

## **Phasing and Section 106 Strategy**

### Overview

#### **Key Objectives**

Ensure a comprehensive approach to redevelopment of the OA; and

Ensure that the appropriate mix of land uses and infrastructure are delivered within the relevant phase(s) in order to support the needs of development.

13.1 This chapter identifies the planning obligations that would need to be secured and the phases at which these should be delivered, where known, in order that any redevelopment proposals would deliver the Key Objectives and Key Principles that have been identified within the individual topic based chapters of this SPD. The list is not exhaustive but would form a starting point for negotiations and priority setting by the authorities.

13.2 The authorities will ensure that the development is carried out and delivered in accordance with the relevant London Plan and Core Strategy policies and insofar as may be appropriate, taking into account other material considerations, the Key Objectives and Key Principles of this SPD, which have been drafted with the need for flexibility in mind such that they can be applied to any application coming forward in the OA.

13.3 In order to achieve this, the council will require the following:

- 1: the appropriate contributions (either in kind or financial);
- 2: the appropriate mitigation measures to address any attendant impacts of the proposals; and
- 3: the relevant contribution or mitigation measures, secured within the relevant phase of the development.

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## Policy Context

### 13.4 The Mayor's London Plan (2011)

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- 'Annex One' (Opportunity and Intensification Areas);
- 'Planning Obligations' (Policy 8.2); and
- 'Community Infrastructure Levy' (Policy 8.3).

### 13.5 LBHF's Core Strategy (2011)

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- 'Strategic Site and Housing Regeneration Area - FRA 1'; and
- 'Delivery and Monitoring'.

### 13.6 RBKC's Core Strategy (2010)

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- 'Earls Court' (Policy CP10 and associated Vision);
- 'Earl's Court Exhibition Centre' (Policy CA7); and
- 'Infrastructure Delivery and Planning Obligations' (Policy C1).

## Mayoral Community Infrastructure Levy

13.7 The Mayor has prepared draft proposals for a levy on development proposals within Greater London in order to fund infrastructure requirements including Crossrail. The levy comes into effect on 1st April 2012 and will be a material consideration when determining planning applications

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Deleted: When in place, this levy will take precedence above an individual Borough's S106 requirements for proposed developments.

Deleted: 13.7 - The Mayor published his draft charging schedule for the Community Infrastructure Levy (CIL) in August 2010 for consultation. The responses to this draft are due to be heard at the CIL Examination in Public in late November 2011.¶

## **Key Principles**

### **Key Principle PS1:**

Planning obligations will be secured to ensure the delivery of a comprehensive and **acceptable** phased approach to any redevelopment of the OA.

**13.9** The authorities will require a comprehensive approach to redevelopment of the OA. This reflects the requirements of the site specific policies in the Mayor's London Plan (2011), LBHF's Core Strategy (2011) and RBKC's Core Strategy (2010). The use of appropriate planning obligations will be sought to ensure the delivery of a comprehensive and **acceptable** phased approach to any redevelopment in order that the Phasing and Section 106 Strategy Key Objectives can be met.

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### **Key Principle PS2:**

Any application for the comprehensive redevelopment of the OA should include a phasing strategy which would need to demonstrate that the proposed redevelopment together with re-provision of the existing housing would be carried out with the minimum disruption to existing residents.

**13.10** This strategy would need to demonstrate that the proposals would achieve an orderly and satisfactory development of the site and would need to set out how the appropriate land uses and infrastructure requirements are included at each relevant phase.

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### **Key Principle PS3:**

Any planning agreement would need to ensure that each phase of development is self sufficient in terms of its planning contributions towards environmental improvements, infrastructure and land uses.

13.11 Any planning agreement needs to be structured in such a way so that were development to stop, the authorities would have secured the necessary contributions in order to deliver the infrastructure and land uses directly required for the needs of the development at the time. The authorities will also look to secure the provision of temporary facilities where relevant. In some circumstances, the authorities will expect the infrastructure or land use to increase incrementally with development. This is particularly true of publicly accessible open space, play space (UF17) and affordable housing (HO9) and any planning agreement would need to tie down the delivery of these.

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**Key Principle PS4:**

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Any planning agreement would need to include triggers requiring the delivery of/contributions towards necessary infrastructure to coincide with development/occupation. It should also include contingency plans should the comprehensive redevelopment of the OA not be completed as envisaged at the time any planning permission is granted.

13.12 It is important that the OA is provided with the necessary infrastructure and land uses to support the needs of the new community. If delivered too early, these facilities are likely to be underused and therefore waste public and private assets. If delivered too late, the existing facilities in the vicinity of the OA could have an undue burden placed on them, hindering their ability to operate. The authorities will therefore require any planning agreement to include a number of triggers which ensure that infrastructure and land uses are delivered at the right time in order to support the growing needs of the population.

