Local Plan Partial Review – Draft Policies
Policy Formulation Report – October 2016
Fostering Vitality
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1. **INTRODUCTION**

1.1 **LOCAL PLAN PARTIAL REVIEW**

1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.

1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this, the topic of **fostering vitality** including the policies relating to shops and centres, business uses, hotels and arts and cultural uses need reviewing.

1.1.3 This Policy Formulation Report has been written to explain the reasoning behind the **fostering vitality** Draft Policies consultation document to a level of detail which cannot be included in that document itself.

1.2 **FOSTERING VITALITY**

1.2.1 This topic of the Local Plan Partial Review relates primarily to the existing Local Plan policies in Chapter 13 Fostering Vitality.

1.2.2 The issues which the Council considers the Local Plan Partial Review needs to address are set out in the following sections:

- **Issue 1**: Shops and centres
- **Issue 2**: Business uses
- **Issue 3**: Hotels
- **Issue 4**: Arts and cultural uses
2. ISSUE 1: SHOPS AND CENTRES

2.1 INTRODUCTION

2.1.1 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.

2.1.2 This section does not include consideration of any B class business uses or 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).

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.2.1 A central strand of the NPPF\(^1\) 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”.

2.2.2 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.

2.2.3 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.

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

\(^{1}\) NPPF, DCLG, March 2012
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

set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

2.2.5 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”.

2.2.6 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”.

2.2.7 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

2.2.8 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.

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2 Paragraph 2b-001 and 2 of the NPPG
3 Paragraph 2b-003 of the NPPG
2.2.9 The London Plan sets out the hierarchy of town centres across the capital. The Borough contains centres in each category save a “Metropolitan Centre” and “International Centre”. The current position of the Borough’s centres within the London Plan’s hierarchy is set out in Figure 2.1 and the location of the larger centres is shown in Figure 2.2.

2.2.10 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;

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>International Centre</td>
<td>Knightsbridge</td>
</tr>
<tr>
<td>Metropolitan Centre</td>
<td>None</td>
</tr>
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</table>

4 Annex 2, The London Plan
<table>
<thead>
<tr>
<th>Type of centre</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<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>
<tr>
<td><strong>District Centres</strong></td>
<td>South Kensington</td>
</tr>
<tr>
<td>Distributed more widely than Metropolitan and Major Centres, providing convenience goods and services for more local communities and accessible by public transport, walking and cycling. Typically they contain 10,000-50,000 sqm of retail, leisure and service floorspace. Some District Centres have developed specialist shopping functions. The “Special” District designation used by the Council is intended to highlight when a centre has an unusual function and to alter the London Plan designation.</td>
<td>King’s Road (West)</td>
</tr>
<tr>
<td>Fulham Road (Fulham Road West in the London Plan)</td>
<td></td>
</tr>
<tr>
<td>Brompton Cross (Fulham Road East in the London Plan)</td>
<td></td>
</tr>
<tr>
<td>The following centres are designated as District Centres within the London Plan but as “Special District Centres” within the Local Plan: Portobello Road</td>
<td></td>
</tr>
<tr>
<td>Westbourne Grove</td>
<td></td>
</tr>
<tr>
<td><strong>Neighbourhood Centres</strong></td>
<td>Barlby Road, Ladbroke Grove (North),</td>
</tr>
<tr>
<td>Typically serve a localised catchment often most accessible by walking, cycling and include local parades and small clusters of shops mostly for convenience goods and other services. They may include a small supermarket, sub-post office, pharmacy, laundrette and other useful local services. Together with District Centres they can play a key role in addressing areas deficient in local retail and other services. These smaller centres are not part of the London Plan’s hierarchy.</td>
<td>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, Pembridge 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 2.1: The Borough’s centres and their position within the hierarchy*

2.2.11 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.

2.2.12 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”.
TOWN CENTRES SUPPLEMENTARY PLANNING GUIDANCE (SPG)

2.2.13 One of the key themes of the Town Centre Supplementary Planning Guidance (SPG)\(^5\) is a need to “support the evolution and diversification of town centres” (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).

2.2.14 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.”

\(^5\) Town Centre Supplementary Planning Guidance, GLA, 2014
www.london.gov.uk/sites/default/files/Town%20Centres%20SPG_0.pdf
NEIGHBOURHOOD

ST QUINTIN AND WOODLANDS NEIGHBOURHOOD PLAN

2.2.15 The St Quintin and Woodlands Neighbourhood 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.

LOCAL

EXISTING LOCAL PLAN POLICY

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

- Policy CP1 Core Policy: Quanta of Development
- Policy CK2 Local Shopping Facilities
- 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.

2.2.17 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 floorspace in the south of the Borough (Local Plan Policy CP1).

2.2.18 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.

2.2.19 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.

2.2.20 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:

Policy CF1: Location of new shop uses
The Council:

6 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
7 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”.
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 centres;

c) permits new shops (A1) of less than 400sq.m in areas of retail deficiency;

d) requires the establishment of new centres in the Latimer and Kensal.

2.2.21 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.

2.2.22 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).

2.2.23 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”.

2.2.24 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).

2.2.25 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.

2.2.26 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”.

2.2.27 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
CK2 Local Shopping Facilities

- a. Protect individual shops outside of centres
- b. Resist the loss of public houses
- c. Resist the loss of restaurants and cafes and financial and profession services outside of the higher order town centres.

2.2.28 As Policy CK2 was amended in 2013 it does not form part of this review.

SUMMARY

<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>
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<tr>
<td></td>
<td>Paragraphs 7, 17, 20,21 and 23 to 27, 161</td>
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<td>2014</td>
<td>National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres</td>
<td>DCLG</td>
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<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
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<td></td>
<td>Policy 4.7 Retail and town centre development</td>
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<td></td>
<td>Policy 4.8 Supporting a successful and diverse retail sector</td>
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<td>Policy 4.9 Small shops</td>
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<td></td>
<td>Policy 2.10 Central Activities Zone</td>
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<tr>
<td>Jul 2014</td>
<td>Town Centres Supplementary Planning Guidance (SPG)</td>
<td>Mayor of London</td>
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<td>Nov 2015</td>
<td>St Quintin and Woodlands Neighbourhood Plan</td>
<td>St Quintin and Woodlands Neighbourhood Forum</td>
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<tr>
<td></td>
<td>Referendum Version</td>
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2.3 EVIDENCE BASE

VACANCY RATES

2.3.1 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%\(^8\) compared to a London-wide average of 9.8% and a national average for shopping centres closer to 15%.\(^9\)

2.3.2 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

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\(^{9}\) Vacancy Report, H1 2015 Summary, Local Data Company (September 2015)
also continue to enjoy low vacancy levels, and continue to serve the day-to-day needs of local residents.

**DIVERSITY**

2.3.3 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.

2.3.4 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%.

**RETAIL NEED**

2.3.5 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 necessarily be the case.

2.3.6 The Council has commissioned an update to the 2008 Retail and Leisure Needs Study. This has been completed since the December 2015 Issues and Options document. This paints a very different picture from that of 2009, and indeed from 2015 and the Experian study on comparison retail on behalf of the Mayor of London. This study looked was not as focused as the Council’s own 2016 RLNS, more concerned about London-wide pattern of retail need. It did, however, suggest that there was a net positive requirement of 32,120 sq m to 2026.

2.3.7 The 2016 RLNS concluded that whilst the Borough’s centres may be successful places they are currently trading at, or close to, equilibrium. The RLNS has considered the impact of adjoining centres including Westfield London, the increasing role of e-shopping, the impact of the 2008 recession on the retail sector as well as future estimates of local expenditure. It concludes that there will not be a significant need for additional comparison retail floorspace across the borough to 2023, at just 700 sq m. This figure may rise to 21,000 sq m (net) by 2028, but remains significantly less than the 145,000 sq m of comparison need to 2028, identified in 2009. The need for additional convenience floorspace has held up a little better, with a predicted need of 9,000 sq m (net) by 2023. The RNLA also

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10 RBKC Town Centre Surveys 2015
11 Ibid.
12 Consumer Expenditure and Comparison Goods Retail Floorspace Need in London, Experian 2013
www.london.gov.uk/priorities/planning/publications/consumer-expenditure-and-comparison-goods-retail-floorspace-need
considers the ability of the identified need to be accommodated within existing centres. It concludes that the re-occupation of currently vacant units, (reducing the overall vacancy rate to 5%) could accommodate some 11,300 sq m (gross) of commercial space, or a little over half of that needed.

2.3.8 This dramatic reduction in predicted retail need chimes with the actual changes of use to and from class A1 retail since the adoption of the Core Strategy in 2010. 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 2.3 below.

<table>
<thead>
<tr>
<th>Year</th>
<th>09/10</th>
<th>10/11</th>
<th>11/12</th>
<th>12/13</th>
<th>13/14</th>
<th>14/15</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net change (completions)</td>
<td>2,870</td>
<td>-1,123</td>
<td>1,000</td>
<td>-2,442</td>
<td>-2,891</td>
<td>-769</td>
<td>-3,355</td>
</tr>
</tbody>
</table>

*Figure 2.3: Net change of retail floorspace (completed) 2009/10 to 2014/15*

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

**SUMMARY**

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2016</td>
<td>[Retail and Leisure Needs Study (update)]</td>
<td>Nathaniel Lichfield and Partners for RBKC</td>
</tr>
<tr>
<td>Dec 2015</td>
<td><a href="#">Shops and Centres Background Paper</a></td>
<td>RBKC</td>
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<td>Mar 2014</td>
<td><a href="#">2013 London Town Centre Health Check</a></td>
<td>Mayor of London</td>
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<td>Jul 2014</td>
<td><a href="#">Accommodating Growth in Town Centres</a></td>
<td>Mayor of London</td>
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<tr>
<td>Oct 2013</td>
<td><a href="#">Consumer Expenditure and Comparison Goods Retail Floorspace Need in London</a></td>
<td>Experian for Mayor of London</td>
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<td>Jun 2010</td>
<td><a href="#">London Small Shops Study 2010</a></td>
<td>Roger Tym and Partners for Mayor of London</td>
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<td>Jul 2008</td>
<td><a href="#">Retail and Leisure Needs Study</a></td>
<td>Nathaniel Lichfield and Partners for RBKC</td>
</tr>
</tbody>
</table>
2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 The Issues and Options consultation document\textsuperscript{13} published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

