

28 January 2016

# Newcombe House, Notting Hill Gate and Kensington Church Street

in the Royal Borough of Kensington &amp; Chelsea

planning application no. PP/15/07602

**Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.

**The applicant**

The applicant is **Notting Hill Gate KCS Ltd** and the architect is **Urban Sense**.

**Strategic issues**

The principle of the mixed-use redevelopment of this site is supported. However, there are a number of outstanding strategic planning concerns relating to **affordable housing, housing, urban design, climate change** and **transport**.

**Recommendation**

That Kensington & Chelsea Council be advised that, whilst the principle of the mixed use development of the site is supported, the application does not comply with the London Plan, for the reasons set out in paragraph 68 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

**Context**

1 On 11 January 2015 the Mayor of London received documents from Kensington & Chelsea Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 19 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule to the Order 2008:

- Category 1C: *“Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London”.*

3 Once Kensington and Chelsea Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine the application itself.

4 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

5 The 0.44 hectare site is located to the south side of Notting Hill Gate, on the corner with Kensington Church Street. There are a mixture of buildings on the site, including the 12 storey office building Newcombe House, two storey retail parades and a five storey building comprising residential studio flats on the corner of Kensington Place. There is also a surface car park to the rear that is utilised by a farmers market. Notting Hill Gate is a designated district shopping centre and is primarily commercial in character, with a mixture of building types, heights and styles. The surrounding areas generally comprise two to four storey terraced housing in designated conservation areas, with a number listed buildings also nearby. Adjacent to the western boundary of the site is the roof of the Notting Hill Gate London Underground Station, which is Grade II listed.

6 The nearest section of the Strategic Road Network (SRN) (Notting Hill Gate) bounds the site, whilst the Transport for London Road Network (TLRN) is 1.5 kilometres away (A3220 Holland Park). The site is served by eight high frequency bus routes with stops adjacent or within 200 metres on Notting Hill Gate and Kensington Church Street. The entrance to Notting Hill Gate Underground station is approximately 50 metres from the site. Accordingly the site records a Public Transport Accessibility Level (PTAL) range of 6a to 6b (on a scale of 1a to 6b) which is considered excellent.

## **Details of the proposal**

7 Full planning permission is sought for the redevelopment of the site with six new buildings up to 18 storeys, comprising a mixture of uses including a total of 46 residential units, 4,534 sq.m. office (Use Class B1), 2,871 sq.m. retail (Use Class A1/A3) with associated parking and servicing. 904 sq.m. of floorspace would also be set aside for surgery use (Use Class D1), with the potential to revert back to office should the surgery not come forward.

8 The proposal would comprise three and four storey buildings fronting onto Kensington Church Street and around a new public square, with a new pedestrian link between Kensington Place, Notting Hill Gate and Uxbridge Street through the site. The 18 storey building would be sited close to the Notting Hill Gate/Kensington Church Street junction. The basement area would allow for step free access to be provided to the adjacent District and Circle Line platforms and space is also set aside on Uxbridge Street for a cycle hire docking station.

## **Case history**

9 The application considered here was subject to a number of formal pre-application discussions with GLA officers between February 2013 and August 2015. GLA officers supported the principle of a mixed-use development proposal, including re-provision of office space, retail and residential uses. The

key strategic concerns raised were affordable housing and the provision of step free access to Notting Hill Gate station.

## Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- |                             |   |
|-----------------------------|---|
| • Mix of uses               | London Plan   |
| • Housing                   | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG; Social Infrastructure SPG</i> |
| • Affordable housing        | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy</i>   |
| • Density                   | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy</i>   |
| • Urban design and heritage | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; draft interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG</i>   |
| • Tall buildings/views      | <i>London Plan; London View Management Framework SPG</i>  |
| • Inclusive access          | <i>London Plan; Accessible London: achieving an inclusive environment SPG</i>   |
| • Sustainable development   | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy</i>  |
| • Transport and parking     | <i>London Plan; the Mayor's Transport Strategy</i>  |
| • Crossrail                 | <i>London Plan; Crossrail SPG; Mayoral Community Infrastructure Levy</i>  |

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Kensington & Chelsea Council's Consolidated Local Plan (2015), extant Unitary Development Plan (2002) policies and Local Plan Review (Issues and Options 2015), as well as the London Plan (Consolidated with Alterations since 2011). The Council's Notting Hill Gate SPD (2015), the draft Minor Alterations to the London Plan (2015) and the National Planning Policy Framework and Technical Guide to the National Planning Policy Framework, are also relevant material considerations.

