6. Shops and centres

6.1 Introduction

6.1.1 This section relates to the Local Plan policies regarding shops and centres, ‘A class’ and other town centre uses. These include shops, banks, building societies and estate agents, restaurants, cafes, pubs and bars and hot food takeaways as well as other leisure uses.

6.1.2 This section does not include consideration of any B class business uses or hotels. These uses are considered in section 7 ‘Business uses and hotels’. Similarly it does not specifically consider Class A4 public houses, which are subject to policies adopted in 2013 and included within the Consolidated Local Plan (Policies CK2, CL1, CL3).

6.1.3 The purpose of this section is for the Council to consider those issues which relate to non-B class town centre uses and to ask how these issues may be effectively addressed.

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112 A class uses are set out within the Town and Country (Use Classes) (Amendment) (England) Order 2015. They include A1 Shops, A2 Financial and Professional services, A3 Restaurant and Cafes and A5 Hot food takeaways. They also include a number of uses which do not fall into any particular use classes – being sui generis – including betting shops.

113 The main town centre uses are set out within the Annex 2 of the NPPF. These include retail, leisure and entertainment facilities, offices and arts cultural and tourism development.

114 B class uses are set out within the Town and Country (Use Classes) (Amendment) (England) Order 2015. They include B1 (Business uses), B2 (General Industrial Uses) and B8 (Storage or Distribution).
6.1.4 The Council has also published a more technical Shops and Centres Background Paper (available from www.rbkc.gov.uk/planningpolicy) which provides more detail on the possible changes to the boundaries and classification of the centres.

6.2 Existing Local Plan policies

6.2.1 The existing Local Plan policies relating to shops and centres are:

- Policy CP1 Core Policy: Quanta of Development
- Policy CK2 Local Shopping Facilities\textsuperscript{115}
- Policy CF1 Location of New Shop Uses
- Policy CF2 Retail Development within Town Centres
- Policy CF3 Diversity of Uses within Town Centres
- Policy CF4 Street Markets

6.2.2 These policies are replicated in their entirety in Appendix B for ease of reference and are discussed in the following paragraphs.

6.2.3 The Local Plan considers how much retail and employment floorspace is expected to be needed over the lifetime of the plan. Given the uncertainty associated with calculations of possible retail need the Local Plan includes a target to 2015 only. This was to provide 26,150 sqm of comparison\textsuperscript{116} floorspace in the south of the Borough (Local Plan Policy CP1).

6.2.4 To this end the Council identified a number of edge of centre sites adjoining Knightsbridge, the King's Road, South Kensington and Brompton Cross as being potentially suitable for retail expansion. These sites are theoretically of a size that should be capable of meeting that need that could not be accommodated within the existing centres.

6.2.5 Chapter 31 of the Local Plan, Fostering Vitality, contained a suite of policies which considers how any application concerning town centre uses should be assessed.

6.2.6 Local Plan Policy CF1 considers the appropriate locations for new town centre uses. Its ambition is to “ensure vital and viable town centres through a town centre first approach to new retail floorspace”. To this end, a summary of the policy states the following:

The Council:

a) supports the creation of new floorspace within town centres

b) requires new retail development with a floor area of 400sq.m or more to be located within existing higher order town centres or within sites adjoining Knightsbridge, King's Road (East and West), Fulham Road, Brompton Cross and South Kensington where no suitable sites can be identified within these

\textsuperscript{115} This policy is not being considered for review in the emerging Local Plan Partial Review because it has recently been revised and adopted in 2013

\textsuperscript{116} Comparison floorspace is defined within the Glossary of the Local Plan as, “shops which provide retail goods not obtained on a frequent basis, for example clothes, televisions and furniture”.
c) permits new shops (A1) of less than 400sq.m in areas of retail deficiency;

6.2.7 Local Plan Policy CF2 considers retail development within town centres. The ambition is to, “promote vital and viable town centres and ensure the character and diversity of the Borough’s town centres is maintained.” The relevant parts of the policy are as follows. To deliver this the Council will:

a) Require the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy;

b) require a range of shop units sizes in new major retail development, and resist the amalgamation of shop units, where the retention of the existing units contributes to achieving the vision for the centre.

6.2.8 The Council also seeks (but does not require) “the provision of affordable shops in new large scale retail development or mixed use development with a significant retail element...” (Policy CF2 c).

6.2.9 Local Plan Policy CF3 states “The Council will secure the success and vitality of our town centres by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by, a range of complementary town centre uses”.

6.2.10 This will be achieved through criteria which set out what the appropriate balance of uses will be in the primary and secondary shopping frontages of the Borough’s larger centres. In essence the policies seek to maintain the highest concentrations of shop uses within the primary shopping frontages (80% of units), with scope for some more diversification in the secondary areas (66% of units being in retail uses).

6.2.11 A different approach is taken within the neighbourhood centres, where all shops will be protected unless change of use is proposed to a social and community use, and where 66% of the frontage remains in a shop use.

6.2.12 Local Plan Policy CF4 considers street markets. It states that “the Council will ensure that the street markets remain a vibrant part of the Borough’s retail offer”.

6.2.13 Local Plan Policy CK2 considers local shopping facilities. It states that “the Council will ensure opportunities exist for convenience shopping ...across the Borough”. To this end, the Council will:

a) Protect individual shops outside of centres;

b) Resist the loss of public houses; and

c) Resist the loss of restaurants and cafes and financial and profession services outside of the higher order town centres.