2.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

2.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

**TOWN CENTRE FIRST**

2.4.4 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should continue to take a town centre first approach to new shops and other town centre uses.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>The Council should recognise that new retail</td>
<td>Preferred option for</td>
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\textsuperscript{13} https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome
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<tr>
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</thead>
</table>
| uses may be appropriate where these support the museums, even when these do not lie with designated centre. | Draft Policies | It is an approach which supports the vitality of our town centres – by encouraging concentrations of town centre uses in highly accessible town centre locations. These are the locations best served by public transport, so will reduce reliance on the private car. As such it is a form of sustainable development. However, the Council does recognise that the Borough is home to museums and other cultural uses which have a national profile. These may lie close to, rather than within, a town centre. The Council wishes to make it clear with the supporting text that it supports the ongoing viability of these uses – through allowing the provision of ancillary uses which can generate much needed revenue. Any over prescriptive interpretation of the town centre first may make it difficult for the Council to support such uses. As such the preferred option is to continue to support the town centre first approach but to recognise that some A class uses may be suitable outside of a centre when they directly contribute to the long term future of the borough’s museums. This approach will be “effective” in the Council achieving its ambitions for both the protection of its town centres and offering the
<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The Council should not take a town centre first approach to new shops and other town centre uses.</td>
<td>Not a reasonable alternative</td>
</tr>
<tr>
<td></td>
<td>The Council recognises that given its very small area, nowhere within the Borough lies far from a designated town centre. However, a town centre first approach is considered to be appropriate given its central place within government guidance. Whilst some flexibility will be supported this should not run counter to the objectives of the “town centre first principles”. As such this approach would not be consistent with national policy. In addition there is a danger that this approach could see an erosion of the strength of our centres. This would not be an approach which would allow the Council to implement its ambitions for its centres in an “effective” manner.</td>
<td></td>
</tr>
</tbody>
</table>

**RETAIL IMPACT ASSESSMENT**

2.4.5 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should require a retail impact assessment for any retail proposal with a floor area of more than 400 sq m, outside of an existing centre.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td></td>
<td>The NPPG supports a LPA in setting its own threshold for the need for a retail impact assessment when considering an application for new retail floorspace outside of an existing town centre or land otherwise shown to be appropriate for new retail floorspace. A 400 sq m rather than a 2,500 sq m threshold is considered appropriate as reflects the tightly knit pattern of centres across the</td>
<td></td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>borough. New floorspace of say 2000 sq m, could have a detrimental impact upon an existing centre, and as such it would be appropriate to require a RIA. This is an approach taken since the adoption of the CS in 2010 and has proved effective. The Council has always recognised that the scale of the RIA should be proportionate to the scale of the development. This is explicitly included within the supporting text of draft policy CF1.</td>
</tr>
<tr>
<td>2</td>
<td>The Council should require a retail impact assessment for any retail proposal with a floor area of more than 2,500 sq m, outside of an existing centre.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>3</td>
<td>A retail impact assessment should not be required for the re-location of the Sainsbury’s supermarket in the Kensal Canalside Opportunity Area.</td>
<td>Preferred option for Draft Policies</td>
</tr>
</tbody>
</table>

**MIX OF UNIT SIZES**

2.4.6 The options and alternatives considered are:
<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>The provision of a range of unit sizes is considered to be the most appropriate method of trying to maintain a diversity of shop types within a centre. It is this diversity which is so important in maintaining the character of our centres. The NPPG supports policies which “provide customer choice and a diverse retail offer”. Similarly the London Plan (Policy 4.9: Small Shops) supports, as the title would suggest, the provision of small shops. This would be an effective and proportionate approach to ensure diversity of provision within new large scale retail developments.</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>Taking a more laissez faire approach is likely to see the provision of a smaller number of larger retail units. Whilst this may be appropriate in some circumstances, there may be situations when such provision reduces diversity and may lead to the homogenisation of existing centres. Homogenisation runs counter to the Council’s ambition for diversity and for centres with their own character.</td>
</tr>
</tbody>
</table>

PROVISION OF AFFORDABLE SHOPS

2.4.7 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reasonable alternative</td>
<td>CF2 seeks the provision of affordable shops in new large scale retail developments. Whilst there is support within</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>developments.</td>
<td></td>
<td>the London Plan for the provision of affordable shops (Policy 4.9: Small Shops) the existing policy has proved ineffective. No affordable units have been provided. This reflects the wording of the policy – “seek” rather than “require” affordable shops. The Council also notes that provision of an affordable unit could have an impact that the upon the viability of a proposal. Given the “ineffectiveness” of the policy the Council does not consider it appropriate that it be taken forward as part of this review.</td>
</tr>
<tr>
<td>2</td>
<td>The Council should not seek the provision of affordable shops in new large scale retail developments.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See above. Given the ineffectiveness of this approach it is not considered appropriate to take it forward into the next iteration of the plan.</td>
</tr>
<tr>
<td>3</td>
<td>The Council should require the provision of affordable shops in new large scale retail developments.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The preferred policy option for Policy CK2 in the 2010 examination was that affordable shops be “required” within new large scale retail developments. This was amended by the Inspector to reflect the impact on viability of such a requirement, the lack of evidence to justify this approach and the difficulties associated with the provision of such uses. The Council considers that these issues have not been addressed, and as such a “requirement” remains inappropriate.</td>
</tr>
</tbody>
</table>
### PERCENTAGE BASED FRONTAGE POLICY

#### 2.4.8

The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should use its existing percentage based policies to ensure a mix of uses within town centres.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>2</td>
<td>The Council should amend the percentage based policies, allowing</td>
<td>Preferred option for Draft Policies</td>
</tr>
</tbody>
</table>
a greater diversity of uses with secondary shopping areas. secondary areas to 50% will provide more opportunities for non-shop uses within our town centres. This would allow greater diversity of uses in those areas when concentrations of shops are less critical, reducing the pressure within the primary areas. This pressure has become more difficult to resist with the recent changes to the GPDO.

3 The Council should let the market decide on the mix of uses allowed within the centres. Not a reasonable alternative Without some controls on uses, the diversity of the uses within the town centres is likely to be reduced, harming the function as well as the vitality and viability of the Borough’s town centres. Any approach which sees a degradation of our centres is not consistent with national policy and will prove ineffective in the Council achieving the ambitions for our centres.

SOUTH KENSINGTON: MIX AND BALANCE OF USES

2.4.9 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should maintain its current percentage based policy within the South Kensington Town Centre.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>
In order to reflect the dual role that the centre has in serving the South Kensington Museums complex, the northern part of the centre should be designated as “service retail” frontages, where changes of use amongst the A class are allowed without restriction.

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>The Council is seeking to achieve a balance between providing the premises which serve the needs of residents and those visiting South Kensington. This is essential if the centre is to serve effectively its dual role. The southern part of the centre will serve local residents, whilst the north, from the station to Exhibition Road, the needs of those visiting the museums. This does not include the station site itself. Such an approach should be effective as it will allow the centre to evolve to meet its particular needs. The proposed area for the service frontage has been amended to reflect the results of the I and O consultation. The station site itself will retain its current designations, with the service retail area being restricted to Exhibition Road and the block of units bounded by Thurloe Street, Thurloe Place, Cromwell Place and Exhibition Road.</td>
</tr>
</tbody>
</table>

The Borough’s street markets are considered to be an essential part of the Borough’s retail offer and as such must continue to be supported. Support for markets and the diversity

### STREET MARKETS

2.4.10 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>The Council should continue to support its street markets. The Borough’s street markets are considered to be an essential part of the Borough’s retail offer and as such must continue to be supported. Support for markets and the diversity</td>
</tr>
</tbody>
</table>
### Option 2

The Council should stop supporting its street markets.

<table>
<thead>
<tr>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not a reasonable alternative</td>
<td>See above.</td>
</tr>
</tbody>
</table>

---

## INCREASE SUPPLY FOR CLASS A1 RETAIL USES

### 2.4.11

The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Maintain the existing approach of supporting the provision of A class uses outside centres at specified locations, but not requiring the provision of such uses.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>Require the provision of A class uses at named sites at edge of centres.</td>
<td>Not a reasonable alternative</td>
</tr>
</tbody>
</table>
### REDESIGNATE EARL’S COURT ROAD AS A DISTRICT CENTRE

2.4.12 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>Re-designate Earl's Court Road as a District Centre. Earl's Court Road is designated within Annex 2 of the London Plan as a district centre. This reflects its size and its function – a centre with 25,000 sq m of retail, leisure and office uses. The existing designation as a neighbourhood centre is an anomaly, reflecting a possible alternative designation in 2009, as and when the Core Strategy was being prepared. Designation as a District Centre will bring the Council's policy into line with the London Plan, adding clarity. There are no practical advantages of maintaining the neighbourhood designation. The approach is justified by the most recent floorspace figures and the GLA TCHC (2015). It should help the Council in having an effective approach to seek to allow this centre to adapt in a time of rapid change.</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>Retain the existing designation of the Earl’s Court Road as a neighbourhood centre. See above.</td>
</tr>
</tbody>
</table>
DE-DESIGNATE IFIELD ROAD AS A CENTRE

2.4.13 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>De-designate Ifield Road as a Neighbourhood Centre.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>Retain Ifield Road as a Neighbourhood Centre.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>
2.4.14  The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
</table>
| 1      | Designate the shops at  | Preferred option for Draft Policies  
|        | the junction of Talbot  | A number of units are clustered around Talbot Road, close to the junction with Powis Mews. These include a number of units which directly serve the day-to-day needs of residents and which may contribute to the local 'walkable neighbourhood.' These premises provide a critical mass which are likely to attract visitors and which allow the units to support one another. It is an approach fully justified by the latest town centre data. |
|        | Road and Powis Mews as  |                                                                                                                                       |
|        | a Neighbourhood Centre. |                                                                                                                                       |
| 2      | The shops at the junction of Talbot Road and Powis Mews as a Neighbourhood Centre remain undesignated as a centre. | Reasonable alternative  
|        |                                                                                       | See above.                                                                                                                                |
DESIGNATE A NEW NEIGHBOURHOOD CENTRE NEAR THE LATIMER ROAD UNDERGROUND STATION

2.4.15 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Designate a new neighbourhood Centre at Latimer Road</td>
<td>Preferred option for Draft Policies 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. The designation of a Neighbourhood Centre will be effective in supporting 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)). It is an approach fully justified by the latest town centre data.</td>
</tr>
<tr>
<td>2</td>
<td>The shops close to the Latimer Road underground station should remain outside of a designated centre</td>
<td>Reasonable alternative See above.</td>
</tr>
</tbody>
</table>
## DESIGNATE A NEW NEIGHBOURHOOD CENTRE AT THE JUNCTIONS OF WARWICK ROAD AND KENSINGTON HIGH STREET

**2.4.16** The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>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. 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. It is an approach fully justified by the latest town centre data. This approach will be effective in that it will help the Council achieve its ambitions for increasing retail provision, and to build upon walkable neighbourhoods, in this part of the Borough.</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>See above.</td>
</tr>
</tbody>
</table>
### INCLUDE PROPERTIES WITHIN THE FULHAM ROAD/BROMPTON CEMETERY NEIGHBOURHOOD CENTRE INTO THE FULHAM ROAD (WEST) DISTRICT CENTRE

**2.4.17** The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>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?</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>Should the Council properties within the Fulham Road/ Brompton Cemetery Neighbourhood Centre remain within the Neighbourhood Centre?</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>

### OTHER

**2.4.18** The Council received a number of comments relating to changing the designation of the parade of units on the eastern end of Kensington High Street, on the southern side of the road from the current secondary frontage to a primary frontage. (Nos. 1-35 a/b odd). There was concern that the existing designation did not reflect the function of this part of the centre as an area with a high footfall.