13.13 Contingency plans may be required for the delivery of infrastructure and land uses where relevant. The authorities for example, consider east-west connectivity across the OA to be key to the wider delivery of comprehensive redevelopment and will therefore look to secure its delivery as early as possible (see para 4.15). The authorities may therefore require a contingency plan to be put in place to ensure the delivery of an east-west route through the OA should comprehensive redevelopment of the OA not proceed in the way envisaged in the Phasing Strategy required in Key Principle PS2.

## Urban Form Strategy

### Key Objectives

#### Maximise connectivity;

Establish an **urban grain** within the OA that is inspired by the surrounding pattern of streets and open spaces;

Provide good quality **public open space** that offers a range of recreational and ecological opportunities and overcomes existing deficiencies in access to public open space and play facilities;

Ensure that new buildings on the **edges** of the OA are sensitively integrated into and enhance the existing context;

Ensure that no new buildings visible on the **skyline** have a negative impact on the quality and character of the surrounding townscape; and

Design well proportioned **streets** that respond to those in the surrounding area and encourage walking and cycling.

### List of planning obligations arising from the SPD:

#### 13.14 Public Open Space;

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- public open space (including a contiguous park of 2 hectares), delivered incrementally on a phased basis attendant to the increase in the living and working populations (**Key Principle UF12**); and
- equipped play facilities that meet the locational standards set out in the Mayor's SPG on Providing for Children and Young People's Play and Informal Recreation (2008) and that are of a size that adequately caters for children in their catchments (**Key Principle UF16**).

Figures 13.1 to 13.6: Precedent images for open spaces

## Housing Strategy

### Key Objective

Ensure that new housing and estate regeneration creates mixed and diverse residential neighbourhoods.

### List of planning obligations arising from the SPD:

#### 13.15 Estate Regeneration:

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- any development proposals involving the regeneration of the West Kensington and Gibbs Green estates to ensure that they would not result in the net loss of any affordable housing both in terms of floorspace and numbers of units (**Key Principle H02**);
- any affordable housing provided to facilitate the reprovision of housing for the residents of the estates to demonstrate that it would address the housing needs in the individual phases of the development (**Key Principle H03**);
- the social rented housing provision on the Seagrave Road car park site to provide a mix which would facilitate the reprovision of housing for an identified proportion of the residents of the estates (**Key Principle H04**); and
- a Phasing Strategy which demonstrates minimal disruption to existing residents when redeveloping the OA (**Key Principles H05 and PS2**).

Deleted: a Phasing Strategy which provides clarity on the delivery of estate regeneration on a phased basis.

#### 13.16 Tenure Mix:

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- the appropriate levels and mix of affordable housing in LBHF (**Key Principle H06**) and RBKC (**Key Principle H07**); and
- measures to control the affordability and management of affordable housing within the OA (**Key Principles H010 and H011**).

Figure 13.7: Photograph of a new housing development at River Gauche, Paris. Photograph by Urban Exposure

## Employment Strategy

### Key Objective

Increase employment opportunities for local people, by creating a minimum of 7,000 new jobs and improving access to training initiatives and apprenticeships.

List of planning obligations arising from the SPD:

**13.17 Business Provision:**

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- affordable business space suitable for very small, small and medium sized enterprises and incubator units (**Key Principle ES5**).

**13.18 Employment and Training:**

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- contributions towards sector specific support for business affected by the closure of the Earl's Court Exhibition Centres (**Key Principle ES6**);
- procedures and financial contributions towards cost of facilitating local procurement (**Key Principle ES7**);
- support and funding of Workplace Coordinators to ensure local people benefit from employment opportunities (**Key Principle ES8**);
- a Construction Training Centre to be provided pre and during construction (**Key Principle ES8**);
- provision of a Recruitment and Job Shop (**Key Principle ES8**);
- a Local Labour, Skills and Employment Strategy (**Key Principle ES9**); and
- a Local Labour, Skills and Employment Delivery Plan (**Key Principle ES9**).

## Retail Strategy

### Key Objectives

New 'comparison' retail demand from the new residents should be met in existing town centres - Fulham, Hammersmith, Shepherd's Bush, Kensington High Street and King's Road. In Fulham Town Centre there is an additional opportunity that should be taken to extend the town centre north along North End Road; and

Retail to meet the day to day needs of the new resident and worker population, in addition to the extended Fulham Town Centre, should be clustered around underground stations and in a new local centre within the OA which will also complement the new cultural and visitor facilities.

### List of planning obligations arising from the SPD:

#### 13.19 Retail Controls:

- a Retail Management Plan which controls issues such as phasing, size of retail units, convenience /comparison split by floorspace, limitations on other retail related uses (A Classes), range and number of independent shops, prohibition on mezzanine floors and active frontages (**Key Principle RS5**);
- affordable shops (**Key Principle RS7**); and
- the allocation of land, with a North End Road address, for the potential relocation of North End Road street market (**Key Principle RS8**).