6.2.14 As Policy CK2 was amended in 2013 it does not form part of this review.
6.3 Legislation, policy and guidance context

**National**

**National Planning Policy Framework (NPPF)**

6.3.1 A central strand of the NPPF\(^{117}\) is “contributing to building a strong, responsive and competitive economy” (paragraph 7), with section 2 setting out a range of policies which are intended to support town centres’ “viability and vitality.” Paragraph 23 of the NPPF states that “planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period”.

6.3.2 Paragraph 23 includes a number of bullet points which are relevant in considering town centres and town centre uses. In particular Councils should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres; and
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.

6.3.3 The NPPF also notes that Councils should “define a network and hierarchy of centres that is resilient to anticipated future economic changes”. In the Royal Borough’s case this is based upon the London Plan’s town centre hierarchy.

6.3.4 With regard to new town centre uses, Councils should (paragraph 23):

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre; and

\(^{117}\) NPPF, DCLG, March 2012
• set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

6.3.5 The NPPF also takes forward the “sequential test” for the main town centre uses that are not within an existing centre and not in accordance with an up-to-date plan. Paragraph 24 notes that Councils “should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.

6.3.6 Paragraph 161 of the NPPF states that Councils “should use this evidence base to assess the needs for land and floorspace... including for retail and leisure development”.

6.3.7 Annex 2 of the NPPF includes definitions of primary and secondary frontages: “primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.”

National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres

6.3.8 The NPPG on Ensuring the Vitality of Town Centres confirms the position set out within the NPPF, reaffirming the need to ensure the vitality of town centres through the sequential and impact tests for new retail development. It also suggests Councils draft town centre strategies to try to meet centres’ development needs. This will include an assessment of whether the town centre can accommodate the scale of the assessed need for the main town centre uses. Strategies should also include identifying changes in the hierarchy of town centres... to encourage an appropriate mix of uses.

Regional

The London Plan

6.3.9 The London Plan sets out the hierarchy of town centres across the capital. The Borough contains centres in each category save a “Metropolitan Centre.” The position of the Borough’s centres within the London Plan’s hierarchy is set out in Figure 6.1 and the location of the larger centres is shown in Figure 6.2.

6.3.10 Policy 4.7 of the London Plan considers retail and town centre development. Relevant parts of the policy are as follows:

In preparing LDFs, boroughs should:

a) identify future levels of retail and other commercial floorspace need... in light of integrated strategic and local assessments;

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118 Paragraph 2b-001 and 2 of the NPPG
119 Paragraph 2b-003 of the NPPG
b) undertake regular town centre health checks to inform strategic and local policy and implementation;

c) take a proactive partnership approach to identify capacity and bring forward development within or, where appropriate, on the edge of town centres;

d) firmly resist inappropriate out of centre development;

e) manage existing out of centre retail and leisure development in line with the sequential approach, seeking to reduce car dependency, improve public transport, cycling and walking access and promote more sustainable forms of development.

<table>
<thead>
<tr>
<th>Type of centre</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International Centre</strong></td>
<td>Knightsbridge</td>
</tr>
<tr>
<td>London’s globally renowned retail destinations with a wide range of high-order comparison and specialist shopping with excellent levels of public transport accessibly.</td>
<td></td>
</tr>
<tr>
<td><strong>Metropolitan Centre</strong></td>
<td>None</td>
</tr>
<tr>
<td>Serve wide catchments which can extend over several boroughs and into parts of the wider South East region. Typically they contain at least 100,000 sqm of retail, leisure and service floor space with a significant proportion of high-order comparison goods relative to convenience goods.</td>
<td></td>
</tr>
<tr>
<td><strong>Major Centres</strong></td>
<td>King’s Road (East)</td>
</tr>
<tr>
<td>Typically found in inner and some parts of outer London with a borough-wide catchment. They generally contain over 50,000 sqm of retail, leisure and service floorspace with a relatively high proportion of comparison goods relative to convenience goods. They may also have significant employment, leisure, service and civic functions.</td>
<td>Kensington High Street</td>
</tr>
</tbody>
</table>

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120 Annex 2, The London Plan
<table>
<thead>
<tr>
<th>Type of centre</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>District Centres</strong></td>
<td>South Kensington King’s Road (West) Notting Hill Gate Fulham Road (Fulham Road West in the London Plan) Brompton Cross (Fulham Road East in the London Plan)</td>
</tr>
<tr>
<td></td>
<td>The following centres are designated as District Centres within the London Plan but as “Special District Centres” within the Local Plan: Portobello Road Westbourne Grove</td>
</tr>
<tr>
<td><strong>Neighbourhood Centres</strong></td>
<td>Barlby Road, Ladbroke Grove (North), Golborne Road (North), North Pole Road, St Helen’s Gardens, Ladbroke Grove Station, All Saints Road, Westbourne Park Road, Clarendon Cross, Holland Park Avenue, Holland Road, Napier Road, Kensington High Street (West), Thackeray Street, Pembroke Road, Earl’s Court Road, Earl’s Court Road North, Stratford Road, Gloucester Road, Cromwell Road Air Terminal, Gloucester Road (South), Old Brompton Road (West), Old Brompton Road (East), Ifield Road, The Billings, Fulham Road (Old Church Street), Walton Street, Lowndes Street, Pont Street, Sloane Avenue, Elystan Street, Chelsea Manor Street, Lower Sloane Street, World’s End, and Fulham Road/ Brompton Cemetery.</td>
</tr>
</tbody>
</table>