**2.4.19** The Council recognised that a primary designation would be appropriate given that the high footfall is more akin to a primary than a secondary designation.

### 2.5 DRAFT POLICY

**2.5.1** Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document).
Policy CF1 Location of New Shop Uses
The Council will ensure vital and viable town centres through a town centre first approach to new retail floorspace.

To deliver this the Council will:

a. support the creation of new shops and new shop floorspace within town centres;
b. require new retail development with a floor area of 400sq.m (4,300sq.ft) (gross external) or more to be located within existing, higher order and proposed town centres, or where no suitable sites can be identified within these centres, adjoining them—within sites adjoining Knightsbridge, King’s Road (East and West), Fulham Road, Brompton Cross and South Kensington;
c. permit new shops (A1) of less than 400sq.m (4,300sq.ft) (gross external) in areas of retail deficiency as shown on the plan within Chapter 30 (Keeping Life Local);
d. require support the establishment of new centres in the Latimer and Kensal areas to address identified retail deficiency and support the establishment of a new centre in the Earl’s Court and West Kensington Opportunity Area, with retail provision to serve the day-to-day needs of the development. Any new centre must comply with the requirements of PPS4 the NPPF, and be of a scale that does not have an unacceptable impact on existing centres;
e. require, where proposals for new retail development do not comply with parts (a) to (d), that it is demonstrated either:
   i. that the development would meet the requirements of the sequential assessment; and that the development will not have an unacceptable impact on existing centres; or
   ii. that the new floorspace would underpin the Council’s regeneration objectives and the vitality of any existing centre will not be harmed, and when within an Employment Zone, support the business function of that area.

Policy CF2 Retail Development within Town Centres
The Council will promote vital and viable town centres and ensure that the character and diversity of the borough’s town centres is maintained.

To deliver this the Council will:

a. require the scale and nature of development within a town centre to relate to the size, role and function of that town centre, to reflect the position of the centre within the retail hierarchy and to assist in the implementation of the vision for that centre as set out within Section 1B Places (Chapters 4-18); and
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;
c. seek the provision of affordable shops in new large scale retail development or mixed use development with a significant retail element, to provide affordable shops, or where this is not appropriate, to provide a financial contribution through planning obligations to support retail diversity within the centre. Affordable shops can be provided off site within the same centre where appropriate.
Policy CF3 Diversity of uses within Town Centres

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 complimentary town centre uses. To deliver this the Council will:

a. Protect all shops and shop floorspace at ground floor level in primary retail frontages of:
   i. Knightsbridge, King's Road (East and West), Fulham Road, Brompton Cross, South Kensington, Kensington High Street, Earl's Court Road and Westbourne Grove town centres unless the change is to another town centre use and where 80 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and the non-shop use is not adjacent to another non-A1 use;
   ii. Notting Hill Gate unless the change is to another town centre use, but not an estate agents, bureaux de change (Class A2) or hot food takeaway (Class A5) use and where 80 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and the non-shop use is not adjacent to another non-A1 use;
   iii. Portobello Road Special District Centre;

b. Protect all shops and shopping floorspace at ground floor level within the secondary retail frontages of:
   i. Knightsbridge, King's Road (East and West), Fulham Road, Brompton Cross, South Kensington and Kensington High Street, Earl's Court Road and Portobello Road town centres, unless the change is to a town centre use and where 66-50 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and there are no more than 3 non-A1 uses in a row;
   ii. Notting Hill Gate District Centre unless the change is to another town centre use, but not an estate agents, bureaux de change (Class A2) or hot food takeaway (Class A5) and the change is to a town centre use and where 66-50 per cent of the ground-floor units in the relevant street frontage will remain in an A1 (shop) use and there are no more than 3 non-A1 uses in a row;

c. Allow the loss of shop uses (Class A1) to restaurants and cafes (Class A3) within the service retail frontage of the South Kensington town centre.

d. Protect shop retail uses above or below ground floor level within town centres unless it is successfully demonstrated that their loss will not adversely affect the essential shopping character and function of the centre;

eye. Protect all shops within neighbourhood centres, unless the proposal is to change to a social and community use, and where 66 per cent of the relevant street frontage remains in an A1 use (shop).

Policy CF4 Street Markets

The Council will ensure that street markets remain a vibrant part of the borough’s retail offer.
To deliver this the Council will:

a. protect all of the borough’s street markets including those at Portobello Road, Golborne Road and Bute Street;

b. support new, or the expansion of existing, street markets where this fits in with our broader retail strategy and our strategic objectives for the town centres in which they would be located within or adjacent to;

c. require the protection of existing storage lockups for street traders, or their equivalent re-provision

KEY DIAGRAM AND PROPOSALS MAP

2.5.2 Related to the draft policy, the following changes are required to made to the Key Diagram and the Proposals Map:

- Amend Proposals Map to include the designation of the Earl’s Court Road Neighbourhood Centre as a District centre, the extension of the Fulham Road (West) District Centre, the de-designation the Ifield Road Neighbourhood Centre and the designation of new neighbourhood centres on Kensington High Street, Latimer Road underground station and Talbot Road.

- Amend Proposals Map to designate a service retail frontage in the northern part of South Kensington District Centre.

- Amend Proposals Map to include units 1-35 Kensington High Street within the centre’s primary retail frontage.

- Amend Proposals Map to make minor alteration to Clarendon Cross, Stratford Road, Cromwell Road Air Terminal, Pont Street, Sloane Avenue and Golborne Neighbourhood Centres.

- Amend Proposals Map to make minor alterations to Knightsbridge, Kensington High Street, King’s Road (East), King’s Road (West) and Portobello Centres.

2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

2.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare… agreements or joint approaches”\(^{14}\).

2.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)… in connection with infrastructure that is strategic”\(^{15}\). Strategic matters are further defined in paragraph 156 of the NPPF\(^{16}\) and paragraph 013 of the NPPG

\(^{14}\) Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^{15}\) Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^{16}\) http://planningguidance.communities.gov.uk/blog/policy/
on the duty to cooperate\textsuperscript{17}.

2.6.3 Figure 2.4 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

<table>
<thead>
<tr>
<th>Strategic issue</th>
<th>Relevant prescribed bodies\textsuperscript{18}</th>
<th>Council actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shops and Centres</td>
<td>Mayor of London</td>
<td>All prescribed bodies were consulted as part of the Issues and Options consultation</td>
</tr>
<tr>
<td></td>
<td>Transport for London</td>
<td>Only the Mayor of London and Transport for London responded with specific reference to the policies relating to shops and centres.</td>
</tr>
<tr>
<td></td>
<td>London Enterprise Panel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>City of Westminster</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Hammersmith and Fulham</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Wandsworth</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Brent</td>
<td></td>
</tr>
</tbody>
</table>

Figure 2.4: Duty to cooperate strategic issues, prescribed bodies and Council actions

\textsuperscript{17} http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/

\textsuperscript{18} Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
3. ISSUE 2: BUSINESS USES

3.1 INTRODUCTION

3.1.1 This section of the emerging plan considers the B class Business uses. It includes consideration of offices, of light and general industrial uses and of storage and distribution uses.

3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

3.2.1 The National Planning Policy Framework (NPPF)\textsuperscript{19} states that, as part of sustainable development, the planning system has an “economic role” which involves “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation...” (paragraph 7). The NPPF states that local planning authorities should “plan proactively to meet the development needs of business and support an economy fit for the 21st century” (paragraph 19). Amongst other requirements, the NPPF states that “Policies should be flexible enough to ... allow a rapid response to changes in economic circumstances” and suggests that local planning authorities should “plan positively for the location, promotion or expansion of clusters or networks of knowledge driven, creative or high technology industries” (paragraph 21). The NPPF also states that “Planning policies should avoid the long term protection of sites allocated for employment use... Land allocations should be regularly reviewed” (paragraph 22).

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

3.2.2 National Planning Practice Guidance (NPPG) on Economic Development Needs Assessments\textsuperscript{20} and Economic Land Availability Assessment\textsuperscript{21} offer guidance to support local planning authorities on assessing the need for economic development. It recognises that need can be both qualitative and qualitative in nature, (paragraph 2) and stresses the importance of a robust, yet proportionate, evidence base (paragraph 5).

3.2.3 NPPG on Ensuring the Vitality of Town Centres\textsuperscript{22} states that local planning authorities should plan positively to support town centres to generate local employment,... and create attractive, diverse places where people want to live, visit and work” (paragraph 1). It supports a town centre first approach to all town centre uses. Whilst primarily the A class retail uses, these also include office and other

\textsuperscript{19} NPPF, DCLG, March 2012
\textsuperscript{20} NPPG: Housing and Economic Development Needs Assessments, DCLG, March 2014
\textsuperscript{21} NPPG: Housing and Economic Land Availability Assessment, DCLG, March 2014
\textsuperscript{22} NPPG: Ensuring the Vitality of Town Centres, DCLG, March 2014
business uses\textsuperscript{23}.

**REGIONAL**

**THE LONDON PLAN**

3.2.4 Chapter 4 of the London Plan sets out the policies by which the Mayor wishes to shape London’s economy. There are two main objectives: to ensure that London is a city that meets the challenges of economic and population growth; and that London remains an internationally competitive and successful city. Of particular relevance to this review are policies 4.1, 4.2 and 4.3. Boroughs are urged to “meet the distinct needs of the central London office market” (Policy 4.2: Offices) and to “promote and enable the continued development of a strong, sustainable and increasingly diverse economy, ensuring the availability of sufficient and suitable workspaces…” (Policy 4.1: Developing London’s Economy).