## Principle of development and land use mix

12 The site is adjacent to Notting Hill Gate London Underground Station and in the heart of Notting Hill District Centre. Annex 2 of the London Plan provides some guidance in respect of London's Town Centre network and for Notting Hill Gate confirms the town centre as a medium growth district centre which predicts moderate levels of demand for retail, leisure or office floorspace and with physical and public transport capacity to provide it. The Council's Consolidated Local Plan (2015) (CLP) Policy CV16 seeks to strengthen the centre with improved shops and restaurants, along with improved pedestrian links and street environment. There is also an aspiration for the centre to remain a major office location. Within the Council's Notting Hill Gate SPD (NHGSPD), the site is identified as having the potential to accommodate a mixed use development comprising new office space, ground floor retail and residential on the upper floors, along with step-free access to the District and Circle Line platforms and improved public realm.

13 Overall, the scheme proposes an appropriate mix of uses in this town centre location, including replacement office space, retail to animate the ground floor edges and a significant contribution towards public realm in the form of a new public square. It is understood that the

proposed health centre would meet a local need and this is supported. It is noted that there would be a reduction in the quantum of office floorspace of 672 sq.m. should the surgery use take up the flexible D1/B1 space. However, the space would be a significant improvement in quality and would be able to better respond to market demands and the modest reduction in office floorspace is therefore acceptable.

14 The scheme has been designed to accommodate step-free access to Notting Hill Gate District and Circle Line platforms, with basement and ground floor areas allowing for new lifts and access tunnels from platform to ticket hall levels. The provision of step free access is an important aspect of the scheme and its inclusion is strongly supported.

## Housing

15 The application proposes a total of 46 residential units and a detailed housing schedule is provided in Table 1 below. These figures do not however take into account the loss of existing housing as mentioned in paragraph 16, so net increase in unit numbers proposed is 26. The proposed housing would however make a welcome contribution towards meeting housing need of the borough and London generally, and is supported in line with London Plan Policy 3.3.

unit type	number	% of total scheme
1 bed	21	45.6
2 bed	12	26.0
3 bed	9	19.7
4 bed	4	8.7
total	46	100.0

Table 1: housing schedule

### Loss of existing housing

16 There is some existing housing on the site, comprising 20 studio units within Royston Court, which are owned and managed by the Notting Hill Housing Trust (NHHT). It is understood that these units are let on short term tenancies to vulnerable tenants, so they do constitute a form of affordable housing, albeit not controlled by a planning permission. GLA officers understand that NHHT are proposing to relocate the tenants to other accommodation within their ownership. The applicant is requested to provide further explanation for the relocation of this accommodation and confirmation from the NHHT that these units can be reprovided in the borough, in order to address London Plan Policy 3.14 concerning the loss of affordable housing.

### Affordable housing

17 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to viability, the availability of public subsidy and phasing of development. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should also take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent or affordable rent and 40% for intermediate rent or sale. Policy 3.12 makes it clear that affordable housing should normally be provided on site, unless an exception can be demonstrated.

18 The application does not propose any on site affordable housing and the confidential Financial Viability Assessment that accompanies the scheme concludes that it would only be viable to

provide four on-site units. In this instance, it is appreciated that the site is fairly constrained with a relatively modest number of units (albeit of a larger size). In addition, the scheme will also be providing passive provision for step free access to the tube. In the circumstances it appears likely that a higher level of provision that could better address policy needs could be met off site.

