

26 February 2016

331- 335 Kensal Road**in the Royal Borough of Kensington and Chelsea****planning application no. PP/15/07513****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 development to provide a mixed-use building of up to nine storeys for Class B1 (office) and Class A1/A3 (retail/restaurant) use and associated works.

The applicant

The applicant is **Stamford Norfolk Ltd** and the architect is **Stiff + Trevillion**

Strategic issues

The application is within the Kensal Employment Zone and the site is adjacent to the boundary of the Kensal Canalside Opportunity Area. The principle of mixed-use development is therefore supported, together with the design. Further information is however required in relation to transport and energy in order to ensure compliance with the London Plan.

Recommendation

That Royal Borough of Kensington and Chelsea be advised that while the application is broadly acceptable in strategic planning terms the application does not fully comply with the London Plan, for the reasons set out in paragraph 55 of this report; but that the possible remedies set out in paragraph 56 of this report could address these deficiencies

Context

1 On 19 January 2016 the Mayor of London received documents from the Royal Borough of Kensington and Chelsea 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 29 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 Category 1C of the Schedule to the Order 2008:

"Development which comprises or includes the erection of a building that is more than 30 metres in height".

3 Once the Royal Borough of Kensington and Chelsea 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 it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is currently occupied in part by a building in use as a restaurant/cafe (Class A3), that was formerly used as a public house, and by advertising hoardings. The site has, for the most part, lain mostly vacant for over 50 years despite being the subject of a number of planning applications. The site is roughly triangular shaped and is bound by Kensal Road to the north, West Row to the east, Ladbroke Grove to the west, and to the south by a predominantly residential and office mixed use scheme currently being constructed by Workspace and Taylor Wimpey.

6 The site is located within the Kensal Canalside Opportunity Area as identified by the London Plan and locally designated in the Council's Core Strategy as being within the Kensal Employment Zone. It is close to the Grade II* Listed Kendal House (opposite) and Grade II Listed Portobello Dock.

7 The nearest section of the Strategic Road Network (SRN) is Harrow Road, 200 metres away; TfL is not the highway authority for the road but is the traffic authority. The nearest section of the Transport for London Road Network (TLRN) is A40 Westway 1.8km distant.

8 The nearest London Underground/Overground station is Kensal Green approximately 1km from the site. The site is also served by six high frequency bus routes with stops adjacent to the site and a further route stopping within 100 metres. Accordingly the site records an excellent public transport accessibility level (PTAL) of 5 (on a scale of 1a to 6b, where 6b is the most accessible).

Details of the proposal

9 The proposed development includes the demolition of the existing structures on site and the delivery of a mixed-use, office-led building of up to nine storeys. The development will deliver 7,177 sq.m (GEA) of Class B1 office floorspace and 185 sq.m (GEA) of a Class A1/A3 unit.. The proposed office floorspace is estimated to create up to 625 jobs, and the building is designed so it could be equally let to multiple occupiers or a single occupier to reflect the market demand.

10 The mass of the development is focused in the north-west of the site and reduces towards the east which reflects the previous planning applications and the desire to create a landmark building on the corner of Ladbroke Grove and Kensal Road which is one of the most northern points of the borough.

11 The development is car-free and will provide 98 cycle parking spaces, with a shower provided on the lower-ground floor.

12 New public realm will be created by the development and provide a pedestrian route between Ladbroke Grove and Kensal Road. .

Case history

13 The proposal has not been for pre-application with the GLA prior to its referral by the Royal Borough of Kensington and Chelsea.

14 In December 2007, an application on this site was submitted to the Council alongside an application at the adjoining site at Westgate Business Centre (RBKC refs 07/01346 and 07/01345), and it was envisaged at that time that these applications would be developed concurrently. The application for this site was subsequently withdrawn in November 2012. The application for the adjoining site proceeded and is now being built out to provide a mixed use development comprising 9,895sqm employment floorspace (Use Class B1), 1,005sqm retail floorspace (within Use Classes A1/A2/A3/A4), 10,876sqm residential floorspace (equating to 145 flats) with associated parking and landscaping.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- Land use principles *London Plan;*
- Employment *London Plan;*
- Urban design *London Plan;*
- Inclusive design *London Plan; Accessible London SPG*
- Tall buildings *London Plan, London View Management Framework SPG*
- Sustainable development *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*
- Transport *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy*

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 and Chelsea Council's Consolidated Local Plan (2015) and saved Unitary Development Plan policies (2007), as well as the London Plan (Consolidated with Alterations since 2011).

12 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.
- Minor Alterations to the London Plan (2015)

Land use principles

13 As noted in paragraph 6, the site is located within the Kensal Canalside Opportunity Area, identified by the London Plan, and the Kensal Employment Zone, as identified in the Council's Local Plan.

14 London Plan Policy 4.2 encourages the renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility, seeking increases in current stock where there is evidence of sustained demand for office based activities.

15 The site is located within 'Inner London' for which specific guidance is set out in Policy 2.9 of the London Plan. The policy seeks to sustain and enhance the economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm; sustaining and supporting existing and new communities;

addressing its unique concentrations of deprivation, and improving quality of life and health for those living, working, studying or visiting there.