3.2.5 Policy 4.4 is concerned with industrial land, and notes that boroughs must work with the Mayor to ensure that a sufficient stock of land and premises to meet the future needs of different types of industrial uses in different parts of London.

**NEIGHBOURHOOD**

**ST QUINTIN AND WOODLANDS NEIGHBOURHOOD PLAN**

3.2.6 The St Quintin and Woodlands Neighbourhood Plan contains specific policies relating to uses within the Freston/Latimer Road Employment Zone north of the Westway. In this area any A1, A2, A3, A4, D1 or D2 use will be encouraged “where such uses contribute to the vitality of the street and to the wider neighbourhood area” or where such uses “increase employee numbers on sites” (Policies LR2 and LR3 of the Neighbourhood Plan). In addition Policy LR1 allows residential uses on the upper floors in redeveloped buildings at Units 1-14 Latimer Road provided that the ground (and any mezzanines) remain a commercial use.

**LOCAL**

**EXISTING LOCAL PLAN POLICY**

3.2.7 The existing Local Plan policies relating business uses are:

- Policy CF5 Location of Business Uses
- Policy CF6 Creative and Cultural Businesses

3.2.8 In addition, Policy E8 within the Borough’s Unitary Development Plan remains relevant. It was “saved” and not replaced by any policies within the 2010 Core Strategy.

3.2.9 The Local Plan considers how much employment floorspace is expected to be needed over the lifetime of the plan. This includes a “forecast demand” of 70,000 sq m of net additional office floorspace over the plan period. There was a significant pipeline for B class office space of 45,000 sq m, leaving a need of between 20,000

\textsuperscript{23} NPPF, DCLG, March 2012 (Annex 2)
and 25,000 sq m. Whilst not a target in the same way that housing is, the CLP seeks to meet this need to ensure that as many of the benefits as possible associated with the provision of office floorspace can be achieved.

3.2.10 Local Plan Policy CF5 sets out this central aim – or to “ensure that there is a range of business premises within the borough to allow businesses to grow and thrive.”

3.2.11 Local Plan Policy CF5 is driven by two ambitions: to maintain a diversity of office types across the borough; and support for consolidation of large and medium offices in town centres and other highly accessible locations. In addition, it recognises the particular importance of the Borough’s Employment Zones as locations for offices and other B class uses. This is set out within the chapeau of the policy.

Policy CF5: Business Uses

The Council will ensure that there is a range of business premises within the borough to allow businesses to grow and thrive; to promote the consolidation of large and medium offices within town centres; support their location in areas of high transport accessibility; and protect and promote employment zones as for a range of small and medium business activities which directly support the function and character of the zone.

3.2.12 The rest of the policy sets out the details as how this will be achieved. With regard to existing offices:

Policy CF5: Business Uses

The Council will

… protect very small and small offices (when either stand alone or as part of a larger business premises) throughout the borough; medium sized offices within the employment zones, higher order town centres, other accessible areas and primarily commercial mews; large offices in higher order town centres and other accessible areas.

3.2.13 With regard to new offices:

Policy CF5: Business Uses

The Council will

b. permit very small offices anywhere in the borough save for ground floor level of town centres;

c. permit small office developments anywhere in the borough; require medium-sized office developments to be located in town centres, in other accessible areas, in employment zones and in commercial mews; require large office developments to higher order town centres and other accessible areas, except where the proposal:

i. results in shared communal residential/ business entrance;

ii. results in the net loss of any residential units or floorspace; or
iii. in the case of a town centre, harms the retail function of that centre;
d. permit business centres at upper floor levels of higher order town centres, within accessible areas and within employment zones;
e. require all new business floorspace over 100sq.m to be flexible, capable of accommodating a range of unit sizes;

3.2.14 Policy CF5 also considers light industrial uses. It recognises their value and seeks their protection.

Policy CF5: Business Uses
The Council will
f. protect all light industrial uses throughout the borough unless where the loss is to an alternative B Class business use;
g. require new light industrial uses to be located within employment zones, predominantly commercial mews and other areas where amenity is not harmed;
h. require the provision of a mix of unit sizes suitable for the creative and cultural businesses, as appropriate;

3.2.15 Policy CF5 supports the function of the Borough’s Employment Zones as locations for small workshops and businesses. It explicitly resists the creation of residential uses within them, concerned that such uses can increase hope values and jeopardise the ongoing future and employment function of these areas.

The Council will
i. protect light industrial uses, workshops, very small, small and medium offices, and business centres;
j. require there be no net loss of business floorspace unless to uses which directly supports the function and character of the zone;
k. resist large office developments except when consisting entirely of very small, small or medium units;
l. resist residential uses including for student housing or any form of living accommodation;
m. promote employment zones as locations for small businesses and for workshops (whether stand alone or part of large business centres).
n. to restrict, through the use of s106 planning obligations, the amalgamation of small and very small business units.

3.2.16 The Council supports the creative and cultural businesses. This is explicitly recognised by Policy CF6 which states:

Policy CF6: Creative and Cultural Businesses
The Council will promote and protect the work-spaces need to support the creative and cultural industries across the borough.

3.2.17 Policy E8 of the Council’s Unitary Development Plan still forms part of the Borough’s development plan. It seeks to protect those few remaining general industrial uses. It states that the Council will:
UDP Policy E8

Resist the loss of those existing general industrial uses where they have no significant effect on residential amenity.

SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
</tr>
<tr>
<td>May/Jun 2016</td>
<td>St Quintin and Woodlands Neighbourhood Plan</td>
<td>St Quintin and Woodlands Neighbourhood Forum</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
<tr>
<td></td>
<td>Policy 4.1: Developing London’s Economy</td>
<td></td>
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<tr>
<td></td>
<td>Policy 4.2: Offices</td>
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<td></td>
<td>Policy 4.3: Mixed use development and offices</td>
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<td></td>
<td>Policy 4.4: Managing industrial land and premises</td>
<td></td>
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<td></td>
<td>Policy 4.10: New and emerging economic sectors</td>
<td></td>
</tr>
<tr>
<td>Apr 2013</td>
<td>Jobs and Growth Plan for London</td>
<td>London Enterprise Panel</td>
</tr>
</tbody>
</table>

3.3 EVIDENCE BASE

THE LOCAL PROPERTY MARKET

3.3.1 Frost Meadowcroft has carried out a detailed study of the Borough’s office market, published in July 2014\textsuperscript{24}.

3.3.2 This provides an overview of the Borough’s office market in the context of London as a whole and as part of the West End local market. It then looks at some detail at the nature of the Borough’s property market, and at a number of submarkets.

3.3.3 More detailed work on the sectors of the economy which are of particular significance to the Borough have been carried out by TBR, initially in 2013\textsuperscript{25} and then updated in 2016\textsuperscript{26}. Key findings include:

\textsuperscript{24} Office Market Review and Viability in RBKC, Frost Meadowcroft (2014)
\textsuperscript{25} TBR: Impact of Proposed Change to Permitted Development 2013
\textsuperscript{26} Evidence to inform Article 4 direction, TBR (2016)
• Whilst the Borough forms part of the Central London office market, it is best seen as forming part of the fringe of the West End Market.

• The Borough itself can be further subdivided into a number of sub-markets, each with differing characteristics: North Kensington, Notting Hill, Kensington, Knightsbridge, Chelsea, Earl’s Court and South Kensington.

• The Borough provides a mix of stock from small mews style office buildings scattered across the Borough, to larger purpose built office developments or converted warehouses in the core commercial centres.

• Demand in the sub market is high with there being insufficient supply to accommodate the level of demand.

• Kensington and Chelsea has a full cross section of business types, but it enjoys particular concentrations within the creative industries, and in particular in the advertising and marketing, architecture, music and publishing, fashion, textile and design, film, television, video radio and photography sectors.

• Approximately 10% of all businesses in the Borough are classified as “home based businesses”, which is a high proportion in comparison with the London average of 5.6%.

**DISTRIBUTION OF STOCK**

3.3.4 Frost Meadowcroft\(^27\) has gone on to analyse the distribution of commercial floorspace, (primarily offices and light industrial uses) within each of the submarkets. This work has been supplemented by the TBR report of 2016\(^28\).

3.3.5 Looking at VOA data Frost Meadowcroft\(^29\) has calculated there to be some 3,350 office and light industrial occupiers within the borough, occupying the 758,000 sq m of business floorspace. The great majority of this space will be offices or workspace “hybrid” uses.

3.3.6 Whilst there are particular concentrations in the Borough’s town centre and the three employment zones, the stock of business premises is widely distributed across the Borough.

- 19.6% lies within North Kensington
- 15% lies within the three Employment Zones
- 23% lies within Chelsea
- 27% lies within Kensington

\(^28\) Evidence to inform Article 4 direction, TBR (2016)  
TYPOLOGY

3.3.7 Frost Meadowcroft\textsuperscript{30} has looked in some detail at the nature of premises occupied by business uses across the Borough.

3.3.8 It concluded that there are 6 broad categories of commercial property across the Borough. For units over 300 sq m:

- 13.4\% of the total stock of units lie within mixed uses properties, which make up 21.2\% of all the properties
- Purpose built commercial properties account for 44\% of all the stock, often buildings which feature larger floorplates
- 26.9\% of the total stock of is made up of converted buildings. Many of the sub 300 sq m units also occupy converted buildings
- Warehouse and light industrial properties account for 6.4\% of the total stock, although this is not to say that such properties are still occupied by such uses.
- The total stock of services offices is unusually low when compared to surrounding areas at just 2.8\% of the total stock

AVAILABILITY

3.3.9 Availability of business premises is a useful indication of the relative health of the market, and whether the demand and supply of the office stock is in balance. High availability rates, significantly above the 8\% level expected for natural churn, suggest an under-provision of such premises.

3.3.10 The 2014\textsuperscript{31} and 2015\textsuperscript{32} Frost Meadowcroft reports considered availability rates in some detail. This data has been kept regularly updated, reflecting the current state of the market. Key findings include:

- Available office space in Central London has fallen 50\% between 2009 and 2015, from 24.4 million sq ft to 12.7 million sq ft.
- In 2014/15 alone total space fell 14\%.
- Vacancy rates in western fringe of the London Market (the market in which this Borough lies) was just 1.6\% in 2014 Q3.
- As of 2015 office availability within the Borough was at an all-time low at just 1.3\%. It remains at historically low levels.
- These low availability levels reflect a shortage of office space, and a lack of new office space coming onto the market.
- The combination of high office demand and low supply has resulted in the fastest rent and capital value gains from offices since the late 1980s.

