure housing supply is promoted rather than restrained?
- Is there a robust and credible evidence to support the proposed target proportion of affordable housing?
- Is CH2 too prescriptive over the affordability of intermediate housing which can be advanced?

In relation to the remaining Draft Matters C&C have the following comments:

### **Matter 1 – Vision and Objectives**

Additional question:

- Should the new urban quarter as part of the Earls Court Regeneration Area as a whole be recognised as part of the vision in Policy CV1?

This question reflects C&C previous representations and proposed amendments to the policy.

### **Matter 7 – Fostering Vitality**

Additional question:

- Should Policy CF1 retain greater flexibility over the ‘type’ of town centre that could be established in the Earls Court Regeneration Area?

C&C has demonstrated that the quantum and type of development envisaged in the Earls Court Regeneration Area can be supported and will manifest in a new higher order centre and therefore Policy CF1 should acknowledge the establishment of a ‘new centre’, as promoted in their representations, and not make specific reference to a “new neighbourhood centre” in relation to Earls Court.

### **Matter 8 – Better Travel Choices**

Additional question:

- Should the wording of Policy CT1 allow for the outcome of the investigations not requiring the returning of the one way system to two way working?

This question reflects C&C previous representations and proposed amendments to the policy.

### **Matter 9 – Renewing the Legacy**



Additional question:

- Is the wording of Policy CL1 too restrictive with regard to protecting strategic and local vistas, views and gaps?

This question reflects C&C previous representations and proposed amendments to the policy.

An amended version of the Draft Matters with the changes identified is attached which reflects the amendments and additional questions explained above.

We trust the above will be of use to the Inspector. Should you have any queries on the submission at this stage, please do not hesitate to contact Craig Tabb or Alex Walker-Robson of this office.

Yours faithfully

**DP9**

## **CAPITAL & COUNTIES PROPOSED ADDITIONAL QUESTIONS**

### **DRAFT MATTERS TO BE EXAMINED BY WAY OF PUBLIC HEARINGS**

#### **Vision & Objectives**

- Are the differentials between north & south adequately addressed by the vision?
- Is the vision, as set out in CV1 achievable within the Plan period?
- Do the Strategic Objectives provide a satisfactory means for guiding decisions in order to deliver the overall vision?
- Is there a potential conflict between legacy and movement objectives (north-south improvements)?
- Should the new urban quarter as part of the Earls Court Regeneration Area as a whole be recognised as part of the vision in Policy CV1?

#### **Quanta of Development, Policies C1, CP1, CH1 & Housing Trajectory**

- Has the Strategy struck the right balance between meeting the present and future London Plan targets for housing?
- Is there justification for the targets in CH1?
- Has it been demonstrated that the housing target can be met?
- Is there an over-reliance on windfalls?
- Is there sufficient flexibility in the application of CH1?
- Are the quanta of office and comparison retail floorspace justified?
- Is it necessary to clarify the potential S106 measures?

#### **Policies for Places**

- Are the land uses described in 10.2 Vision and 10.3 Priorities for Actions appropriate for the Earls Court strategic site, particularly in respect of the relationship with the wider Earls Court Regeneration Area?
- Should there be flexibility in the "Vision" for Earls Court to accommodate the scenario that following proper assessment the returning of the one way system to two way traffic was not found to be appropriate?

#### **Keeping Life Local**

- Is sufficient account taken of the need for social and community infrastructure to meet needs of increased population?
- Is the sequential approach to changes of use in CK1 too restrictive?
- Should CK1 provide flexibility for the relocation of uses through use swaps?
- Is there justification for a 'double designation' for Portobello?
- Should there be more protection for local shopping facilities in CK2?
- Should CK3 give more support to walkable neighbourhoods?
- Tackling deprivation

#### **Strategic Sites Allocations**

#### **Kensal Gasworks**

- How secure is delivery of the proposed Cross Rail Station (CRS)?

- What would be the impact on the development of the allocation in the absence of a CRS?
- Have alternatives to the CRS been adequately researched/
- What would be the impact of the HSE Consultation Zone remaining in force?
- What is the position regarding the bridge links across the railway?
- What impact would a reduced quantity of housing on this site have on the affordable housing requirement?
- Is the Opportunity Area deliverable?
- Has employment been given too low a priority?