- 16 London Plan Policy 2.13 deals with development in Opportunity Areas, which are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential public transport accessibility. The Kensal Canalside Opportunity Area, within which the site is located, has an indicative employment capacity of 2,000 new jobs and a minimum of 3,500 new homes over the plan period.
- 17 The delivery of this office-led scheme meets the objectives of London Plan Policies 4.2, 2.9 and 2.13 and will assist in delivering the objective of Local Plan Policy CP5 which seeks to ensure the long term regeneration of Kensal. .. The site also has good public transport accessibility and has the opportunity to make a positive contribution to the Employment Zone by providing additional and more flexible office floorspace.
- 18 The retail/restaurant use will contribute to a mixed use neighbourhood, adding vibrancy to the street, and the public realm works will make a contribution to the area by bringing a currently largely redundant site back into use and making it accessible to the public.

Urban design

Layout

- 19 The proposal comprises office uses at all levels with active retail/restaurant uses at the lower ground floors onto Kensal Road and West Row to activate these streets. These A1/A3 units have been designed to be self-contained and serviced via a dedicated service entrance at courtyard level. Other servicing needs have been designed to minimise visual impacts onto the streets.
- 20 As the site is currently vacant, the proposal will improve and encourage greater local connectivity through allowing movement and interchange between the site and nearby enterprises - notably those of Portobello Dock and the new Grand Union Centre. The scheme has been designed to fit better within the locality and streetscape, helping to extend and enhance the vitality of the streets in this immediate area. Through bringing the whole site back into use it will develop a more attractive public realm and support the regeneration of North Kensington, delivering employment for the area.
- 21 Through pre-application discussions with the Council, greater emphasis has been placed on the entrance to the building on Ladbroke Grove to make it a stronger focal point and to lend a sense of arrival to the space. The buildings hug the northern and western boundaries of the site to create a strong boundary and interaction with the public realm; this also creates an inner courtyard which offers greater privacy for the neighbouring commercial and residential buildings by minimising the potential for overlooking.

Height, scale and massing

- 22 London Plan Policy 7.7 sets out specific design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor.

- 23 The height and mass of the proposed building will relate well to the surrounding buildings, with the tallest element positioned on the corner addressing the key junction between Ladbroke Grove and Kensal Road. The height and mass strategy also relates well to the adjoining Taylor Wimpey/Workspace development to the south and the office building to the north of Kensal Road. The ground floor uses of the building include Class B1 and Class A1/A3 and therefore will contribute to the animation of the streetscape.

Materiality/appearance

- 24 The materials strategy is based on a simple composition of vertical brick columns and large recessed openings along the east, west and north facing facades, allowing for good light levels internally whilst reducing the solid mass appearance of the building from the street. The south facing elevation onto the courtyard deviates from this rhythm and includes large areas of masonry brick interrupted by openings. Regular horizontal courses of projecting brick provide texture to this elevation.
- 25 The local area is characterised by an eclectic mix of buildings, varying in age, style, type and massing. The character of the area is currently evolving, with the Portobello Dock and Grand Union Centre development (recently completed) to the north and south of this site respectively, enhancing the area as a centre for creative industries in London.

Heritage impact

- 26 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 27 There are no listed buildings on the site and the application site is not located within a conservation area, but is in close proximity to a number of heritage assets, including the Kensal Green Cemetery (a Grade I listed Registered Park and Garden of Historic Interest), Queens Park Estate and Oxford Gardens Conservation Areas. Within the Kensal Green Cemetery there are a large number of listed buildings, mausoleum and funerary monuments, many highly graded. The site is also close to Kensal House and Portobello Dock, that both listed buildings.
- 28 Given the improvement to the site's overall appearance, the simple palette of materials and a scale and height that responds to surrounding buildings, the proposal could enhance the setting of the nearby listed buildings and conservation area.
- 29 Through pre-application discussions with the Council, the massing of the upper floors of the building were redesigned to include a larger setback reducing the visibility of the building from the Dissenter's Chapel

Energy and climate change

- 30 The applicant has broadly followed the energy hierarchy, and provided sufficient information to understand the proposals. Further revisions and information are however required before the proposals can be considered acceptable and the carbon dioxide savings verified.

Energy efficiency

- 31 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.
- 32 The applicant should provide evidence of how London Plan Policy 5.9 has been addressed in the design to minimise cooling demand. The total cooling demand for the notional and actual buildings should be provided (in MJ/m²).
- 33 The applicant should provide the carbon emissions and savings at each step of the energy hierarchy in line with GLA Guidance available at <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

District heating

- 34 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the site. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.
- 35 The applicant is proposing to install a communal heat network. However, the applicant should confirm that all non-domestic building uses will be connected to the site heat network, and provide a drawing showing the route of the communal heat network linking all buildings uses on the site.
- 36 The communal heat network will be supplied from a single energy centre, although further information on the floor area and location of the energy centre should be provided.