19 Nevertheless, this is a high value location and there is an expectation that a credible contribution to off-site affordable housing will be provided. In line with London Plan Policy 3.12, if a cash in lieu payment is to be accepted, it should only be in exceptional circumstances, including where it would be possible to:

- secure a higher level of provision
- better address priority needs
- secure a more balanced community

The applicant should therefore demonstrate exceptional circumstances and justify a cash in lieu payment, to satisfy the requirements of London Plan Policy 3.12 and the Mayor's Draft Interim Housing SPG. This will require discussions with the Council to demonstrate that a higher level of provision can be achieved that better addresses the priority needs in the borough.

20 Furthermore, whilst the financial constraints of the development are noted, such a low proportion of affordable housing is difficult to understand, particularly in such a high value location and this will need to be robustly justified before the scheme is referred back to the Mayor. The Council should appoint an independent consultant to verify this position, as well as including a review mechanism in the S106 agreement to enable an additional contribution to be sought, should viability improve, or if the proposed health centre use does not commence. Particular regard should be had to the proposed provision of oversized units, in terms of how this affects the overall scheme viability.

#### Housing choice

21 London Plan Policy 3.8, together with the Mayor's Housing SPG, seeks to promote housing choice and a balanced mix of unit sizes in new developments. The proposal, as currently submitted, includes 21 family units, equating to more than 45% of overall housing provision. However, it is noted that many of the larger units are oversized to cater for a high-end market and it is important that the housing mix is well rounded and addresses local requirements. The Council should confirm that the mix responds appropriately to local housing need.

#### Density

22 The Mayor's Housing SPG makes it clear that the impact of mixed use developments can be underestimated when the density is calculated on the basis of the total site area. Paragraph 1.3.63 sets out a methodology for calculating net site area for vertically-mixed schemes. Based on this net density calculation, the density of the development is 209 units per hectare and 677 habitable rooms per hectare. This is within the London Plan guidance range of 200 to 700 habitable rooms per hectare for urban sites with a public transport accessibility level of 5/6, as set out in London Plan Table 3.2.

#### Housing quality and amenity

23 London Plan Policy 3.5 promotes quality in new housing provision, with further guidance provided by the Mayor's Draft Interim Housing SPG. From the submitted documents it appears that all units will meet the minimum internal space standards, external amenity space standards and other criteria set out in the London Plan. However, the applicant should provide a detailed schedule of

accommodation, to include the floorspace and amenity space of each unit, as well as an explanation of how the scheme meets the requirements of Annex 1 of the Mayor's Draft Interim Housing SPG.

24 Key factors such as floor-to-ceiling heights, orientation, maximising ground-floor individual access points, and number of units per core, are all essential to achieving high residential quality, and are also of particular importance when assessing residential quality. It is clear from the submitted documentation that the residential layouts have generally been designed to ensure that the standard of accommodation will be high, which is welcomed. This is discussed in more detail in the urban design section below.

#### Children's play space

25 London Plan Policy 3.6 seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, including a benchmark requirement for 10 sq.m. of play space per child. Based on the child yield methodology set out in this SPG, GLA officers have calculated that the development will be home to four children, two of which are expected to be under five years old. The child yield therefore falls below the threshold set out in the Mayor's SPG for play space provision, so there is no requirement for on-site play space as part of this development.

### **Urban design**

26 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London.

#### Layout and public realm

27 The scheme provides a welcome contribution towards public realm in the form of a new public square, which can accommodate a range of uses, including the farmers market that takes place on the existing car park. The square would be accessed through a variety of legible routes from Notting Hill Gate, Kensington Church Street and Kensington Place, and would be framed by a mix of office, retail and residential core entrances, which would ensure activity is maximised throughout the day and night. This aspect of the proposal, subject to the use of high quality surfacing materials, should ensure that the scheme has a strong sense of place and is well integrated with the rest of the town centre, which is supported. The proposed layout, with mixed use blocks around the square and fronting onto the surrounding streets is also supported, as is the proposal to site the taller element close to the main road junction.