OFFICE DEMAND

3.3.11 Actual, rather than predicted or macro, office demand is hard to quantify accurately as is most effectively measured by transaction data. However, in its 2014 report\textsuperscript{33},

\textsuperscript{30} Frost Meadowcroft Report: Office Market Review (2014)
\textsuperscript{31} Frost Meadowcroft Report: Office Market Review (2014)
\textsuperscript{32} Latimer Road Commercial Properties Viability Study 2015
\textsuperscript{33} Frost Meadowcroft Report: Office Market Review (2014)
Frost Meadowcroft has qualified this demand for different sizes of office premises. Key findings include:

- For the year preceding 2014 there was a high level of demand for office floorspace across the Borough, or a leasehold demand for 345,900 sq m.
- Of this figure over 68% (234,000 sq m) was potential occupiers seeking space over 1,000 sq m.
- The most popular size for businesses looking in the Borough comes from tenants already in the Borough and looking for units between 100 and 200 sq m.
- The pressure on office stock from owners using their permitted development rights in neighbouring boroughs (and in particular in Hammersmith and Fulham) has increased demand in the Royal Borough.

**INDUSTRIAL AND WAREHOUSING USES**

3.3.12 In early 2016 AECOM, on behalf of the GLA, published the London Industrial Land Supply and Economy Study. Using the Valuation Office Agency’s (VOA) 2012 data sets as a starting point, this study estimated existing (and vacant) industrial uses across London’s thirty-two local authority areas. The study estimated that the Borough contains 2.2 ha. of light industrial land and some 2.3 ha. of general industrial land. Frost Meadowcroft, in its Office Market and Viability Study, commissioned by the Council also used the VOA data as the basis for its analysis and suggested that there was 20,000 sq m of light industrial use across the Borough, equivalent to around 3.6% of all commercial B class stock in the Borough.

3.3.13 A weakness in a study of this scale is the difficulty inherent in making an assessment as to the detailed uses of individual buildings. This will often be a professional judgement as to whether a B class industrial use is best considered to be a “general industrial” use (a B2 use) or a B1(c) “light industrial use”. The definition of a B1(c) light industrial use as set out within the Use Classes Order itself is an industrial use which is “appropriate in a residential area.” It is difficult to make such an assessment using the VOA data – and really needs an assessment to be made on site.

3.3.14 Taking the data from the AECOM study as a baseline, the Council has carried out a re-survey. All the properties identified by the AECOM report were visited in July 2016, and an assessment of their “neighbourliness” made. This re-survey would suggest that the amount of light industrial land across the Borough may be closer to 2.9 ha than the 2.2 ha estimated. This reflects the Council’s view that a number of premises previously identified as being Class B2 or “general industrial” are better considered as light industrial uses. A caveat is, however, advised, with a high proportion of these light industrial units being in perhaps more complex uses. The main model for the creative industries is for hybrid spaces, with it becoming increasingly rare for a unit to be in use entirely, or indeed predominantly, for manufacture. One element of the building may be for manufacture, another for design, another for sales etc. In terms of Class PA of the GPDO, a number of these B1(c) “light industrial uses” may not be being used “solely for a light industrial use” (and were not so in March 2014) and will not necessarily benefit from the

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34 London Industrial Land Supply and Economy Study, AECOM, for the GLA (2016)
forthcoming liberalisation – each case would be subject to due diligence in its own right.

3.3.15 Notwithstanding the difficulty associated with the identification of light industrial B1(c) uses, the Council is satisfied that it hosts approximately 30,000 sq m of light industrial, workshop or hybrid uses.

3.3.16 Critically PBA are of the view that, whilst small, “the remaining industrial / studio stock in Kensington & Chelsea is economically sustainable .... And there is no evidence that the size of the stock exceeds market demand. On the contrary, the evidence points to a tight market, in which industrial / studio occupiers are being squeezed out by higher-value uses in Kensington & Chelsea, as in the rest of central and Inner London. But the process has gone further in Kensington and Chelsea than elsewhere, so the borough’s remaining industrial / studio stock is vanishingly small.”

3.3.17 The Council remains committed to protecting its remaining stock of business premises. The NPPF is clear: protection cannot be supported for its own sake, but only when there is a realistic prospect of that land being used for what it has been safeguarded for (paragraph 22).

3.3.18 To inform this policy approach, the Council has commissioned two studies to consider the viability of the employment sector across the Borough, and a further study to assess the viability of the office sector within the northern part of the Latimer/ Freston Road Employment Zone.

3.3.19 Each study reaches the same broad conclusion, that the Borough’s office market is vibrant and there is no reason to believe that the Borough’s main office locations are intrinsically unviable for continued office use. There are, however, small pockets within the Borough where the market is less robust or where encouragement is needed if future refurbishment is to come forward.

VIABILITY

3.3.20 There is a forecast demand of 46,240 sq m of additional office floorspace between 2011 and the end of the plan period in 2028. When including the B1(a) floorspace which has been lost since 2011 and the net loss of B1 floorspace currently in the development pipeline this translates to an undersupply of 93,100 sq m. Whilst the Council has identified an additional 5,000 sq m of B1 office space likely to come forward outside of the recognised pipeline, this still leaves an under supply of 88,600 sqm, or some 6,300 sq m pa to the end of the plan period. This is summarised in Table 3.1 below.

36 Commercial Property Study, PBA (March 2013), para 4.43.
3.3.21 Given the differential in value between office and residential land this need is unlikely to be fully accommodated within this Borough.

**SUMMARY**

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Employment Land Review Update</td>
<td>Roger Tym and Partners for RBKC</td>
</tr>
<tr>
<td>2013</td>
<td>Commercial Property Study</td>
<td>Roger Tym and Partners for RBKC</td>
</tr>
<tr>
<td>2013</td>
<td>Impact of proposed permitted development rights for Kensington and Chelsea</td>
<td>TBR for RBKC</td>
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<tr>
<td>2013</td>
<td>Office Market Commentary</td>
<td>Frost Meadowcroft for RBKC</td>
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<tr>
<td>2014</td>
<td>Office Market Review and Viability in RBKC</td>
<td>Frost Meadowcroft for RBKC</td>
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<tr>
<td>2014</td>
<td>London Office Floorspace Projections</td>
<td>Peter Brett Associates</td>
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<tr>
<td>2015</td>
<td>Latimer Road Commercial Properties Study</td>
<td>Frost Meadowcroft for RBKC</td>
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<tr>
<td>2016</td>
<td>London Industrial Land Supply and Economy Study</td>
<td>AECOM for GLA</td>
</tr>
<tr>
<td>2016</td>
<td>Evidence to inform Article 4 Direction</td>
<td>TBR for RBKC</td>
</tr>
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</table>
3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

3.4.1 The Issues and Options consultation document published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- Consultation Schedule – a table setting out all of the consultation comments and the Council’s response to each comment
- Consultation Summary – a summary of the consultation comments

3.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

3.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

(paragraph 182)

THE PROVISION OF BUSINESS FLOORSPACE AS PART OF NEW LARGE SCALE RESIDENTIAL DEVELOPMENTS

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 The Council should require business floorspace to be provided as part of new large scale residential developments</td>
<td>Reasonable alternative</td>
<td>The differential in value between residential and business uses is such that new office development rarely comes forward unasked. As such the</td>
</tr>
</tbody>
</table>

38 https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome
<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td>Council does note that this approach could, potentially, see an increase in business floorspace. An increase is welcomed given the contribution that the office sector has to the character of the borough and to the local and wider economy. However, this could be at some cost to the viability scheme. This could result in less residential development coming forward, and possibly at the expense of affordable housing. If residential development does not come forward neither will the associated “required” office floorspace. As such the policy is likely to prove ineffective and the Council does not intend to take this option forward.</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>This approach is unlikely to see significant amounts of new office floorspace come forward – outside of the Employment Zones. However, given the differential in value between residential and office uses any other approach is likely to prove counter-productive. The Council does not wish to discourage residential developments coming forward.</td>
</tr>
</tbody>
</table>

The Council should support the provision of new business floorspace across the Borough but not make it a requirement.
### PROTECTION OF EMPLOYMENT FLOORSPACE

#### 3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should support the loss of employment floorspace in one building as long it is being re-provided elsewhere in the Borough</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>2</td>
<td>The Council should resist land use swaps in all circumstances.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td></td>
<td>The Council should allow the loss of business floorspace when lying within otherwise residential buildings.</td>
<td>Reasonable alternative</td>
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<tr>
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</tr>
<tr>
<td>3</td>
<td>The Council should support a loss of business floorspace on a site where that which remains is of a better quality, or of a nature better suited to the local market</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>4</td>
<td>The Council should allow the loss of office floorspace when the loss is to a social and community uses and/or to affordable housing, or where the uplift in value is used to gain other significant local benefits.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>6</td>
<td>The Council should never support the loss of any B1 uses in any circumstances.</td>
<td>Reasonable alternative</td>
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</tr>
<tr>
<td>7</td>
<td>The Council should continue its presumption against the loss of any business floorspace, but continue to have regard to the individual merit of each case.</td>
<td>Preferred option for Draft Policies</td>
</tr>
</tbody>
</table>
### NATURE OF BUSINESS UNITS TO BE PROVIDED

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reasonable alternative</td>
<td>The types of unit sought by the Borough’s business units are constantly evolving. The market is seen as better placed to decide what type of premises is needed in any given location than the Council. Flexibility will be more effective in helping maintain the diversity of uses across the borough.</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>See above</td>
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</tbody>
</table>

### FLEXIBILITY OF USES WITHIN THE B CLASSES

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>There has been a steady reduction in the remaining industrial and warehousing uses across the Borough. This reflects the changing nature of business uses with the borough and the freedom allowed within the GPDO for change of use within the B classes. This has not been problematical as the wider stock of B1 uses has been maintained. The Council does not wish to curtail this evolution of uses. The Council is more concerned to stop the loss of B class uses to residential.</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
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</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>See above.</td>
</tr>
</tbody>
</table>

The Council should seek to protect all B class uses and changes of uses between the B1(a) (c), B2 and B8 uses.

**WAREHOUSING**

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>The small scale warehousing within the borough has some value both to existing small businesses and to residents. The Council does, however, recognise that warehousing can ordinarily change to offices without planning permission. Often such changes of use are not problematical as the stock of the Borough’s business is not diminished. This will not be the case where the change of use is to residential.</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>See above.</td>
</tr>
</tbody>
</table>

The Council should seek to protect warehousing within the Borough.