**Figure 6.1: The Borough’s centres and their position within the hierarchy**

6.3.11 London Plan Policy 4.8 considers how to support a successful and diverse retail sector. It states that:

- LDFs should take a proactive approach to planning for retailing and related facilities and services and:
  a. bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major Centres;
  b. support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods;
  c. provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that
provide essential convenience and specialist shopping or valued local
community assets, including public houses, justified by robust evidence;

d. identify areas under-served in local convenience shopping and services
provision and support additional facilities at an appropriate scale in locations
accessible by walking, cycling and public transport to serve existing or new
residential communities;

e. support the range of London’s markets, including street, farmers’ and, where
relevant, strategic markets, complementing other measures to improve their
management, enhance their offer and contribute to the vitality of town centres.

6.3.12 London Plan Policy 4.9 considers the provision of small shops, stating that, in LDF
preparation, “Boroughs should develop local policies where appropriate to support
the provision of small shop units”.

Figure 6.2: Location of Higher Order Town Centres as designated within the Local
Plan, 2015

Town Centres Supplementary Planning Guidance (SPG)

6.3.13 One of the key themes of the Town Centre Supplementary Planning Guidance
(SPG)\textsuperscript{121} is a need to “support the evolution and diversification of town centres”

\textsuperscript{121} Town Centre Supplementary Planning Guidance, GLA, 2014
(page 10). It notes that retail uses play a vital role in London’s town centres, but that diversity is required for centres' “future success and prosperity” (paragraph 1.1.1). "To be competitive, promote choice and add vitality and a distinctive offer, town centres should support a good balance of different types of multiple and independent retailers providing access to a range of local services” (paragraph 1.1.14).

6.3.14 The SPG also notes that “London’s cultural, leisure and tourism offer and night time activities make a vital contribution to the economy and the vitality and viability of town centres and should be an important component in the evolving mix of town centre uses” (paragraph 1.1.1). SPG Implementation Policy 1.2 notes that Councils should “recognise and support the positive contribution that restaurants, cafes and other leisure uses can make to the town centre.”

Neighbourhood

St Quintin and Woodlands Neighbourhood Plan

6.3.15 When 'made' (adopted), the St Quintin and Woodlands Neighbourhood Plan will be part of the Development Plan for the Borough. The plan was examined in Summer / Autumn 2015, and the Council received the examiner’s report in October 2015. A local referendum and adoption is anticipated in 2016.

6.3.16 The plan contains specific policies relating to uses within the St Helens Gardens, North Pole Road and Barlby Road neighbourhood shopping parades (centres). In these parades the plan states that change of use between A1 (shop) / A2 (financial and professional service) / A3 (restaurant and cafe), B1 (business), D1 (non-residential institution) and D2 (assembly and leisure) should be allowed, subject to amenity considerations.

Summary

6.3.17 Figure 6.3 summarises the main legislation, policy and guidance of particular relevance to this section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework</td>
<td>DCLG</td>
</tr>
<tr>
<td></td>
<td>Paragraphs 7, 17, 20,21 and 23 to 27, 161</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres</td>
<td>DCLG</td>
</tr>
<tr>
<td>(updated)</td>
<td></td>
<td></td>
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<tr>
<td>Mar 2015</td>
<td>The London Plan Policy 4.7 Retail and town centre development</td>
<td>Mayor of London</td>
</tr>
<tr>
<td></td>
<td>Policy 4.8 Supporting a successful and diverse</td>
<td></td>
</tr>
</tbody>
</table>

[122] www.london.gov.uk/sites/default/files/Town%20Centres%20SPG_0.pdf
[126] www.london.gov.uk/what-we-do/planning/london-plan
### Evidence base

#### Vacancy rates

6.4.1 The Borough is fortunate in that most of its centres remain successful and well used despite the rapidly changing character of the country’s retail sector. The larger centres continue to attract visitors from across the capital, and indeed, in the case of the King’s Road, Brompton Cross, Knightsbridge and Portobello Road, from across the world. The most telling manifestation of this buoyancy relates to the generally low vacancy rates, which in the summer of 2015 were just 6.9%\(^{128}\) compared to a London-wide average of 9.8% and a national average for shopping centres closer to 15%.\(^{129}\)

6.4.2 Low vacancy rates are not just a characteristic of the larger centres, but also the smaller neighbourhood centres which are also generally holding their own. They also continue to enjoy low vacancy levels, and continue to serve the day-to-day needs of local residents.

#### Diversity

6.4.3 Success can be measured by diversity as well as by vacancy, with the maintenance of a concentration of shops within the centres being an essential element of a successful centre. In 2015 59% of all ground floor units in all centres remained as shops, 14% restaurants and cafes and 8% financial and professional services\(^{130}\).

6.4.4 Since 2010 the Council has been monitoring the balance of independent and chain shops. This figure has remained broadly stable at between 33% and 36%. In 2015 the figure was 35%\(^{131}\).

