

Royal Borough of Kensington & Chelsea

- RBKC is embracing the opportunities Class E presents for town centres and high streets, whilst being aware of the need to protect residential amenity.
- Officers consider it is having a positive impact, supporting vitality through enabling the re-purposing of vacant units and more unusual, innovative uses.
- Draft policy is being developed to support flexibility and address vacancy rates.
- Education of Class E is important - RBKC's website provides accessible information on the function of Class E and clearly states that planning permission is not needed for changes of use within Class E.
- Development management and enforcement resource has been freed up as change of use planning applications are no longer being processed.

Region: London

Levelling Up Category: 2

Local Plan adopted September 2019

New Local Plan Review (Regulation 19) October to December 2022

Draft Policies Consultation (Regulation 18) February to March 2022

Case Study Centre: Earl's Court District Centre

Achievement of Class E Objectives

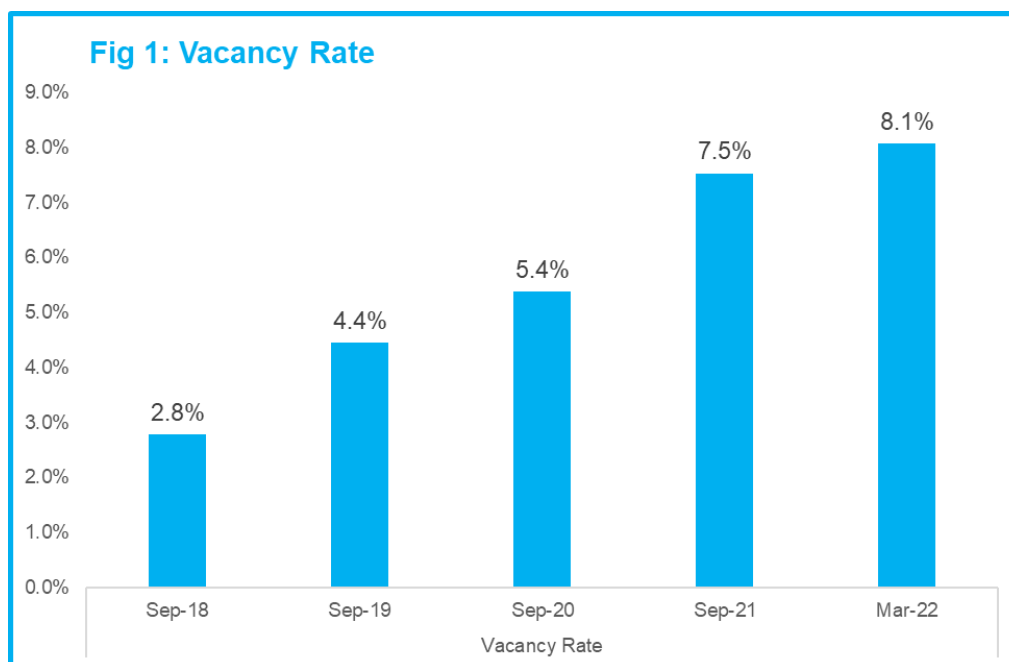
A key objective of Class E is to support greater flexibility and adaptability on the high street.

RBKC consider Class E has helped support the vitality of town centres across the borough, having observed an increase in more versatile and "unusual" uses as well as an increase in cafes and restaurants.

RBKC links the introduction of Class E to a reduction in vacancy rates, particularly in its larger town centres; owed to the fact that Class E enables vacant units to be repurposed without the need for planning permission. However, in Earl's Court District Centre, publicly available data indicates vacancy rates have continued to rise, albeit from a low base in 2018 (Fig 1).

Two incidences of office floorspace being introduced at ground floor level have also been observed by RBKC. Whilst loss of active frontage is a concern, RBKC takes the view that this is unlikely to be a significant issue given ground floor retail and food & beverage (F&B) uses in town centres tend to be more valuable.

Change of use of several units to cafés and restaurants have caused disturbance issues in RBKC – this is a concern because homes are often above or near to commercial units in the Borough's town centres. Where previously conditions may have been used to control hours of use, licencing regimes are now being relied upon which RBKC have noted are not always as effective. To date this has caused an issue on only a few occasions, but RBKC is aware of the need to protect the amenity of those living nearby.



Monitoring and Evaluation

To monitor their town centres and high streets, RBKC carry out an annual survey of all ground floor uses. The survey collects data on vacancy rates, use class, description of use, whether convenience / comparison / service retail and whether the occupier is independent or a chain. RBKC [map this data](#).

The survey was postponed in 2020 and 2021 due to Covid-19 restrictions, therefore the latest available data is from 2019 (which pre-dates Class E).

In Earl's Court District Centre, publicly available data shows that there has been limited change in the split of floorspace across different uses since the introduction of Class E (Fig 2).