28 The amount of active frontage has been maximised and the building entrances have been located carefully to ensure that all surrounding streets feel safe, active and well used. The use of dual aspect retail units and inclusion of through lobbies for the residential entrances is a particularly positive feature, which should maximise activity both to the surrounding streets and the new public square. The applicant should however demonstrate how the development will be serviced, including residential refuse collection, without compromising the quality and usability of the proposed public square.

#### Residential quality

29 As mentioned above, the quality of the residential accommodation proposed is generally considered to be high, with all the blocks meeting London Plan guidance for floor-to-ceiling heights, dual aspect, orientation, maximising ground floor individual access points, and number of units per

core. The proposal to position single aspect duplex units along the western boundary with the London Underground station is supported and the applicant has demonstrated through the submission that vibration levels in this area would be within acceptable limits.

### Scale and massing

30 A detailed assessment of the scheme's impact on strategic views and heritage assets is undertaken below. Overall, the scheme proposes a consistent scale of three and four storeys across the south of the site, responding to the finer grain and domestic character of the surrounding conservation areas. The 18 storey element would be taller than the existing Newcombe House building, but would be a more slender and elegant landmark, which is supported.

31 The applicant's Wind Microclimate Assessment examines the usability of outdoor spaces within and around the proposed development, having regard to the Lawson Comfort Criteria. The assessment concludes that the proposed outdoor spaces are mostly acceptable for their intended uses, with the exception of one residential entrance and some terraces. However, mitigation measures are suggested, including entrance screens and balustrades/shelters, which should ensure that all these spaces are usable. There are also concerns about wind conditions in the carriageway of Notting Hill Gate, in front of the site, although it is concluded that two additional street trees should provide shelter to cyclists within this area. The Council should impose a condition to ensure that mitigation measures are approved and implemented.

### Architectural treatment

32 The proposal comprises three main building styles, which are intended to complement each other. The perimeter buildings would have a regular rhythm of fenestration, responding to surrounding townhouses, and would be mainly textured brick with dark metal windows. The cube building would only be visible in glimpsed views from outside the site and would be more sculptural in form, utilising a smooth white cladding material and deep reveals. The corner tower would incorporate a 'slip form' approach to its massing, with deep vertical shadow lines and large glazed winter gardens on the upper corners to break down the massing further. Smooth Portland stone is proposed as the main facing material, with dark metal windows and features. The architectural approach and materiality responds appropriately to the site surroundings and should result in a high quality appearance, which is supported. Materials and the quality of detailing will however have a significant impact on overall quality in the completed scheme. The Council is therefore strongly encouraged to secure the retention of the architects during detailed design phases, in addition to utilising appropriate conditions securing design detail and materials.

## **Strategic views and heritage**

### Strategic views

33 The proposals would not be visible in any of the strategic views identified in the Mayor's London View Management Framework SPG (July 2012), so there would therefore be no conflict with London Plan Policy 7.12 on the impact on strategic views.

### Historic environment

34 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural*

or historic interest which it possesses” and in relation to conservation areas, special attention must be paid to “the desirability of preserving or enhancing the character or appearance of that area”.

35 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Where a proposed development will lead to ‘substantial harm’ to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

36 The applicant’s Historic Buildings, Environment and Townscape Assessment (HBETA) and Visual Impact Assessment (VIA) set out a number of proposed views showing the potential impact the development would have on nearby listed buildings and conservation areas. The closest listed building to the site is the Grade II listed train shed roof to Notting Hill Gate London Underground station. It is however generally unaffected in terms of its views. There is a limited view of the roof from Kensington Place, but the true appreciation of the roof is when stood at platform level within the station. Other opportunities to view the roof are from the surface car park and the higher level floors of the existing Newcombe House. The listing entry states “Station. 1868. Sir John Fowler, for Metropolitan Railway. Brick retaining walls with blind arcades, supporting elliptically arched iron roof of 9 bays, partially glazed and partly panelled with wood. Listed as relatively well preserved example of underground railway platform of “cut and cover” type.” Given the listing relates to features viewed principally from platform level, GLA officers are of the view that the proposal would not harm the setting of this listed building.