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130 [RBKC Town Centre Surveys 2015](#)

131 Ibid.
**Retail need**

6.4.5 Predictions of need for retail are notoriously difficult to pin down and as such have become an industry in themselves. There are benefits associated with capturing the retail need generated by an increased spending power of those living within, or willing to shop within, the Borough. This is not to say that this need will necessarily be met on the ground through the creation of new floorspace. Need will be met through shop owners making better use of the space that they have, or through the bringing of vacant units back into use. This can, however, only go so far. Some net additional retail floorspace will have to be created if the Borough is to keep expenditure “leakage” to a minimum. This will only happen if the development economics stack up, and in this Borough, with the extraordinary residential values, this will not necessary be the case.

6.4.6 The ongoing review of the Council’s retail policies in the Borough’s various monitoring reports have demonstrated that the mismatch between predicted need and the provision has been significant. The Council’s Retail and Leisure Needs Study 132 commissioned in 2008 to inform the then Core Strategy (now Local Plan) suggested that some 25,500 sq m of comparison retail floorspace was needed to 2015. The 2015 Monitoring Report shows that there has actually been a net loss of 3,355 sqm of retail floorspace since 2008. This is set out in Figure 6.4 below.

![Figure 6.4: Net change of retail floorspace (completed) 2009/10 to 2014/15](image-url)

6.4.7 Whilst these figures do not include increases in floorspace through the filling of voids, the figure in unlikely to be dramatically different given that vacancy rates have remained generally stable over time.

6.4.8 This is not so much a demonstration of a failure in the Council’s approach, but a reflection of the differential in value between residential and other land uses. Where a site does become available, it is normally used for residential purposes, even when retail use might otherwise be appropriate. This includes the expansion of existing buildings within the centres, as well as the development of new uses at the edge of centres.

6.4.9 Whilst the Council does recognise that a retail needs study dating from 2008 is now a little out of date, a further study prepared by Experian on behalf of the Mayor of London 133 would indicate that retail need within the Borough continues to increase over the long term. Indeed this Borough will be one of the few Boroughs (and second only to the City of Westminster) with a positive net floorspace requirement to 2026 – at 32,120 sqm.

6.4.10 The Council will commission an update to the original Retail Needs Assessment

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132 RBKC, Retail and Leisure Needs Study, NLP, 2008
133 Consumer Expenditure and Comparison Goods Retail Floorspace Need in London, Experian 2013
as part of the emerging RDLP to consider both comparison and convenience figures to inform the future policy. This will add a local dimension to the Experian predictions.

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2014</td>
<td>2013 London Town Centre Health Check¹³⁶</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Jul 2014</td>
<td>Accommodating Growth in Town Centres¹³⁷</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>Jun 2010</td>
<td>London Small Shops Study 2010¹³⁸</td>
<td>Roger Tym and Partners for Mayor of London</td>
</tr>
<tr>
<td>Jul 2008</td>
<td>Retail and Leisure Needs Study¹³⁹</td>
<td>Nathaniel Lichfield and Partners for RBKC</td>
</tr>
<tr>
<td>Dec 2015</td>
<td>Shops and Centres Background Paper¹⁴⁰</td>
<td>RBKC</td>
</tr>
</tbody>
</table>

*Figure 6.5: Summary of principal sources of evidence*

6.5 Issues and options

6.5.1 Whilst the Borough’s centres appear to be holding their own, the Council cannot afford to be complacent. Not all Neighbourhood Centres are thriving, whilst at the other end of the scale some of the higher order centres run the risk of being increasingly homogenised, losing the very character that makes them successful.

6.5.2 In addition recent relaxations to the planning regulations make it more difficult for a Council to have a say on the nature of uses that should be allowed within a centre – i.e. many changes of use do not require planning permission and are ‘permitted development’.

6.5.3 Within this context, three key issues have been identified to inform future policy:

- The Council needs to ensure that the vitality, viability, diversity and character of its centres is maintained. What policies should the Council adopt to ensure this is achieved?

¹³⁴ www.london.gov.uk/priorities/planning/publications/consumer-expenditure-and-comparison-goods-retail-floorspace-need
¹³⁵ http://data.london.gov.uk/dataset/london-comparison-goods-retail-floorspace-need-scenarios-2011-2036
¹³⁶ www.london.gov.uk/priorities/planning/publications/2013-london-town-centre-check
¹³⁷ www.london.gov.uk/sites/default/files/ AccommodatingGrowthInTownCentres2014_1.pdf
¹³⁸ www.london.gov.uk/sites/default/files/archives/London-Small-Shops-Study-2010.pdf
¹³⁹ www.rbkc.gov.uk/pdf/18%20K%20C%20RETAIL%20LEISURE%20STUDY%202008%20MAIN%20REPORT.pdf
¹⁴⁰ www.rbkc.gov.uk/planningpolicy
• There has been a mismatch between the ‘need’ for new retail floorspace and its provision. Should the Council adopt policies to bring forward new retail floorspace?

• The Borough’s centres must be seen in the context of a hierarchy of centres. Do the Borough’s centres lie within their correct position within this hierarchy, and are the boundaries of these centres still correct?

6.5.4 Each question will be considered in turn. The Council has identified a number of possible answers, or options. These may not be exhaustive, and consultees are encouraged to identify others where appropriate. The possible options are not necessarily mutually exclusive. The Shops and Centres Background Paper provides more detail concerning the nature of the Borough’s centres, their position within the hierarchy and their detailed boundaries.