The Council should allow changes of use from warehousing to residential uses.
CREATION OF INNOVATION DISTRICTS

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reasonable alternative</td>
<td>The Council recognises that its Employment Zones contain a diverse mix of operators who together form clusters of businesses. These have, however, evolved organically, and the Council would be reluctant to create new such areas from scratch. In addition given the difference in value between business and residential uses, new centres are unlikely to be forthcoming. Such an approach is likely to prove ineffective.</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>See above. The Borough’s Employment Zones, and the businesses within them, contribute to a diverse borough, and to the local and the wider economy. Such support is consistent with national policy. This organic approach is also likely to prove effective – supporting growth of existing centres but not trying to create them from scratch.</td>
</tr>
</tbody>
</table>
NATURE OF REPLACEMENT BUSINESS FLOORPACE

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should resist the replacement of business floorspace in basements and other sub-optimal areas.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>The Council should take a flexible approach and be more concerned with the quantum of business floorspace being provide than its nature.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>

TOWN CENTRE FIRST APPROACH TO NEW OFFICES

3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should take a town centre first approach to new large office developments and only allow them in town centres and other accessible areas.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>This approach is “consistent with national policy” as it follows the sequential test for new offices, a town centre use. It should be seen as being “positively prepared” as offers the flexibility likely to see some new office floorspace being built. A requirement that new large scale office will not be permitted outside of a town centre is likely to stop any new B class development coming forward. It is the non-town centre locations where land values are less where new office floorspace is most likely to come forward unbidded. This includes within the Borough’s three Employment Zones.</td>
</tr>
<tr>
<td>3</td>
<td>Reasonable alternative</td>
<td>The policies within the Local Plan must have regard the NPPF. This is clear that as a town centre use new large scale offices should follow the sequential test. As such this approach may not be “consistent with national policy.”</td>
</tr>
</tbody>
</table>
## OFFICES IN EARL’S COURT

### 3.4.1 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should take a different approach to the protection of business floorspace in Earl’s Court than that taken elsewhere the Borough.</td>
<td>Reasonable alternative</td>
</tr>
<tr>
<td>2</td>
<td>There should be a presumption that the Council should protect offices everywhere, assessing the viability of an individual property on an individual basis.</td>
<td>Preferred option for Draft Policies</td>
</tr>
</tbody>
</table>
**RESIDENTIAL USES WITHIN EMPLOYMENT ZONES**

3.4.2 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council should only require residential uses within an Employment Zone when shown to be necessary to bring forward a significant uplift in commercial floorspace.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>2</td>
<td>The Council should treat applications within Employment Zones like any others in the Borough. Existing B class floorspace will be protected, but there should be no requirement to bring any additional floorspace forward.</td>
<td>Reasonable alternative</td>
</tr>
</tbody>
</table>

**3.5 DRAFT POLICY**

**DRAFT POLICY**

3.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document).

<table>
<thead>
<tr>
<th>Policy CF5 Location of Business Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council will ensure that there is a range of business premises within the borough to allow businesses to grow and thrive; to promote the consolidation of large and medium offices within town centres; support their location in areas of high transport accessibility; and protect and promote employment zones for a range of small and medium business activities which directly support the function and character of the zone.</td>
</tr>
</tbody>
</table>
To deliver this the Council will, with regard to:

**Offices**

**a.** protect offices and office floorspace very small and small offices (when either stand alone or as part of a larger business premises) throughout the borough; medium sized offices within the employment zones, higher order town centres, other accessible areas and primarily commercial mews; large offices in higher order town centres and other accessible areas, except where:

i. the office is within an employment zone and is being replaced by a light industrial use, workshop or other use which directly supports the character and function of the zone;

ii. the office is within a town centre and is being replaced by a shop or shop floorspace, by a social and community use which predominantly serves, or which provides significant benefits to, borough residents; or by another (not residential) town centre use where this allows the expansion of an adjoining premises;

**b.** permit very small, small and medium-sized offices anywhere in the borough save for ground floor level of town centres;

**c.** require new large scale office development to be located within a town centre, other accessible areas or within an Employment Zone unless the development would meet the requirements of the sequential test and not have a detrimental impact on traffic generation in the area;

**c.** permit small office developments anywhere in the borough; require medium-sized office developments to be located in town centres, in other accessible areas, in employment zones and in commercial mews; require large office developments to higher order town centres and other accessible areas, except where the proposal:

i. results in shared communal residential/business entrance;

ii. results in the net loss of any residential units or floorspace; or

iii. in the case of a town centre, harms the retail function of that centre;

**d.** permit business centres at upper floor levels of higher order town centres, within accessible areas and within employment zones;

**e.** require all new business floorspace over 100sq.m to be flexible, capable of accommodating a range of unit sizes;

**Light Industrial and Warehouse Uses**

**f.** protect all general and light industrial uses and warehousing throughout the borough unless where the loss is to an alternative B Class business use;

**g.** protect vehicle repair garages and MOT centres throughout the borough.

**g.** require new light industrial uses to be located within employment zones, predominantly commercial mews and other areas where amenity is not harmed;

**h.** require the provision of a mix of unit sizes suitable for the creative and cultural businesses, as appropriate;

**Employment Zones**
i. protect light industrial uses, workshops, very small, small and medium offices, and business centres;

j. require there be no net loss of business floorspace unless to uses which directly support the function and character of the zone;

j. resist large office developments except when consisting entirely of very small, small or medium units, support A class and other town centres uses where they help support the business character and function of the Employment Zones;

k. resist residential uses including for student housing or any form of living accommodation, unless the use can be shown to be necessary to support a significant uplift in both the quantity and the quality of the business use on the site;

l. promote employment zones as centres for innovation, locations for large and small businesses and for workshops (whether stand alone or part of large business centres).

m. to restrict, through the use of s106 planning obligations, the amalgamation of small and very small business units.

Policy CF6 Creative and Cultural Businesses
The Council will promote and protect the workspaces needed to support the creative and cultural industries across the borough.

KEY DIAGRAM AND PROPOSALS MAP

3.5.2 No changes are required to made to the Key Diagram or the Proposals Map:

3.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

3.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”39.

3.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”40. Strategic matters are further defined in paragraph 156 of the NPPF41 and paragraph 013 of the NPPG on the duty to cooperate42.

3.6.3 Figure 3.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

39 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

40 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

41 http://planningguidance.communities.gov.uk/blog/policy/

42 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
### Table: Duty to Cooperate Strategic Issues, Prescribed Bodies, and Council Actions

<table>
<thead>
<tr>
<th>Strategic Issue</th>
<th>Relevant Prescribed Bodies</th>
<th>Council Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business uses</td>
<td>Mayor of London</td>
<td>All prescribed bodies were consulted as part of the Issues and Options consultation</td>
</tr>
<tr>
<td></td>
<td>London Enterprise Panel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>City of Westminster</td>
<td>No relevant comments were received concerning the approach that the Council should be taking towards business uses.</td>
</tr>
<tr>
<td></td>
<td>London Borough of Hammersmith and Fulham</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Wandsworth</td>
<td>The LEP was contacted on a number of occasions, including to remind them that the consultation was closing – but still no response has been received.</td>
</tr>
<tr>
<td></td>
<td>London Borough of Brent</td>
<td>The neighbouring boroughs were sent copies of the ELNA. No substantive comments were received.</td>
</tr>
<tr>
<td></td>
<td>Other London Boroughs</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 3.1: Duty to cooperate strategic issues, prescribed bodies and Council actions**

43 Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
4. ISSUE 3: HOTELS

4.1 INTRODUCTION

4.1.1 Despite high levels of demand, much of the Borough’s hotel stock is under pressure from higher-value residential use. The purpose of the Local Plan Partial Review is to ensure that the approach that the Council takes towards its stock of hotels remains appropriate.

4.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2.1 The NPPF is supportive of uses which play an economic role. With paragraph 7 recognising the economic role in sustainable development: “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”.

4.2.2 Paragraph 23 considers town centres and the role that hotels (tourism development) can have within them. It states that LPAs should:

- 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;

- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;

REGIONAL

THE LONDON PLAN

4.2.3 The London Plan recognises the important role that hotels, has upon both the local and the wider economy. Policy 4.5, “London’s Visitor Infrastructure” states:

Strategic
A. The Mayor will, and boroughs and relevant stakeholders should:
   a. support London’s visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London
   b. seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible
c. ensure that new visitor accommodation is in appropriate locations:

- beyond the Central Activities Zone (CAZ) it should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to international and national transport termini
- within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land uses

It may be appropriate to locate visitor accommodation related to major visitor attractions of sub-regional or greater significance in locations other than those set out in this paragraph, but only where it can be shown that no suitable site in one of these locations exists and that there is a clear link in scale, nature and location (particularly demonstrating sufficient proximity to minimise the overall need to travel and maximise walking and cycling) between the accommodation and the attraction being served.

d. support provision for business visitors, including high quality, large scale convention facilities in or around the CAZ

e. recognise the need for apart-hotels in the context of the broader policies of this Plan.

Planning decisions
B Developments should:
  a. contribute towards the hotel provision target and ensure that at least 10 per cent of bedrooms are wheelchair accessible
  b. be consistent with the strategic location principles set out above
  c. not result in the loss of strategically important hotel capacity

LDF preparation
C LDFs should:
  a. seek to ensure that all new visitor accommodation meets the highest standards of accessibility and inclusion and encourage applicants to submit an accessibility management plan with their proposals
  b. promote high quality design of new visitor accommodation so that it may be accredited by the National Quality Assurance Scheme
  c. identify opportunities for renovation of the existing visitor accommodation stock
  d. promote and facilitate development of a range of visitor accommodation, such as hotels, bed and breakfast accommodation, self-catering facilities, youth hostels and camping and caravan sites
  e. support and encourage development of good quality budget category hotels, especially in outer London

LDFs should take a proactive approach to planning for retailing and related facilities and services and:

g. bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major Centres;
h. support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods;

i. 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;

j. 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;

4.2.4 Paragraph 4.26 sets out the London Plan target for new hotel rooms (net additional) by 2036, or 40,000 across the Capital.

TOWN CENTRES SUPPLEMENTARY PLANNING GUIDANCE (SPG)

4.2.5 The Town Centre Supplementary Planning Guidance (SPG) 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).

LOCAL EXISTING LOCAL PLAN POLICY

4.2.6 The hotel policy within the Local Plan reflects the importance that stock of the hotel accommodation plays to the diversity of uses within the borough and to the local and wider economy. However, it also reflects the particular problems that what was seen as an over concentration of certain types of hotel within the Earl’s Court ward had upon the character and the amenity of that area.