37 In terms of conservation areas, Pembridge (to the north), Ladbroke (to the north west), Kensington (to the south west) and Kensington Palace (to the south east) Conservation Areas would be close to the site. These conservation areas have heritage interest as well preserved examples of the historic development of London’s early suburbs, particularly during the 19<sup>th</sup> Century. Kensington Palace Conservation Area is however dominated by the listed Queen Anne palace building and gardens. There are a number of other listed buildings across the wider area, including 128-138 Kensington Church Street, Mall Chambers, 23 Kensington Place, The Gate and Coronet Cinemas and Kensington Temple, as well as properties on Pembridge Gardens and Kensington Palace Gardens.

38 The VIA demonstrates that the proposed development will be visible in a number of views that fall within the settings of other heritage assets set out above. The tower would be more visible above and between buildings than the existing building in views 2, 6, 9, 19.1, 26, 27.1, 33.1, 35.1, 36.1, F, I and L5, so there would be additional visual impact on the settings of conservation areas and listed buildings as a result of the proposal.

39 However, GLA officers consider that the likely effects on the setting of these heritage assets would not be overly harmful and, in many cases, the settings would in fact be enhanced by the higher quality of architecture proposed and sympathetic use of materials. There would not be substantial harm to the setting of Kensington Palace, as the proposed tower would not project above the building in key views and would in most cases be obscured by surrounding trees. With specific regard to the scale and massing of the scheme in local heritage views, owing to the existing built context, the proposal would be seen in relation to the existing tall buildings in Notting Hill. As such the harm is considered to be less than substantial in this urban context, subject to ensuring a high quality finish for the proposed buildings.

40 In summary, GLA officers consider that the harm to the heritage assets identified above would be less than substantial and clearly outweighed by the public benefits of the scheme, namely improved



public realm, delivery of an appropriate mix of uses and step free access to the London Underground station. The proposal would therefore address the requirements of the policies set out above.

## **Flooding**

41 The site is within Flood Zone 1 but does have a degree of surface water flood risk identified on the Environment Agency flood map. This does not appear to present a significant concern in respect of the proposal, but the applicant should confirm this. The site is generally free from surface water flood risk, however other areas in the local vicinity are at risk of surface water flooding and no details on sustainable drainage strategy have been provided. The applicant should provide further details to ensure compliance with London Plan Policy 5.13.

## **Inclusive design**

42 In accordance with London Plan Policy 3.8, the applicant has confirmed that all of the residential units will meet Category 2 (accessible and adaptable) standards, and that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users (Category 3). A total of six units are proposed to be adaptable and their locations are confirmed on the plans. As set out in the Mayor's Housing Standards Policy Transition Statement, the Council should secure compliance with building regulations M4 (2) and M4 (3) by condition. All of the non-residential uses and public realm would be fully accessible and this is supported. There are six blue badge spaces proposed at basement level, which is welcomed.

## **Climate change - adaptation**

43 The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include low water use sanitary-ware and fittings, rainwater harvesting, biodiverse planting, green roofs and SUDS methods to hard surfaced areas to protect water quality. The Council should impose conditions to ensure that these measures are implemented as part of the development.

## **Climate change - mitigation**

### Energy efficiency

44 The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions, and a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and variable speed pumping. The demand for cooling will be minimised through solar glazing and passive and mechanical ventilation.

45 The SAP analysis provided indicates a medium overheating risk in July and August for the residential units. The applicant should carry out dynamic thermal modelling of residential and non-residential areas as set out in sections 11.5 to 11.12 of the 'GLA guidance on preparing energy assessment (April 2015)'. The development is estimated to achieve a reduction of 33 tonnes per annum (9%) in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development.

### District heating and renewables

46 The applicant has carried out an investigation and there are no existing district heating networks within the vicinity of the proposed development. However, there are plans to create a district heating

network in this area. The applicant has provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. The applicant is proposing to install a site heat network and has confirmed that all apartments and non-domestic building uses will be connected to the site heat network. The site heat network will be supplied from a single energy centre and located in the basement.