Issue 1: The Council needs to ensure that the vitality and viability, and the diversity and character of the centres is maintained. What policies should the Council adopt to ensure this is achieved?

6.5.5 Since the adoption of the Core Strategy in 2010 (now the Local Plan) the Government has made a number of changes to the planning regulations which make it more difficult for a Council to maintain the particular mix of uses which it considers to be appropriate. This reflects an increased desire for flexibility and to “support high streets and retailers”141.

6.5.6 As such planning permission is no longer required to change the use of a property from a shop to an estate agents, whilst a shop can be used on a temporary two year basis as a cafe before having to revert to its original use. Although the tools at a Council’s disposal may have been reduced, the recent amendments have not diminished the need for a Council to maintain a centre’s vitality. This is still central to the NPPF.

6.5.7 The nature of the retail sector is undergoing a rapid change, with the ever increasing role of the internet, the rise of convenience culture and the consolidation of the larger retailers to a smaller number of larger centres. The latter trend is one of the reasons why there is still such demand for retail floorspace within our larger centres. Whilst this does undoubtedly aid our ambitions to maintain vibrant centres it can also drive the ongoing “cloning” of the Borough’s centres.

Question 1
Should the Council continue to take a town centre first approach to new shops and other town centre uses?

6.5.8 Whilst Governments of different hues have changed the policies and the planning regulations relating to town centres and town centre uses, the central strand has remained unchanged, “town centres lie at the heart of their communities”, and

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141 Paragraph 7.1 Explanatory Memorandum to GPDO 2015
Councils should “pursue policies to support their viability and vitality.” In essence a Council should take the “sequential approach” whereby town centre uses should be directed to town centres. This is not to say that new town centre uses will never be appropriate outside of a designated centre. Such uses can help add life and interest to an area. However, any such changes must always have regard to the requirements of the NPPF and the Mayor’s hierarchy of centres.

6.5.9 Policy CF1 of the Local Plan is concerned with the location of new shop uses. It endorses the town centre first and sequential approaches and in the absence of any compelling evidence is considered to remain appropriate.

**Question 2**
Should the Council continue to set its own size threshold for proposals which require an impact assessment?

6.5.10 The guidance is also clear in that developments should only be permitted outside of a centre when an “impact assessment” is carried out demonstrating that no existing centres will suffer a “significant adverse impact” from the new development. Whilst an indicative figure of 2,500 sqm is given with the NPPF, Councils are given latitude in terms of the scale of the development outside of a centre which will not require an impact assessment. The Council has set its own “locally set floorspace threshold” at 400 sqm (GEA). This equates to a “small shop” in terms of the current Sunday trading laws (280 sqm net).

6.5.11 Unless convincing arguments are made to the contrary, the Council does not intend to amend this threshold. Do you agree?

**Question 3**
Should the Council continue to influence the nature of new shop units being provided within a centre?

6.5.12 A Council cannot use the planning system to promote one occupier, or type of occupier, over another. A change of use from, for example a local hardware shop to a large international clothes retailer does not, and cannot, require planning permission.

6.5.13 A Council can, however, require that new shop units are of a size that will help support the character of a centre. It is the smaller units, often less than 80 sqm, that are most likely to be occupied by the start-up, the independent or by the specialist trader. Should the Council continue the approach that it currently takes within Local Plan Policy C2 of requiring a range of shop sizes in new major retail developments, where this helps maintain the character and diversity of that centre?

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142 Paragraph 23 of the NPPF
143 Paragraph 27 of the NPPF
144 Paragraph 26 of the NPPF
145 A major retail development is currently defined within the Local Plan as one which involves a net increase of retail floor area of 1,000 sqm or more
Question 4
Should the Council continue to seek the provision of affordable shops in new large scale retail developments?

6.5.14 Policy CF2 of the Local Plan includes a provision whereby the Council will “seek” the provision of affordable shops in new large scale major development. This policy has proved ineffective, with no affordable units being provided since its adoption in 2010. This will reflect both the rarity of proposals of a scale that could trigger the policy (just one since adoption) and that there is no element of compulsion.

6.5.15 The Council does question the value of such a policy but would welcome the views of stakeholders.

Question 5
Should the Council continue to use percentage based frontage policies to ensure that a mix of uses exists within centres, amending them to reflect the greater freedom offered by the GPDO?

6.5.16 The Council takes the view that the strength of its centres lies in the diversity of uses taking place within them. This includes a critical mass of shops to encourage shoppers into a centre; supporting social and community uses; banks and building societies to serve the wider needs of those visiting the centre; and supporting a range of restaurants, cafes, pubs and bars encouraging visitors to linger and to help provide activity in the evening. To this end Policy CF3 of the Local Plan sets out what types of use will be appropriate in different parts of a centre. In essence 80% of units within the primary shopping frontages of the higher order centres should remain in shop uses, this dropping to 66% in the secondary areas. A different approach is taken in neighbourhood centres, where all shops will be protected, unless to a social and community use (and where two thirds of the units remain in shop uses).

6.5.17 The Council is not aware of any evidence which would suggest that the current shop/ non-shop mixes are no longer suitable. The policy has not led to long term vacancy or to a decline of the Borough’s larger centres. Units are not standing empty, blighted by an out of date approach. Unless convincing arguments are made to the contrary, the Council does not intend to amend the principle of the approach that it takes in Local Plan Policy CF3.

