

19 OCTOBER 2011

LEADER

Councillor Stephen Greenhalgh

Cabinet Member for Environment

Councillor Nicholas Botterill

ACCEPTANCE OF DELEGATION OF PLANNING FUNCTIONS BY THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA IN RELATION TO THE EARLS COURT APPLICATION 2

Wards

North End

Summary

An application, known as Application 2, has been submitted to Hammersmith and Fulham (LBHF) in respect of a site which lies on both LBHF and the Royal Borough of Kensington and Chelsea's land and is the subject of this report. It is considered that this Council should determine Application 2 in its entirety. To do so, RBKC has to delegate the function to LBHF and LBHF has to accept the delegation.

CONTRIBUTORS

EDFCG
EDTTS
ADLDS

RECOMMENDATIONS:

Council is asked to accept the delegation by the Royal Borough of Kensington and Chelsea (RBKC) to this Council to determine that part of an outline planning application (known as Application 2) where the site falls on RBKC land.

1. BACKGROUND

- 1.1 In June 2011, three planning applications were made by Earls Court Limited (EC) in respect of the redevelopment of the Earl's Court/West Kensington Opportunity Area. One application (known as Application 1), in respect of RBKC land, was submitted to RBKC and will be determined by them. The second application, known as Application 2, has been submitted to LBHF in respect of a site which lies on both LBHF and RBKC land and is the subject of this report. The third application, in respect of Seagrave Road, was submitted to LBHF and will be determined by the Council in the usual way.
- 1.2 For the reasons set out below, it is considered that this Council should determine Application 2 in its entirety. To do so, RBKC has to delegate the function to LBHF and LBHF has to accept the delegation. Such an arrangement is permissible under section 101 of the Local Government Act 1972. A meeting of the full council of RBKC is scheduled to take place on 12 October 2011, where RBKC will make a decision in respect of delegating this function. A resolution of full council is necessary to accept this delegation.

2. APPLICATION 2

- 2.1 The site address for Application 2 is "Earl's Court 2 Exhibition Centre, the Lillie Bridge Rail Depot, the West Kensington and Gibbs Green housing estates" and the description of the proposed development is as follows:

Demolition and alteration of existing buildings and structures and the comprehensive redevelopment of the site including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use (Class C3); office (Class B1); retail (Classes A1- 5); hotel and serviced apartments (Class C1); leisure (Class D2), private hospital (Class C2); Education/Health/Community/Culture (Class D1); below ground ancillary space (parking/plant/servicing etc). Replacement of the existing London Underground depot at Lillie Bridge with new depot, vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works and structures and other works incidental to the development.

The development proposes the erection of buildings no more than 106 metres/indicative 27 storeys in height and the following uses:

*No more than 613,944sqm / 5,759 residential apartments (Class C3);
No more than 104,765sqm office (Class B1);
No more than 25,730sqm retail (Classes A1- 5);
No more than 8,510sqm hotel and serviced apartments (Class C1);
No more than 12,109sqm leisure (Class D2);
No more than 11,687sqm private hospital (Class C2);
No more than 17,671sqm Education/Health/Community/Culture (Class D1);
No more than 138,240sqm ancillary uses (parking, plant etc);*

New 10,205sqm depot to replace the London Underground Lillie Bridge depot.

- 2.2 Both Application 1 and Application 2 are submitted in outline form and only seek approval for access, the various land uses and the 'maximum amount of development'. Any planning applications submitted in respect of reserved matters relating to scale, layout, appearance and landscaping would be considered subsequent to any grant of outline planning permission for either of these applications.
- 2.3 The documents submitted with both planning applications 'fix' the maximum amount of development in terms of content, layout and form by way of the use of 'plot based parameter plans'. These divide each application site into a series of smaller, separate development plots which are divided by proposed key streets and open spaces throughout the development. Each smaller plot is identified by a reference number which is used throughout the planning application documents to provide information regarding the proposed constraints and land uses relating to each plot within which further detailed planning applications would have to be contained.
- 2.4 The planning applications have been structured so as to respond to the proposed layout of the development plots. The alignment of the planning application boundary ensures that each plot is included wholly within either Application 1 or Application 2. However, this has resulted in two small parcels of land which are within the administrative boundary of RBKC being included within Application 2 which has been submitted to LBHF.
- 2.5 A plan indicating the Borough boundaries and the overlap in the planning applications and another plan indicating the development plots for both applications and the overlap in the borough boundaries are included as Appendix 1 of this report. A colour copy of the plans is available in the online electronic version of the agenda or available to view in the agenda on display at Hammersmith Town Hall reception.
- 2.6 This plan indicates that parts of the development plots WK03 (which lies South of the Cromwell Road) and BW07 (which lies North of Lillie Bridge) are included within the boundary of Application 2 (LBHF) but fall within the administrative boundary of RBKC.
- 2.7 The land parcels within RBKC total 0.38 hectares in area and the proposed land uses within each plot (as contained in the Development Specification submitted with the application) as are as follows:

WK03

Mixed use development. The principal land use would be residential (Class C3) with retail uses (Class A1-A5) at ground level together with either commercial (Class B1) private hospital (Class C2) and/or hotel (Class C1) uses at ground and upper levels

BW07

Mixed use development. The principal land use would be residential (Class C3) with retail use (Classes A1- A5) at ground level, commercial use (Class B1) at ground and upper levels and leisure use (Class D2) and or D1 use below and above ground.

3. RISK MANAGEMENT IMPLICATIONS

- 3.1 Taking on RBKC's functions in respect of RBKC land will mean that, when determining the application, the Council must apply RBKC core strategy policies rather than its own, where relevant. However, given the extent of the block that falls on RBKC land, the position and nature of the application, officers do not consider that such a procedure will be overly burdensome, cumbersome or confusing for members of the Planning Applications Committee.
- 3.2 There are no foreseeable risks in accepting this delegation and whilst there will be some additional complications in determining a very small part of the application in accordance with relevant RBKC core strategy as explained above, the risks remain the same as with any determination of planning applications.

4. CONCLUSION

- 4.1 In light of all of the above, officers consider it to be expedient and appropriate in this case for LBHF to accept the delegation of the discharge of functions of the local planning authority in respect of the two parcels of land which are included within RBKC and thereby allow LBHF to determine Application 2 in its entirety. This would also provide clarity in the public consultation process in respect of residents in RBKC being able to make representations to the proposals in Application 2.

5. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 5.1 The planning applications attract application fees which normally cover the cost of administering, consulting and determining the applications. In relation to the main outline application, due to the considerable scale and complexity of the proposed application, a funding agreement with the developer has been agreed which will cover the full costs of administering and determining this application.

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 6.1 Section 101 of the Local Government Act 1972 enables one council to arrange for another council to carry out its functions. The decision to accept a delegation by another council must be taken at a meeting of full council.

6.2 The determination of the planning application must, having regard to all relevant material considerations, be made in accordance with the relevant development plan unless material considerations indicate otherwise. In respect of the proposed development that falls on RBKC land, the development plan will comprise the London Plan and RBKC core strategy.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Planning Application documents	Ieuan Bellis, x.3474	Environment, Planning, 5 th floor Town Hall Extension
Responsible officer: Juliemma McLoughlin, Head of Planning Regeneration, Tel: x.6565 email: juliemma.mcloughlin@lbhfgov.uk			