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Figure 13.8: Retail in the area surrounding the OA



## Culture Strategy

### Key Objectives

Explore the potential for a strategic leisure, cultural and visitor attraction in accordance with the Mayor's London Plan; and

Create a lively cultural destination with a variety of culture, arts and creative facilities that continues the Earl's Court 'brand'.

### List of planning obligations arising from the SPD:

#### 13.20 A New Cultural Destination:

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- cultural facilities, including affordable workshop/studio space, to be provided within early development phases (**Key Principles CS1, CS2 and CS3**);
- contributions towards the enhancement of Brompton Cemetery (**Key Principle CS1**); and
- affordable artists studios (**Key Principle CS3**).

#### 13.21 Public Art:

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- public art (**Key Principle CS5**).

## Social & Community Facilities

### Key Objective

Provide social and community facilities to meet the needs of the new residential and worker population at each phase.

#### List of planning obligations arising from the SPD:

##### 13.22 Education:

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- contributions (in kind and financial) towards the relevant nursery, primary and secondary education provision. The primary and secondary school should be co-located and provided within the early phases of development (**Key Principle SC1**).

##### 13.23 Health:

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- a health facility, to be provided within early development phases (**Key Principle SC2**); and
- financial contributions towards health provision (**RBKC Core Strategy Policies CA7 and C1**).

##### 13.24 Sports and Leisure:

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- affordable sports and leisure provision (**Key Principle SC4**).

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##### 13.25 Police Facilities:

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- a community policing facility and financial contributions towards staffing the facility (**Key Principle SC6**); and
- financial contributions towards CCTV and expanding capacity in the boroughs' CCTV control centres (**Key Principle SC6**).

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##### 13.26 Community Space:

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- a community hub to be provided within early development phases (**Key Principle SC7**); and
- social and community floorspace in the Earl's Court Strategic Site (**RBKC Core Strategy Policies CA7 and C1**).

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Figures 13.9 and 13.10: Photographs by Dave Morris

## Transport & Accessibility Strategy

### Key Objectives

Maximise the number of trips by walking and cycling, ensure excellent access to and increased capacity on public transport as well as managing the demand for freight and deliveries whilst minimising unessential motorised travel to mitigate traffic impacts and congestion on the road network;

Ensure interventions are put in place to accommodate increased travel demand from development and that these interventions do not have any unacceptable impact on the transport network or wider environment; and

Ensure a holistic approach is taken to walking, cycling and public transport that delivers a high quality public realm and improves local connectivity.

13.27 It should be noted that redevelopment within the OA is likely to be delivered in phases over a period of many years. The delivery of development will need to be coordinated with capacity improvements to public transport and the road network. Development proposals must be supported by a robust Transport Assessment that sets out clearly demand by phase, including construction traffic, and sets that against the available transport capacity. A series of interim assessments of impact will need to be made so that the cumulative impacts of development phases are understood and to ensure that development is brought forward only when sufficient transport improvements are in place to accommodate it. The delivery of development will need to be controlled via planning obligations to ensure that development is only implemented once appropriate transport improvements are in place.

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13.28 Any changes to the road network, London Underground and Network Rail facilities and London Buses are subject to detailed design and operational agreement by the relevant organisations.

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### List of planning obligations arising from the SPD:

#### 13.29 Walking and Cycling:

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- all streets to be built to adoptable standards and offered for adoption to the relevant Highway Authority (**Key Principle TRN3**);
- a comprehensive wayfinding strategy in line with TfL's Legible London standards (**Key Principle TRN5**);
- significant streetscape and footway capacity improvements on the roads surrounding the OA– in particular North End Road, Warwick Road, Old Brompton

- Road / Lillie Road, West Cromwell Road (A4 improvement scheme) and Earl's Court Road (**Key Principle TRN6**);
- improved pedestrian crossings on Lillie Road at West Brompton station, on Warwick Road at Earl's Court station, at West Cromwell Road's junctions with North End Road and Warwick Road and any potential crossing at the proposed new A4 junction (**Key Principle TRN7**);
  - new pedestrian and cycle connections north under the A4 West Cromwell Road and south under Lillie Road, if required following investigation as part of the Transport Assessment(s) (**Key Principle TRN7 and TRN8**);
  - improved east west cycle connectivity and linkages into the OA as identified within Transport Assessment(s) (**Key Principle TRN8**);
  - cycle parking in the OA, on the surrounding streets and at all local stations (**Key Principle TRN9**); and
  - an extension of the Mayor's cycle hire scheme into the OA (**Key Principle TRN9**).