6.5.18 The Council does, however, recognise that its ability to control this balance has been eroded by the recent change to the GPDO. There is a legislative and policy context of increased, and not less, flexibility. Planning permission is no longer required to use a shop as an estate agent, prior approval replaces conventional planning permission for changes of use amongst the A class uses\(^\text{146}\), whilst a

\(^{146}\) The prior approval process is set out in Schedule 2, Part 3, Class M of the GPDO. This includes the issues which a Council can consider. These include the impact that the proposal will have on the “adequate provision of the service” or “where the building is located in a key shopping area, on the sustainability of that shopping area.” (M.2(1)(d)(i) and (ii)). The Council is of the opinion that all of our designated centres should be considered to be “key shopping area” and in these cases the existing polices within the Local Plan remain relevant.
Council must merely be notified if an owner wishes to use its shop as a restaurant on a temporary basis.

6.5.19 Existing policies are concerned with proposals that will result in the loss of Class A1 uses. These policies were effective as planning permission would always be required for the loss of an A1 use. This is no longer the case. Freedom to use a shop as an estate agent or other A2 exists within permitted development.

6.5.20 If the Council is to maintain diversity, the policies must be amended to reflect the new legislative landscape that we work within. They should reflect the increased liberalisation yet they may also need to restate the support within the NPPF for percentage-based policies to maintain diversity of uses. They could, for example, be explicit in resisting the loss of an A2 to an A3 use when the previous use was as an A1 shop. Redrafting could also be an opportunity to formalise the matters that the Council currently considers when deciding whether an exception should be made. How long should a property have been vacant before a change of use may be allowed? How long should it have been actively marketed for? What evidence will be required? Careful drafting would be required.

Question 6
Should the Council relax its percentage based policies in parts of the South Kensington District Centre to reflect its role in serving those visiting Exhibition Road and the Museums?

6.5.21 South Kensington differs from the Borough’s other centres in that a significant part of its function is to serve the needs of those visiting Exhibition Road and the Museums. These visitors are looking for place to eat and perhaps buy a souvenir. Indeed this role is reflected by the types of operators who have chosen to set up on the northern part of the centre, close to the underground station. The role of Old Brompton Road, Bute Street and the western end of Harrington Road is to serve the needs of those living in this part of the Borough.

6.5.22 In this the Council is aware of the potential conflict between the desires of local residents and community groups and the practicalities of serving the needs of those visiting museums which have existed for well over a century, museums which have made this part of the Borough the exciting place that it is.

6.5.23 The Council could relax its percentage based policies in parts of the centre to reflect its greater ‘service’ role and reinforce the role of the remaining centre as serving the needs of the local populous. Do you agree?
Figure 6.6: Area of possible relaxation in South Kensington District Centre

Question 7
Should the Council continue to ensure that street markets remain a vibrant part of the Borough’s retail offer?

6.5.24 The Council values the role that all of its street markets have in serving the needs of both its residents and those visiting the Borough and in adding to the diversity and the distinctiveness of its retail offer. Such value is explicitly recognised with the NPPF\(^\text{147}\) and the London Plan\(^\text{148}\).

6.5.25 The Council does not intend to amend the approach that it takes in Local Plan CF4 (Street Markets). Do you agree?

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

\(^{147}\) Paragraph 23, bullet 5 of the NPPF
\(^{148}\) Policy 4.8,B (e) of the London Plan
6.5.26 The Council recognises that there appears to be a mismatch with the need for new retail floorspace identified in both local and regional studies not being translated into the creation of new floorspace. Whether this is a reflection of over-estimates of need or the differential in value between retail and residential floorspace remains to be seen. This mismatch is, however, not just of academic interest. An ‘inability’ to provide for this need could be seen as a lost opportunity for the Borough to stop retail spending ‘leakage’ as shops, which the studies suggest could thrive within the Borough, have to set up elsewhere.

6.5.27 The Council will always have regard to the guidance within the NPPF when assessing the impact that the creation of new retail floorspace outside of our Borough may have upon the Borough’s centres. It would be simplistic to suggest that historic under provision within Kensington and Chelsea would, in itself, lend support for the creation of new centres, or the expansion of existing, elsewhere.

**Question 1**
Should the Council prioritise the provision of Class A1 retail and other town centre uses on suitable sites in order to meet an identified need?

6.5.28 In the Local Plan the Council identified sites, outside of existing centres, which would be suitable for new retail floorspace. These equated to some 21,000 sqm of new floorspace. Further to the publishing of an up-to-date retail needs assessment to refine the predicted figures for need, the Council could start the process of seeking to ‘allocate’ these sites for new retail development, whether stand alone or as part of a wider mixed use proposal. ‘Allocation’ rather than ‘identification’ would include a degree of compulsion – were the site to come forward for development in the future.

6.5.29 It should be noted that a Council should only allocate land for a town centre use when it is satisfied that the proposed used is viable, and indeed that there are no suitable sites within a designated centre.149

**Question 2**
Are there any sites that should be considered as a site allocation as part of the Local Plan Partial Review for Class A retail or other town centre uses? If so, please complete the Call for Sites section of the Consultation Response Form (Appendix C).