4.2.7 As a town centre use new hotels would ordinarily be expected to be located within existing town centres or other areas well served by public transport with excellent links to central London. The existing Local Plan policy is:

Policy CF8: Hotels
The Council will ensure that the visitor economy is supported through appropriate hotel provision

To deliver this the Council will:
  a. protect hotels across the Borough except in Earl’s Court ward;
  b. require new hotels to be located within, or immediately adjoining, the Borough’s

44 Town Centre Supplementary Planning Guidance, GLA, 2014
www.london.gov.uk/sites/default/files/Town%20Centres%20SPG_0.pdf
higher order town centres, and in particular Knightsbridge, South Kensington, Kensington High Street, King’s Road (East), Brompton Cross and Notting Hill Gate and within the Earl’s Court Exhibition Centre Strategic Site c. encourage the upgrading of existing hotels where i. this will assist in maintaining the vitality of the centre; ii. this will not result in the loss of any residential accommodation; iii. there will be no material harm to amenity.

SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF)</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>The London Plan</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>

4.3 EVIDENCE BASE

4.3.1 Tourism is one of the borough’s key economic drivers. In 2008, it was estimated that some £3.1 billion was spent by tourists in the borough. About half of this is spent in the borough’s shops. A quarter relates to stays in hotels. With an estimated 19,300 “visitor” rooms 191 hotels (28,500 bed spaces) the borough is one of London’s main providers of visitor accommodation. In 2014 19,210 people were employed in the “accommodation” and “food and beverage service activities”, the concentration of those employed in the “accommodation” sector being nearly three and a half times greater than one would expect in London.

4.3.2 The borough has not been identified within the London Plan as an area that is ‘strategically important’ for new hotels. The Borough does however remain an important office location, with the 2013 GLA report on visitor accommodation in London identifying a need within the borough for 2,700 additional rooms to 2036.

SUMMARY

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 2013</td>
<td>Understanding the demand and supply of visitor accommodation in London to 2036</td>
<td>GLA</td>
</tr>
</tbody>
</table>

47 Evidence to inform Article 4 Direction to restrict the future relaxation of planning regulations to allow changes of use from offices to residential, TBR (2016)
4.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

4.4.1 The Issues and Options consultation document published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

4.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

4.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

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### NEW HOTELS

The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reasonable alternative</td>
<td>As a town centre use, hotels are seen by the NPPF as being subject to the requirements of the “town centre first” approach. As such location within a centre or within other accessible areas is considered to be appropriate.</td>
</tr>
<tr>
<td>2</td>
<td>Preferred option for Draft Policies</td>
<td>The Council recognises that there may be other areas where a hotel may be appropriate. These “out of centre” hotels should be treated on their own merits. An explicit policy setting this out is unnecessary and may be counterproductive, as may weaken the emphasis on locating hotels within highly accessible locations.</td>
</tr>
</tbody>
</table>

### PROTECTION OF EXISTING HOTELS

The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>There is a recognition within the NPPG of the importance of maintaining the uses needed to support a strong economy. Hotel uses are one such use. This approach will be effective in allowing the Borough to continue to make a significant contribution to the Capital’s stock of hotels. A liberalisation would be likely to result in the loss of many hotels as owners seek to benefit from the increase in value that a change of use to residential can achieve,</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>The Earl’s Court exclusion in the existing Local Plan</td>
</tr>
<tr>
<td>Option</td>
<td>Status</td>
<td>Reason</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Earl’s Court Ward and the rest of the Borough.</td>
<td></td>
<td>wording dating from 2010 reflected the particular circumstances within that area at that time. There is no longer a concern that hotels in Earl’s Court are harming the character of the area and as such the exclusion from the borough-wide protection is no longer seen to be appropriate. It will hinder the Council in meeting its target for new hotel rooms.</td>
</tr>
<tr>
<td>The Council should allow the loss of hotels and hotel bed spaces to residential uses.</td>
<td>Not a reasonable alternative</td>
<td>See above. Given the differential in value between hotels and residential use in some parts of the Borough liberalisation would be likely to see in a loss of the Borough’s hotel stock and make it more difficulty for the Council to achieve its target as set out within the London Plan. As such this option is not considered reasonable.</td>
</tr>
</tbody>
</table>

4.5 **DRAFT POLICY**

4.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

**Policy CF8 Hotels**

The Council will ensure that the visitor economy is supported through appropriate hotel provision.

To deliver this the Council will:

a. protect hotels and hotel bedrooms across the borough; except in Earl’s Court ward.

b. require new hotels to be located within, or immediately adjoining, the borough’s higher order town centres, and in particular Knightsbridge, South Kensington, Kensington High Street, King’s Road (East), Brompton Cross and Notting Hill Gate and within the Earl’s Court Exhibition Centre Strategic Site;

c. encourage the upgrading of existing hotels where:

i. this will assist in maintaining the vitality of the centre;

ii. this will not result in the loss of any residential accommodation;
iii. there will be no material harm to amenity.

KEY DIAGRAM AND PROPOSALS MAP

4.5.2 No changes are required to be made to the Key Diagram or the Proposals Map:

4.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

4.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare… agreements or joint approaches”49.

4.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)… in connection with infrastructure that is strategic”50. Strategic matters are further defined in paragraph 156 of the NPPF51 and paragraph 013 of the NPPG on the duty to cooperate52.

4.6.3 Figure 4.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

<table>
<thead>
<tr>
<th>Strategic issue</th>
<th>Relevant prescribed bodies53</th>
<th>Council actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels</td>
<td>Mayor of London</td>
<td>All prescribed bodies were consulted as part of the Issues and Options consultation.</td>
</tr>
<tr>
<td></td>
<td>City of Westminster</td>
<td>No comments were received</td>
</tr>
<tr>
<td></td>
<td>London Borough of Hammersmith and Fulham</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Wandsworth</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Brent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other London Boroughs</td>
<td></td>
</tr>
</tbody>
</table>

Figure 4.1: Duty to cooperate strategic issues, prescribed bodies and Council actions

49 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
50 Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010
51 http://planningguidance.communities.gov.uk/blog/policy/
52 http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/
53 Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
5. ISSUE 4: ARTS AND CULTURAL USES

5.1 INTRODUCTION

5.1.1 For the purpose of this section, Arts and Cultural uses include museums, art galleries, exhibition spaces, theatres, cinemas and studios. There are uses which often, but not exclusively, lie within Classes D1 and D2 of the General Permitted Development Order (GPDO)\(^{54}\).

5.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2.1 The NPPF makes a number of references to what it refers to as “cultural well-being” and the need to protect and provide for cultural facilities. Paragraph 7 notes that supporting the community’s cultural well-being is a central part of the “social role” of planning in achieving sustainable development:

“a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

5.2.2 Paragraph 17 lists a number of core planning principles. One of these is to, “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” This is confirmed by paragraph 70 which concerns the promotion of healthy communities. If a Council is to deliver the cultural facilities which contribute to a healthy community it should, “plan positively for the provision of ... cultural buildings” and, “guard against the unnecessary loss of valued facilities and services.”

5.2.3 Paragraph 20 suggests Councils should “allocate a range of suitable sites to meet the scale and type of... cultural... development needed in town centres” amongst other uses.

5.2.4 Paragraph 156 considers how Councils should set out the strategic priorities for the area in the Local Plan. This includes policies to deliver, “the provision of .... cultural infrastructure.”

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): ENSURING THE VITALITY OF TOWN CENTRES

5.2.5 The NPPG on Ensuring the Vitality of Town Centres considers tourism and the

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\(^{54}\) Class D1: Non residential institutions, include art galleries and museums. Class D2 Assembly include cinemas, music and concert halls.
contribution that it can have to a local area. In particular paragraph 26 states that
Councils should, “analyse the opportunities for tourism to support local services,
vibrancy and enhance the built environment.” The Borough’s arts and cultural uses
contribute to the tourist draw.

REGIONAL

THE LONDON PLAN

5.2.6 The London Plan considers cultural uses in their own right and as an integral part
of the function of the Central Activities Zone (CAZ).

5.2.7 Policy 4.6 is explicit in its “support for and enhancement of arts, cultural, sports and
entertainment.” It states that:

Policy 4.6
The Mayor will and boroughs and other stakeholders should support the continued
success of London’s diverse range of arts, cultural, professional sporting and
entertainment enterprises and the cultural, social and economic benefits that they
offer to its residents, workers and visitors.

5.2.8 Regarding planning decisions developments should:

Policy 4.6
The Mayor will and boroughs and other stakeholders should support the continued
success of London’s diverse range of arts, cultural, professional sporting and
entertainment enterprises and the cultural, social and economic benefits that they
offer to its residents, workers and visitors.

a) Fulfil the sequential approach and where necessary, complete an impact
assessment
b) Be located on sites where there is good existing or planned access by public
transport
c) be accessible to all sections of the community, including disabled and older
people
d) address deficiencies in facilities and provide a cultural focus to foster more
sustainable local communities.

5.2.9 With regard the preparation of Local Plans, Boroughs should:

Policy 4.6
a) enhance and protect creative work and performance spaces and related facilities
in particular in areas of defined need
b) support the temporary use of vacant buildings for performance and creative work
c) designate and develop cultural quarters to accommodate new arts, cultural and
leisure activities, enabling them to contribute more effectively to regeneration
d) promote and develop existing and new cultural and visitor attractions especially
in outer London and where they can contribute to regeneration and town centre
renewal
e) develop innovative approaches to managing pressures on high volume visitor
areas and their environments
f) identify, manage and co-ordinate strategic and more local clusters of evening and night time entertainment activities to:
- address need
- provide public transport, policing and environmental services
- minimise impact on other land uses taking account of the cumulative effects of night time uses and saturation levels beyond which they have unacceptable impacts on the environmental standards befitting a world city and quality of life for local residents.

5.2.10 Policy 2.11 is concerned with the Central Activities Zone and the uses within it. It states that Mayor will, and boroughs and other relevant agencies should extend the offer and enhance the environment of strategic cultural areas along the South Bank, around the Kensington Museum complex and at the Barbican.

TOWN CENTRES SUPPLEMENTARY PLANNING GUIDANCE (SPG)

5.2.11 The Town Centres Supplementary Planning Guidance (SPG) implementation policy 1.2 considers, “Arts, Culture, Leisure and the night time economy.” In particular, it encourages Boroughs to “identify and define the special characteristics of Strategic Cultural areas and support initiatives to enhance them” (1.2(b)). Boroughs are also encouraged to, “enhance major clusters of visitor attractions and related infrastructure and develop visitor management plans to secure positive outcomes whilst addressing potential negative impacts arising from high visitor volumes”.