### **Earls Court**

- Is the land use mix and minimum amount of development specified not sufficiently flexible for the RBKC part of the wider Earls Court Regeneration Area (which covers land in both LBHF and RBKC)?
- Is there evidence to support a future town centre on the site and how should this be dealt with in relation to the RBKC part of the wider Earls Court Regeneration Area?
- Is Policy CA7 sufficiently flexible to allow the ~~is there~~ potential to increase the residential element of the redevelopment proposals?
- Is Policy CA7 too prescriptive in terms of requiring a minimum of 10,000 sqm of office floorspace?
- Is it overly prescriptive and inflexible for Policy CA7 to require a cultural facility "of at least national significance" in advance of completion of the masterplanning process, particularly if the Earls Court site (as part of the wider Earls Court Regeneration Area) was to come forward ahead of the rest of the wider Earls Court Regeneration Area? Is the term "of at least national significance" unclear and overly inflexible in any event, and shouldn't account be taken of planned enhancement to nearby Olympia as set out elsewhere in the Core Strategy?
- Shouldn't the wording of Policy CA7 allow for the outcome of the TfL transport study being that returning the one way system to two way working is not appropriate?
- Has consideration been given to the sustainability of the local residential community?
- Should there be reference to the importance of the Warwick Road Corridor?

### **Warwick Road**

- Is additional wording necessary to be consistent with CA6?

### **Wornington Green**

- Does the allocation fail to provide sufficient flexibility to ensure deliverability?
- Is there justification for the upheaval caused by the proposals?
- Should there be an increase in the amount of social housing and community facilities?

### **Latimer & North Kensington Sports Centre**

- Does the vision ignore affordable housing provision and associated social infrastructure?

- Is the proposal for a new shopping centre at Latimer Road Station unsound?
- Should there be reference to improved transport and community safety?

### **Fostering Vitality**

- Is there too great an emphasis on the protection of higher order town centres?
- Should Policy CF1 retain greater flexibility over the 'type' of town centre that could be established in the Earls Court Regeneration Area?
- Is CF2 too prescriptive in its requirement for large retail schemes to provide a range of shop unit sizes and affordable shops?
- Should CF3 refer to a fuller range of town centre uses?
- Is CF3 too restrictive in relation to non retail uses?
- Is CF5 too restrictive in protecting office uses?
- Is the exclusion of Earl's Court ward from the protection for hotels in CF8 justified?

### **Better Travel Choices & An Engaging Public Realm**

- Is CT1, as drafted, too restrictive?
- Should the wording of Policy CT1 allow for the outcome of the investigations not requiring the returning of the one way system to two way working?
- Is there a need for linked cycle paths to be provided for in the plan?

### **Renewing the Legacy & Respecting Environmental Limits**

- Is CE1 reasonable in relation to standards required under the Building Regulations?
- Should there be more realistic targets in CE1 in relation to sustainability?
- Does CE2 accord with the Planning & Climate Change supplement to PPS1?
- Is there sufficient justification for the policy regarding subterranean extensions?
- Is CL3 too prescriptive, going beyond the assessment in PPG15?
- Is the wording of Policy CL1 too restrictive with regard to protecting strategic and local vistas, views and gaps?
- Should CL1 make specific reference to the London Plan density matrix to determine appropriate densities?
- Is CL2 too prescriptive and unduly restrictive in respect of high buildings?
- Should each site be considered on its merits rather than a blanket approach?
- Can the approach set down in CL5 be reasonably applied to commercial uses as well as residential?
- Will CF5 be effective in the absence of specific recognised standards?
- Should there be a moratorium on subterranean developments until Thames Water improvements have taken place?

### **Diversity of Housing**

- Will CH2 jeopardise the creation of mixed communities?
- Are the thresholds too low?

- Does Policy CH2 provide sufficient flexibility to ensure housing supply is promoted rather than restrained?
- Is there a robust and credible evidence to support the proposed target proportion of affordable housing?
- Is there robust and credible evidence to support retention of the lower affordable housing threshold?
- Is the application of standards required by CH2 to listed buildings justified and credible?
- Is CH2 consistent with PPS3 and the London Plan?
- Is CH2 too prescriptive over the affordability of intermediate housing which can be advanced?
- Should CH2 give a stronger steer towards more family housing?
- Is CH3 unduly restrictive?
- Should CH3 give more protection to social rented housing?
- Should it return to a policy of presumption of residential development on all sites?
- Is the policy too restrictive when applied to all future developments?
- Is the imposition of floorspace and ceiling height standards in CH2 sufficiently justified by the evidence?
- Will the application of CH4 result in the disintegration of existing communities?

**Infrastructure/Monitoring, Risks & Contingencies/ Proposals Map**

DRAFT