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

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149 NPPF, Paragraph 23, bullets 6 and 7
Issue 3: The Borough’s centres must be seen in the context of a hierarchy of centres. Do the Borough’s centres lie within their correct position within this hierarchy, and are the boundaries of these centres still correct?

6.5.30 The Local Plan largely repeats the London Plan’s designation of the Higher Order Centres, albeit with some changes to the names of the centres. It also includes the provision of some forty smaller neighbourhood centres.

6.5.31 The boundaries of these centres were last reviewed some 20 years ago to inform the Borough’s first Unitary Development Plan in 1995. It is now timely to consider whether the boundaries remain correct, whether any concentrations of shops no longer merit their designation or whether it would be appropriate to designate any new centres.

Question 1
Should the Council designate the Earl’s Court Road Neighbourhood Centre as a District Centre?

6.5.32 Since 1995 and the adoption of the Council’s Unitary Development Plan, Earl’s Court Road has been considered by the Council to be a Local Centre rather than a District Centre. This approach, and designation as a “Neighbourhood Centre” was confirmed with the adoption of the Core Strategy in 2010. This is the only significant disparity between the Council and the London Plan, which designates Earl’s Court Road as a District Centre.

6.5.33 As a District Centre the centre is included in the wider London Hierarchy of centres and is subject of the regular town centre health checks carried out by the GLA.

6.5.34 The impact of the change of designation will not, in itself, affect the type or scale of new retail development which would be suitable within the town centre. Both the principle and the quantum of new retail floorspace will be similar for a small District and a large Neighbourhood centre. It is the scale of the centre which is significant not its classification. Similarly whilst the Council takes a different approach as to what it sees to be a suitable mix of uses in Neighbourhood and District centres, the difference will largely be theoretical for Earl’s Court Road given the high percentage of non-shop uses which already lie within it.

6.5.35 The Council is minded to amend the designation to reflect that of the London Plan. More detail is provided in paragraphs 4.24 to 4.35 of the Shops and Centres Background Paper. In summary, the main reasons for re-designation are as follows:

- With a floorspace of 12,261 sqm\(^{150}\) of retail and leisure uses, and 12,690 sqm office uses Earls’ Court Road is of a scale which would normally be considered to be a District Centre;
- The centre has a large ‘service element’ of 1,995 sqm. This is better suited to a classification as a District rather than a Neighbourhood Centre; and

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\(^{150}\) Town Centre Heath Check 2013, GLA

113
• Amending the classification to be in line with that within the London Plan adds clarity and conformity.

6.5.36 Designation as a District Centre will require the further defining of primary and secondary shopping frontages. The Council would expect the primary frontages to be characterised as those areas with higher levels of footfall and a higher proportion of shop uses. The possible frontages are shown in Figure 6.7 below.

Figure 6.7: Possible primary and secondary retail frontages for Earl's Court Road Town Centre

6.5.37 Do you have any views on the future primary and secondary shopping frontages of a newly designated Earl's Court Road District Centre?

**Question 2**
Should the Council de-designate Ifield Road as a Neighbourhood Centre, considering it to be a small concentration of out of centre shops?

6.5.38 Ifield Road is a currently designated as small Neighbourhood Centre which lies on the western side of Finborough Road at the junction with Ifield Road.

6.5.39 Whilst it originally contained ten ‘town centre’ units, the centre now contains just four; nos. 114, 116 and 118 Finborough Road and no. 176 Ifield Road. Whilst of some value as serving, or having the potential to serve, a local day-to-day need it
is no longer appropriate to suggest that they have a critical mass which functions as a centre. As such ‘de-designation’ of the remaining units is recommended. De-designation would not harm the Council’s ability to protect the remaining shops or the theatre and the pub known as the Finborough Arms.

6.5.40 The recently amended planning regulations have replaced the need for planning permission for changes of use of shops to residential with that of prior approval. Where a unit lies outside of a centre, a Council must have regard to the impact that the change of use will have upon, “the adequate provision of services of the sort provided by the building”\(^{151}\). There is no suggestion that there is a presumption in favour of such changes of use. This position is confirmed by Local Plan Policy CK2, which states that, “the Council will protect individual shops outside of designated town centres”.

6.5.41 Local Plan Policy CF7 “protects all land/ and or buildings where the current or last use was an arts or cultural use”. This is irrespective of whether the theatre lies within, or outside of a designated centre. Similarly the protection offered by Local Plan Policy CK2 to public houses is “throughout the borough”.

6.5.42 Further details are provided in paragraphs 4.10 to 4.14 of the Background Paper.

\(^{151}\) Class M, Part 3, Schedule 3 of the GPDO
www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/crossheading/class-m-retail-or-betting-office-or-pay-day-loan-shop-to-dwellinghouses/made
Question 3
Should the Council designate the concentration of shops and other town centre uses at the junction of Talbot Road and Powis Mews as a Neighbourhood Centre?

6.5.43 A number of units are clustered around Talbot Road, close to the junction with Powis Mews. These include a number of retail units, including a grocers, as well as a veterinary surgery and a laundrette, uses which directly serve the day-to-day needs of residents and which may contribute to the local ‘walkable neighbourhood.’

6.5.44 These units provide a critical mass of units which are likely to attract visitors and which allow the units to support one another. This would suggest that designation as a Neighbourhood Centre is justified.