Combined heat and power (CHP)

- 37 The applicant is proposing to install a gas fired CHP unit as the lead heat source for the site heat network. Further information on the CHP should be provided including the size of the engine proposed (kWe/kWth), proportion of the heat demand to be met by the CHP, the provision of any thermal store and suitable monthly demand profiles for heating, cooling and electrical loads. The plant efficiencies used when modelling carbon savings should be the gross values rather than the net values often provided by manufacturers.
- 38 The applicant should provide information on the management arrangements proposed for the system, including anticipated costs, given that the management and operation of small CHP systems can significantly impact their long term financial viability.

Renewable energy technologies

- 39 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 30.7 kWp roof mounted photovoltaic panels (PV). Given that the development is not predicted to meet the carbon emission target the applicant should investigate whether additional PV panels (or

higher efficiency panels) could be added to the array in order to maximise the on-site carbon emission savings.

Overall carbon savings

40 A saving of 27% in regulated emissions compared to a 2013 Building Regulations compliant development is expected. However, carbon emissions and savings at each step of the energy hierarchy have not been provided so compliance with London Plan Policy 5.2 cannot be verified.

41 The carbon dioxide savings fall short of the policy requirements. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions. The applicant should also address the comments above and provide further details in line with GLA Guidance on preparing energy assessments before compliance with London Plan energy policy can be verified.

Transport

Network impact

42 Whilst TfL is satisfied that the development proposals are unlikely to have a negative impact on the capacity of either public transport or the TLRN, there are however, a few issues which need to be addressed, as set out below.

Pedestrian environment

43 A pedestrian environment review system (PERS) audit has been undertaken. Having reviewed the assessment TfL would welcome contributions to upgrade two bus stops to allow for better wet weather protection and seating. Unfortunately the other bus stops serving the site are on footways too narrow to enable such improvements. As the bus stops are located on borough roads TfL would suggest that the Council as the highway authority, secure the contributions to allow for the upgrades.

Car and cycle parking

44 The development is car free which is welcomed. However clarification is required on drop off/pick up and parking arrangements for disabled people.

45 A total of 116 long stay cycle parking spaces are to be provided. This falls short of the London Plan requirement by three spaces, but is acceptable in this instance. There should however be adequate provision for adaptable cycles and mobility scooters. Changing/showering/storage facilities for users of the long stay cycle spaces should also be identified. The submitted plans do not show any short stay cycle parking spaces. A minimum of 16 spaces are required in secure locations accessible to the public. All cycle parking and associated facilities should all be secured by condition.

Delivery and servicing

46 A delivery and servicing management plan (DSMP) has been submitted which states that servicing would be via conversion of existing parking bays to form an on-street loading bay in addition to an inset bay. Whilst TfL understands the site is constrained and servicing cannot be accommodated on site the suitability of these arrangements will need to be agreed by the Council. TfL would be concerned if bus passengers and operations were disrupted by servicing. The DSMP should be secured by condition.

Construction

- 47 A construction traffic management plan (CTMP) has been produced, and sets out how construction traffic impact will be limited. It is proposed that 9 parking bays are suspended during construction; this will need to be agreed by the Council. Again it is important to avoid disruption to bus services and passengers at the nearby stops. The CTMP should be secured by condition.

Travel plan

- 48 A framework travel plan has been submitted which is welcomed by TfL. Any subsequent detailed travel plan(s) shall be required to be secured, funded and monitored through a Section 106 agreement, with a range of the indicated potential measures developed into specific agreed outcomes.

Community Infrastructure Levy

- 49 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.
- 50 The Mayor has arranged boroughs into three charging bands, and the rate for Kensington and Chelsea is £50/sq.m. The required CIL should be confirmed by the applicant and the Council once the components of the development have been finalised.
- 51 London borough councils are also able to introduce CIL charges which are payable in addition to the Mayor's CIL. Royal Borough of Kensington and Chelsea has adopted a CIL charging schedule but it does not apply to B1 to A1/A3 uses.

Local planning authority's position

- 52 The Local Authority (Royal Borough of Kensington & Chelsea) is currently considering the proposal. The development has been reviewed by the Borough's Architects Appraisal Panel and received an overall positive recommendation, with a number of suggestions for further consideration.

Legal considerations

- 53 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 (the next bit is optional) and any connected 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

54 There are no financial considerations at this stage.

Conclusion

55 The proposals respond positively to the planning context and the principle of mixed-use development at this site is appropriate. Whilst the application is broadly supported, it does not yet fully comply with the London Plan. There are still areas that need addressing specifically in relation to climate change and transport as outlined in this report.

56 The following changes might, however, remedy the above-mentioned deficiencies and lead to the application becoming compliant with the London Plan:

- Climate change: the applicant should provide further evidence regarding overheating mitigations and make further reference to the GLA's energy hierarchy. The applicant should confirm that all non-domestic building uses will be connected to the site heat network and provide a plan of such. More information is needed in relation to the CHP proposals as identified in Paragraphs 40 and 41. The applicant should consider additional measures to reach policy 5.2 compliance.
- Transport: the applicant should review the cycle parking strategy to address the current shortfall of short and long stay cycle parking spaces.

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