Key Relevant Policies

RBKC's draft [Local Plan Review policies provide insight into policy development in the Class E era](#):

Draft policy TC3: **Diversity of uses** within town centres is focused on supporting diversity where it contributes to the character, function and viability of the centre – while retaining the core retail function in larger town centres. The

supporting text argues that the retail core is important to the economy, and that other uses, such as services and F&B, are well located on the periphery of town centres.

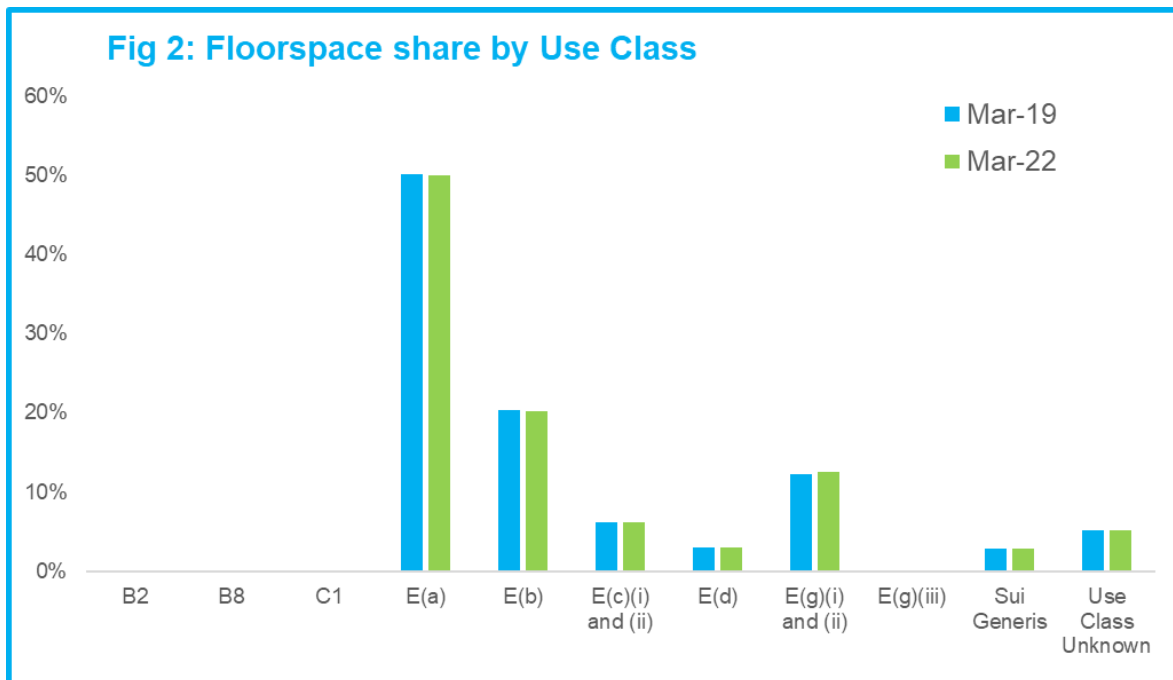
The supporting text also recognises the value of having an attraction, experience, new place to work, or place to learn, in order for places to remain “relevant”.

The policy supports outdoor / **al fresco hospitality** – something which grew in popularity during the covid era – and the implementation of **meanwhile uses** in vacant properties.

The policy's supporting text supports **offices in town centres**, given they attract visitors and generate footfall – but notes the ground floor must be active.

The policy also supports residential uses within town centres. The supporting text articulates the vibrancy that comes with people living in town centres. However, there is an Article 4 direction in place as of July 2022 which requires permission to change a Class E use to residential.

The supporting text recognises that it is no longer the council's role to curate uses within town centres and it is for individual



owners and tenants to decide how units are used. However, the actual policy wording specifies that the council may use planning conditions to control uses within Class E – for a building or part of a building.

Beyond town centre policy, RBKC has started specifying the Class E purposes which they are seeking within site allocations as part of the Local Plan review.

Relating specifically to Earl’s Court District Centre:

Draft policy PLV14 is focused on ensuring the district centre provides a wide range of services for local residents and visitors. It recognises businesses have suffered with the closure of the Earl’s Court Exhibition Centre, and there is hope that the Earl’s Court Opportunity Area, which is located nearby, will help support the local economy going forward.

The supporting text identifies priorities for transformation, which include investment in public realm improvements (attractiveness, walkability, green infrastructure), more community and cultural uses in the centre, and the provision of new types of

workspace and the strengthening of existing and new businesses.

Development Management

RBKC is no longer applying the former use classes, where these are identified in existing policy, in the determination of planning applications.

RBKC has not processed any applications for a change of use regarding the uses within Class E, since the introduction of Class E in September 2022. This indicates that both applicants and officers are familiar with the flexibility that Class E affords, and that planning permission is not necessary to flex the activities within the unit.

RBKC’s [website](#) clearly states that planning permission is not required for changes within Class E. The guidance includes a list of what is and what is not encompassed within Class E.

The introduction of Class E has had the benefit of freeing up development management teams of applications for change of use, as well as enforcement teams from investigating enforcement cases.