Figure 13.11: The London Underground

### 13.30 Public Transport:

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- reopening of the pedestrian tunnel under Warwick Road, including step-free access and/or increases to gateline capacity at the Warwick Road entrance to Earl's Court Station (**Key Principle TRN12**);
- a new station entrance to the eastern end of West Kensington Station, including step-free access and/or increased gateline capacity at the current entrance (**Key Principles TRN13 and TRN14**);
- improved gateline capacity at West Brompton Station (**Key Principle TRN 13**);
- increased concourse space at West Brompton Station (**Key Principle TRN13**);
- implementation of improvements to stairways at West Brompton Station, subject to investigation of feasibility and heritage concerns (**Key Principle TRN13**);
- step-free access to all platforms at West Kensington Station (**Key Principle TRN 14**);
- step-free access to the south-bound District Line platform at West Brompton station (**Key Principle TRN 14**);
- platform lengthening at West Brompton Station to allow for eight car trains, including any associated station improvements to ensure sufficient capacity to accommodate any additional passengers (**Key Principle TRN15**);
- improvements to the public realm and interchange facilities at each of the three local stations (**Key Principle TRN16**);

- measures to provide increased bus capacity including provision of bus route enhancements (**Key Principle TRN17**);
- improvements to bus stops and other facilities, including re-provision of bus stands (**Key Principle TRN17**); and
- taxi ranks and coach parking and drop off facilities (**Key Principle TRN18**).

**13.31 Road Network, Car Parking and Freight;**

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- north-south connectivity through the OA to provide extra road capacity (**Key Principle TRN19**);
- a new access onto the A4 West Cromwell Road (**Key Principle TRN19**);
- a study to identify and then funding to implement any necessary signal changes on the surrounding road network (**Key Principle TRN19**);
- reconfiguration of the North End Road and Lillie Road junction and the provision of alternative routes through the site to relieve traffic congestion (**Key Principle TRN19**);
- other new site accesses, as agreed with the Highway Authorities (**Key Principle TRN19**);
- a review of local traffic management arrangements and mitigations where appropriate to address 'rat running' issues (**Key Principle TRN21**);
- investigation of improvements to the Earl's Court One Way System, including to the pedestrian environment, and funding of identified measures (**Key Principle TRN 22**);
- car club bays (**Key Principle TRN24**);
- electric vehicle charging points (**Key Principle TRN24**);
- Travel Plans for all uses (**Key Principle TRN24**);
- all new residential units to be Permit-free (**Key Principle TRN25**);
- on-street parking and a review of existing CPZs and mitigations, including extension or amendments to existing zones or new zones (**Key Principle TRN25**);
- consolidated local delivery and servicing centres for freight and domestic deliveries (**Key Principle TRN26**);
- a rail freight transfer facility for construction materials and spoil removal subject to feasibility analysis as part of the Transport Assessments (**Key Principle TRN26**);
- Delivery and Servicing Plans (**Key Principle TRN26**); and
- Construction Logistics Plans for each relevant phase of development (**Key Principle TRN26**).

## Energy Strategy

### Key Objectives

All residential buildings from 2016 and all non-domestic buildings from 2019 must be zero carbon; and

All buildings must reduce carbon dioxide emissions in accordance with the energy hierarchy of using less energy, supplying energy efficiently and using renewable energy.

### List of planning obligations arising from the SPD:

#### 13.32 Supplying Energy Efficiently:

- decentralised energy (including associated heat network), associated energy centres and infrastructure, including the provision of an energy centre in the first phase of the development (**Key Principle ENE2**).

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## Environmental Strategy

### Key Objectives

Protect the new and existing population from the impacts of demolition, excavation and construction and sustainably remediate contaminated land;

Require development to reduce flood risk and achieve sustainable water management, including sustainable urban drainage;

Minimise waste generation, including demolition and construction waste, in accordance with the waste hierarchy;

Ensure that the environmental impacts of air pollution and noise and vibration are adequately controlled and minimised; and

Require development to protect and enhance ecology and biodiversity, including the protection of the ecological area adjacent to West Brompton Station.

**Deleted:** Minimise the impacts of demolition, excavation and construction on the surrounding community and sustainably remediate contaminated land;¶

### List of planning obligations arising from the SPD:

#### 13.33 Demolition, Excavation and Construction Impacts:

- construction, demolition and excavation logistics plans (**Key Principle ENV2**).

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#### 13.34 Waste Management:

- at least one centralised waste management facility (**Key Principle ENV8**);and
- a Site Waste Management Plan prepared in accordance with Defra Guidance (**Key Principle ENV11**).

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#### 13.35 Ecology and Biodiversity:

- an ecological management plan (**Key Principle ENV19**).

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[Figure 13.12: Site of Nature Conservation Importance, viewed from Seagrave Road car park.](#)