47 The applicant is proposing to install a 70kWe gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated carbon dioxide emissions of 63 tonnes per annum (17%) will be achieved through this second part of the energy hierarchy.

48 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 100 sq.m. of solar photovoltaic (PV) panels on the roof of the West Perimeter Building 1. A reduction in regulated carbon dioxide emissions of 9 tonnes per annum (2%) will be achieved through this third element of the energy hierarchy.

### Summary

49 Overall the measures proposed result in a 28% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which falls short of the London Plan emission targets. Whilst it is accepted that there is little further potential for carbon dioxide reductions on site, in liaison with the Council the developer should ensure the short fall in carbon dioxide reductions is met off-site.

## **Transport**

### Parking

50 In total 30 car parking spaces are proposed of which five spaces would be for the proposed D1 use, and the remaining 25 for the 45 dwellings at a ratio of 0.55 per unit. Whilst noting the reduction compared to the pre-application proposal the parking provision is still considered excessive especially given the excellent accessibility of the site. Accordingly, the applicant is requested to further reduce the car parking provision, preferably to a car free scheme (except blue badge spaces).

51 Six blue badge parking spaces are proposed and 40% of car parking spaces would be equipped with active electric vehicle charging points (EVCP). This provision is supported by TfL and should be secured by condition. In addition a car parking management plan should be required by condition to cover the different types of car and cycle parking and access thereto.

52 The Transport Assessment identifies a number of car club bays close to the site, however there is no indication as to whether these could cater for the additional demand generated by the development. TfL recommends therefore that this is assessed. Notwithstanding this, free car club membership should be secured through the travel plan.

### Cycling

53 A total of 219 cycle parking spaces are proposed compared to the 246 spaces required to meet minimum London Plan (2015) standards. The application should address this shortfall. The proposed location of the short stay spaces at street level is acceptable, but it should be demonstrated that there would be no impact upon bus operations and passengers.

54 Adequate space for adaptable cycles and mobility scooters should be provided on site and changing/showering/storage facilities for staff of the commercial space should also be identified. These should be secured by condition.

55 A cycle hire docking station is proposed within the site. Whilst this is welcome in principle the intended 15 cycle docks in a perpendicular formation should be amended to 25 docks in echelon formation. The costs of initial provision and land take are similar but a small docking station provides a poor service for users at a higher cost per hire to TfL.

#### Trip generation

56 The Transport Assessment has limited information on trip generation such that a full assessment of impacts cannot be undertaken. These matters should be addressed in consultation with TfL, prior to the application being referred back to the Mayor at Stage II.

#### Public transport

57 The site adjoins the District and Circle Line tracks and the development would be above part of Notting Hill Gate station. As part of the design of the development, passive provision is proposed at platform and ticket hall level to enable step-free access for the District and Circle line at a future date. Discussions are ongoing between London Underground Limited (LUL), the applicant and the owners of the adjoining site (David Game House) as to the most appropriate solution as the development of this site only allows for access to one of the District and Circle Line platforms. TfL requests that an LUL infrastructure protection condition is imposed and that step free access is safeguarded by way of the S106 agreement.

#### Pedestrian and cycle environment

58 A new public square and route is proposed through the site between Kensington Place, Kensington Church Street and Notting Hill Gate, which is welcomed in terms of improving permeability. It should be open at all times to both pedestrians and cyclists. A contribution of £3,017 payable to the Council is requested to enable Legible London signage to be updated as part of the development.

#### Travel planning, access and servicing

59 Access to the car park is not anticipated to have strategic highway impacts. The acceptability of arrangements is for the Council to determine as the highway authority, however consideration should be given to the needs of blue badge holders.