6.5.45 Further details are provided in paragraphs 4.15 to 4.17 of the Background Paper.

Figure 6.9: Proposed Talbot Road Neighbourhood Centre
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**Question 4**
Should the Council designate a new Neighbourhood Centre at Latimer Road, close to the underground station?

6.5.46 A number of retail units run north and south of the Latimer Road London Underground station, including the newly created, but yet to be occupied, retail floorspace on the Silchester Garages site.

6.5.47 The designation of a Neighbourhood Centre will support the ambition articulated within the Local Plan to encourage the provision of additional local retail uses in an area relatively poorly served by shops (Local Plan CF1(d)).

6.5.48 The majority of the units recommended to be included in the centre have existed for some time. The increased protection afforded by a town centre designation may prove valuable given the recently relaxed provisions to the GPDO for retail units lying outside of conservation areas.

6.5.49 Further details are provided in paragraphs 4.18 to 4.21 of the Background Paper.
Question 5
Should the Council designate a new Neighbourhood Centre at Kensington High Street close to the junction with Warwick Road?

6.5.50 Historically parades of shops have run along both sides of Kensington High Street close to the junctions with Warwick Road and Holland Road. These are being supplemented by a significant amount of new A class floorspace being provided by the former Charles House site at 375 Kensington High Street and by the Warwick Road sites. Whilst some of these units have yet to have been completed, and none are occupied, they do form part of the major development sites where construction is under way, and indeed nearing completion.

6.5.51 When taken together, the existing units and those which are currently under construction are of both a form and of a volume that would be characteristic of a small Neighbourhood Centre.

6.5.52 Further details are provided in paragraphs 4.22 to 4.23 of the Background Paper.

Figure 6.11: Proposed Kensington High Street (Warwick Road) Neighbourhood Centre
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Question 6
Should the Council subsume the properties within the Fulham Road/ Brompton Cemetery Neighbourhood Centre into the secondary frontage of the Fulham Road (West) District Centre?

6.5.53 The Council considers that the units running on the north side of Fulham Road between the junction with Redcliffe Gardens and the entrance to the Brompton Cemetery, and on the southern side to the west of Gunter Grove, would be better considered to be secondary retail frontage of the adjacent District Centre than as forming a Neighbourhood Centre in their own right. Many of the units are of a type intended to attract 'higher end' user comparison shops more characteristic of a District than a Neighbourhood Centre.

6.5.54 In addition given that the Neighbourhood Centre immediately adjoins its larger neighbour, it is likely that the two centres will operate as one. Amalgamation of the two centres would reflect this.

6.5.55 Further details are provided in paragraphs 4.36 to 4.39 of the Background Paper.

Figure 6.12: Westward expansion of Fulham Road (West) District Centre
Question 7
Are there any other parades of shops currently lying outside of any centre which are of a scale or nature that should be designated as a Neighbourhood Centre, or any Neighbourhood Centres which no longer function as such?

Question 8
Do you have any comments on the Council’s other proposed changes to the boundaries of existing centres?

6.5.56 The Shops and Centres Background Paper includes proposed minor changes to the boundaries / frontage designations of a number of other centres:

<table>
<thead>
<tr>
<th>Name of Centre</th>
<th>Background Paper paragraphs</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarendon Cross</td>
<td>4.2</td>
<td>Add Nos. 73 and 73a Clarendon Road.</td>
</tr>
<tr>
<td>Cromwell Road Air Terminal</td>
<td>4.3</td>
<td>Extend centre to include the large Sainsbury’s supermarket beneath Point West, 158a Cromwell Road</td>
</tr>
<tr>
<td>Stratford Road</td>
<td>4.4</td>
<td>Add No. 13b Stratford Road</td>
</tr>
<tr>
<td>Ladbroke Grove Station</td>
<td>4.5</td>
<td>Add No. 103 Lancaster Road</td>
</tr>
<tr>
<td>Golborne Road</td>
<td>4.6</td>
<td>Add commercial units within phase one of Wornington Green. Reinstate Nos. 349 to 373 Portobello Road.</td>
</tr>
<tr>
<td>Pont Street Sloane Avenue</td>
<td>4.8</td>
<td>Add No. 20 Lowndes Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Add Nos. 75 to 81 Sloane Avenue.</td>
</tr>
<tr>
<td>Knightsbridge</td>
<td>4.43</td>
<td>Add Nos. 2 to 8 Yeoman’s row and secondary frontage.</td>
</tr>
<tr>
<td>King’s Road (East) Major Centre</td>
<td>4.48</td>
<td>Add units to rear of 127-135 Sloane Street and 237-255 Pavilion Road to secondary frontage.</td>
</tr>
<tr>
<td>King’ Road (West) Major Centre</td>
<td>4.51</td>
<td>Add 61 and 71 Old Church Street to secondary frontage.</td>
</tr>
<tr>
<td>Kensington High Street Major Centre</td>
<td>4.54</td>
<td>Change designation of Lancer Square and Nos. 2 to 28a Kensington Church Street from primary to secondary retail frontage.</td>
</tr>
<tr>
<td>Portobello Road Special District Centre</td>
<td>4.55</td>
<td>Change designation of No 74 Lancaster Road, Nos. 240 to 252 and 253 to 275 Portobello Road from secondary to primary retail frontage.</td>
</tr>
</tbody>
</table>

Figure 6.13: Other proposed changes to the Borough’s centres

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?