LOCAL

EXISTING LOCAL PLAN POLICY

5.2.12 The existing Local Plan policies relating to arts and cultural uses are:

**Policy CF7 Arts and Cultural Uses**

The Council supports the Borough’s role in both local and world-class arts and culture. The Council will welcome new cultural institutions and facilities across the Borough and protect, nurture and encourage those which already exist. In particular the Council will support proposals which enhance the cultural draw of South Kensington, King’s Road/Sloane Square, the Notting Hill Gate and Portobello Road area and Kensington High Street.

To deliver this, the Council will:

a. 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;

b. permit new arts and cultural uses, or the expansion of these uses, which are likely to generate large numbers of visitors in higher order town centres and other areas of the Borough which have a PTAL score of 4 or above, or will achieve this level through improvements to public transport during the lifetime of the plan. Smaller scale arts and cultural uses which are likely to attract fewer visitors will be welcomed throughout the Borough;
c. permit enabling development on land and/or buildings where the current or last use is/was an arts and cultural use, in order to provide alternative arts and cultural uses on site or improve arts and cultural uses elsewhere within the Borough, where it is successfully demonstrated that there is greater benefit to the Borough resulting from this proposal.

**CF11 The South Kensington Strategic Cultural Area**

The Council will protect and enhance arts and cultural uses in the South Kensington Strategic Cultural Area.

**SUMMARY**

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 2012</td>
<td>National Planning Policy Framework (NPPF) Paragraphs 7, 17 and 156</td>
<td>DCLG</td>
</tr>
<tr>
<td>2014 (updated)</td>
<td>National Planning Practice Guidance (NPPG): Ensuring the Vitality of Town Centres</td>
<td>DCLG</td>
</tr>
<tr>
<td>Mar 2016</td>
<td>The London Plan Policy 2.10 Central Activities Zone – Strategic functions Policy 4.6 Support for and Enhancement of arts, culture, sport and entertainment</td>
<td>Mayor of London</td>
</tr>
<tr>
<td>July 2014</td>
<td>Town Centres Supplementary Planning Guidance SPG Implementation 1.1</td>
<td>Mayor of London</td>
</tr>
</tbody>
</table>

**5.3 EVIDENCE BASE**

**CULTURAL PLACEMAKING**

5.3.1 Since the Core Strategy (now the Local Plan) was adopted in 2010 the Arts and Culture Service of the Council has produced ‘Cultural Placemaking in the Royal Borough of Kensington and Chelsea’ document launched in 2012 which sets out the opportunity for the Council to put cultural placemaking at the heart of the Borough’s plans for regeneration. Working in partnership with developers to plan for culture from the start and throughout all the phases of development, establish a distinctive vision for new development, and provide the creative glue of people and ideas that binds successful urban places together.

5.3.2 The document specifically identified ‘Albertopolis’ as an existing cultural quarter, the relocation of the Design Museum to Kensington High Street as an opportunity to create a new cultural quarter, Portobello Road and Kensal Employment Zones and exciting creative paces and Kensal Gasworks an opportunity for cultural placemaking.

5.3.3 The document concludes with a series of next steps:

55 [www.rbkc.gov.uk/networking-and-training-events](http://www.rbkc.gov.uk/networking-and-training-events)
“To realise the Council’s vision for cultural excellence in the Borough encouraging developers to:

- Explore the heritage and contemporary cultural context of their sites
- Brand and animate their developments via new cultural spaces, cultural partnerships and programming
- Be imaginative and bold in their proposals

The Council will support developers in the generation and realisation of cultural proposals.

It will:

- Offer advice and guidance on the cultural element of developments
- Broker relationships with the cultural organisations that provide content for how cultural spaces and festivals
- Connect new provision into the cultural life of the Borough including through marketing, signage and engagement with residents

Meanwhile cultural organisation may wish to:

- Assess their ability and readiness to work with developers
- Approach developers with the aim of forming partnerships on the new developments”

5.3.4 In July 2015 the Design Museum organised a Cultural Placemaking event. This was chaired by the Leader of the Council and attended by representatives from cultural institutions, creative businesses, Council departments and the community. This event considered how the Council’s ambitions for cultural placemaking could be delivered through encouraging the creative economy, planning policies, and links to other cultural institutions and the community. It identified a number of actions and resolved to meet again to review progress in 2016. The Local Plan Partial Review will form one of the key mechanisms through which the Council will consider how cultural placemaking can be delivered.
5.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

5.4.1 The Issues and Options consultation document published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

5.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

5.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

**SUPPORT FOR ARTS AND CULTURAL USES**

5.4.4 The options and alternatives considered are:

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56 [https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome](https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome)
<table>
<thead>
<tr>
<th>Option</th>
<th>The Council should continue to support the Borough’s role in both local and world class arts and culture.</th>
<th>Preferred option for Draft Policies</th>
<th>The Borough’s arts and cultural uses are seen to be an integral part of the Borough’s character. It is essential that they continue to be supported, if the Borough is not to become a homogeneous residential dormitory. Such an approach is consistent with national policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The Council should no longer have policies which support arts and cultural uses in the Borough.</td>
<td>Not a reasonable alternative</td>
<td>See above.</td>
</tr>
<tr>
<td>3</td>
<td>The Council should allow enabling development to help ensure the long term viability/protection of arts and cultural uses</td>
<td>Preferred option for Draft Policies</td>
<td>The Council seeks to protect arts and cultural uses across the Borough. The policy also recognises that, within this context, arts and cultural uses may have to evolve if they are to remain relevant. Sometimes the new requirements can be met in the existing buildings on the existing site. Sometimes they cannot. As such the Council currently allows “enabling development” (often the introduction of higher value residential uses) where “it is successfully demonstrated that there is a greater benefit to the Borough resulting from the proposal.” The Council does recognise that change to a well loved use can cause controversy. The Council must, however, be able to take a long term view. This is approach is necessary of the policy is to be effective and the boroughs arts and cultural uses are to have a long term future.</td>
</tr>
</tbody>
</table>
## TOWN CENTRE FIRST AND ARTS AND CULTURAL USES

### 5.4.5

The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preferred option for Draft Policies</td>
<td>A large arts and cultural use has the potential to generate significant numbers of visitors. Perhaps unsurprisingly there can be a conflict with the needs of visitors and the desires of local residents. This conflict can be minimised if larger operations are directed to the larger town centres. Here they can make the best use of available transport links and help sustain the vitality, the viability and the diversity of these centres. Smaller scale facilities which are likely to attract fewer visitors will be welcomed throughout the Borough. This supports the town centre first approach articulated by national policy.</td>
</tr>
<tr>
<td>2</td>
<td>Reasonable alternative</td>
<td>Whilst the planning system does allow a proposal to be assessed on its merits, having a policy which states as much may not be useful in the Council’s ambitions to locate new large trip generating town centre uses within town centres. As such this option would not be considered to be effective in the Council achieving its ambitions and has been rejected.</td>
</tr>
</tbody>
</table>
SOUTH KENSINGTON STRATEGIC CULTURAL AREA

5.4.6 The options and alternatives considered are:

<table>
<thead>
<tr>
<th>Option</th>
<th>Status</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Council will seek to protect and enhance arts and cultural uses in the South Kensington Strategic Cultural Area.</td>
<td>Preferred option for Draft Policies</td>
</tr>
<tr>
<td>3</td>
<td>The Council will not attempt to address the needs of the cultural institutions in the South Kensington Strategic Cultural Area.</td>
<td>Not a reasonable alternative</td>
</tr>
</tbody>
</table>

5.5 DRAFT POLICY

5.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

Policy CF7 Arts and Cultural Uses
The Council supports the borough’s role in both local and world-class arts and culture. The Council will welcome new cultural institutions and facilities across the borough and protect, nurture and encourage those which already exist. In particular the Council will support proposals which enhance the cultural draw of South Kensington, King’s Road/Sloane Square, the Notting Hill Gate and Portobello Road area and Kensington High Street.

To deliver this, the Council will:

a. 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 on site, or if this is not possible, in the immediate vicinity of the site;

b. permit new arts and cultural uses, or the expansion of these uses, which are likely to generate large numbers of visitors in higher order town centres and other areas of the borough which have a PTAL score of 4 or above, or will achieve this level through improvements to public transport during the lifetime of the plan. Smaller scale arts and cultural uses which are likely to attract fewer visitors will be welcomed throughout the borough;
c. permit enabling development on land and/or buildings where the current or last use is/was an arts and cultural use, in order to provide alternative arts and cultural uses on site or improve arts and cultural uses elsewhere within the borough, where it is successfully demonstrated that there is greater benefit to the borough resulting from this proposal.

Policy CF11 The South Kensington Strategic Cultural Area

The Council will protect and enhance arts and cultural uses in the South Kensington Strategic Cultural Area.

KEY DIAGRAM AND PROPOSALS MAP

5.5.2 No following changes are required to made to the Key Diagram or the Proposals Map.

5.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

5.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare… agreements or joint approaches”\(^{57}\).

5.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)… in connection with infrastructure that is strategic”\(^{58}\). Strategic matters are further defined in paragraph 156 of the NPPF\(^{59}\) and paragraph 013 of the NPPG on the duty to cooperate\(^{60}\).

5.6.3 Figure 5.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

<table>
<thead>
<tr>
<th>Strategic issue</th>
<th>Relevant prescribed bodies(^{61})</th>
<th>Council actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts and Cultural Uses.</td>
<td>Mayor of London City of Westminster</td>
<td>All prescribed bodies were consulted as part of the Issues</td>
</tr>
</tbody>
</table>

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\(^{57}\) Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^{58}\) Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

\(^{59}\) [http://planningguidance.communities.gov.uk/blog/policy/](http://planningguidance.communities.gov.uk/blog/policy/)

\(^{60}\) [http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/](http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/)

\(^{61}\) Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012
<table>
<thead>
<tr>
<th>Strategic issue</th>
<th>Relevant prescribed bodies(^6)</th>
<th>Council actions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prescribed bodies' strategies, plans and policies which the Council has had regard to</td>
<td></td>
</tr>
<tr>
<td></td>
<td>London Borough of Hammersmith and Fulham</td>
<td>and Options consultation.</td>
</tr>
<tr>
<td></td>
<td>London Borough of Wandsworth</td>
<td>No comments were received</td>
</tr>
<tr>
<td></td>
<td>London Borough of Brent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other London Boroughs</td>
<td></td>
</tr>
</tbody>
</table>

*Figure 5.1: Duty to cooperate strategic issues, prescribed bodies and Council actions*