60 It is intended that pick up and drop off will take place from the highway. TfL accept the principle that the proposed street level courtyard should be for pedestrians and cyclists and recognises the constraints of the site. However, there is a concern that the adjacent and nearby bus stops and stand could be used for drop off and pick ups especially with the proposed lift access basement car parking. Accordingly TfL would expect to see further detail on arrangements to demonstrate how this risk to bus operations can be mitigated.

61 A Servicing Management Plan has been prepared which proposes servicing from the bays on the strategic road network which is similar to the existing arrangement. This should be agreed with the Council as highway authority. A Construction Traffic Management Plan (CTMP) has also been produced, although there are concerns over the potential impact on the bus stand on Kensington Church Street. TfL are concerned about the continued safe and efficient operation of both the stand and the stop during construction works together with reinstatement or relocation subsequently. The stand and stop are essential to the provision of bus services in this part of London. To date suitable arrangements have not been agreed with TfL Bus Infrastructure despite advice given at pre-application stage. Once agreement is reached the arrangements should be recorded within a framework CTMP or Constructon Logistics Plan (CLP) to be considered as part of the Stage II

referral. A suitable condition should then be imposed to require subsequent submission, approval and implementation of the details. There will also need to be a separate formal agreement with TfL.

62 An interim office travel plan has been submitted, which is welcomed by TfL. Travel Plans are not required for the other elements of the scheme but TfL would encourage their preparation. Subsequent detailed travel plan(s) should be secured, funded and monitored through a S106 agreement, with a range of potential measures developed into specific agreed outcomes.

#### Mayoral Community Infrastructure Levy and Crossrail

63 In accordance with London Plan Policy 8.3, Mayoral Community Infrastructure Levy (CIL) will be payable. The levy for Royal Borough of Kensington and Chelsea is £50 per square metre of additional floor space.

#### Summary

64 In summary, the applicant should reduce car parking on site, cycle parking should be increased and shower and changing facilities should be provided, additional information on trip generation should be provided and a contribution should be made towards Legible London signage. Further details and agreement with TfL will be required in order to overcome potential impacts on bus services from servicing and during construction. Conditions relevant to car park management, servicing, construction and infrastructure protection need to be secured. Travel plans and step-free access should be secured through the S106 agreement.

### **Local planning authority's position**

65 The Council is currently considering the application.

### **Legal considerations**

66 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

### **Financial considerations**

67 There are no financial considerations at this stage.

### **Conclusion**

68 London Plan policies on town centres, housing, urban design, tall buildings, heritage, inclusive design, climate change, and transport are relevant to this application. The principle of the mixed-use redevelopment of this site is supported. However, a number of strategic concerns are raised, and consequently the application does not accord with London Plan Policy:

- **Affordable housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable contribution to affordable housing to best address priority local need, in accordance with London Plan Policy 3.12.
- **Housing:** the Council should also confirm that the housing mix meets local requirements and the applicant should confirm that London Plan standards on residential quality have been met, in accordance with London Plan Policies 3.5 and 3.8. The applicant should also provide further explanation with regard to the loss of existing housing, to address the requirements of London Plan Policy 3.14.
- **Urban design:** the applicant should seek to address concerns relating to servicing and the public realm, to ensure compliance with London Plan Policy 7.5. The Council should impose conditions to ensure that high quality materials and detailing are secured.
- **Climate change mitigation:** the energy strategy does not accord with London Plan policies 5.2, 5.6, 5.9 and 5.13. Further information is required regarding sustainable drainage, overheating and a contribution to off-set carbon dioxide emission should be secured through the S106 agreement.
- **Transport:** to ensure compliance with London Plan policies 6.1, 6.2, 6.3, 6.4, 6.5, 6.7, 6.9 and 6.13 the applicant should reduce car parking on site, cycle parking should be increased and shower and changing facilities should be provided, additional information on trip generation should be provided and a contribution should be made towards Legible London signage. Further details and agreement with TfL will be required in order to overcome potential impacts on bus services from servicing and during construction. Conditions relevant to car park management, servicing, construction and infrastructure protection should be imposed by the Council. Travel plans and step-free access should be secured through the S106 agreement.

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