

Planning and Borough Development Business Group
Kensington Town Hall, Hornton Street, London, W8 7NX

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THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Newcombe House c/o Andrew Payne
Development Management
Greater London Authority
City Hall
The Queen's Walk
London
SE1 2AA

By email only

11 September 2018

Your reference: GLA/3109a
My reference: PP/17/05782
Please ask for: Ms Cheryl Saverus

Dear Andrew,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) England Order 2015 (as amended)
Town and Country Planning (Mayor of London) Order 2008

Re: Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, London, W8

I refer to your notification sent on 4 September 2018 giving notice of the Representation Hearing on 18 September 2018. The Council wishes to speak at the hearing in order to raise the following objections to the amended proposal:

1. Although more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough, and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.
2. The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. The tall building and increased massing to KCS1 and WPB3 buildings would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6, 7.7 and 7.8, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD and Building Height in the Royal Borough SPD. The public benefits would be insufficient to outweigh those harms.

Reason 1 - Housing

Loss of social rented homes

The proposals would result in the loss of existing residential accommodation in Royston Court. Royston Court provides 20 bedsit homes (1,071 sqm GEA) which previously accommodated former rough sleepers.

CLP policy CH3 (b) states that the Council will ensure a net increase in residential accommodation by “resisting the net loss of both social rented and intermediate affordable housing floorspace and units throughout the borough”. The existing 20 social rented studios in Royston Court would be replaced by 15 social rented homes. Policy CH3 (b) requires a protection of unit numbers as well as floorspace. Whilst the existing floorspace of Royston Court would be replaced and exceeded by 167 sqm (GEA), the proposals do not meet the requirement of policy CH3 (b) in terms of re-provision of unit numbers. There would be a net loss of five social rented homes contrary to policy. Whilst the quality of the new homes would be superior to the existing, policy CH3 (b) seeks to protect unit numbers so that there is no net loss in the number of independent households that the Borough houses. The loss of five social rented homes is unacceptable.

Maximum reasonable amount of affordable housing

The proposals involve the creation of 55 homes of 10,585 sqm (GEA). CLP policy CH2 (i) requires development to provide affordable housing at 50% by floor area on residential floorspace in excess of 800 sqm gross external area. CLP policy CH2 (k) requires this affordable housing provision on site, unless exceptional circumstances exist. The scheme would provide 23 affordable homes (2,641 sqm GEA), which amounts to 24.9% by floor area of the total proposed housing floorspace. This does not comply with CLP policy CH2 (k).

However, the proposals would actually deliver an even lower percentage of affordable housing by floor area, taking into account the requirement of CLP policy CH3 (b) which seeks to resist the loss of existing affordable homes. Although the scheme would deliver 1,570 sqm of additional affordable housing floorspace beyond Royston Court, once the re-provision of the existing affordable floorspace at Royston Court is discounted (as this must be re-provided anyway in order to satisfy CLP policy CH3 (b)), the 1,570 sqm net additional affordable housing floorspace amounts to only 14.8% of the overall residential floorspace. This is significantly lower than the 50% of affordable housing by floor area required by policy CH2 (k) and is unacceptable.

The scheme would provide three additional affordable homes compared to existing. The net increase of 9% by unit number of affordable housing proposed is extremely poor.

The Mayor’s official assessment of housing need in London found that the city requires two-thirds of new homes to be affordable homes. The Mayor is clear that the supply of new homes, particularly genuinely affordable homes needs to be increased. The proposals significantly fail to comply with the Mayor’s objective.

RBKC has some very obvious and important housing challenges. The Council’s priority, which commands support from both the majority and minority parties (as evident from the unanimous decision by the Planning Committee to raise objection to this amended proposal), as well as the support of RBKC’s Labour MP, is to find good homes for those in housing need. The Council’s priority is not to provide “buy to leave” homes, which is what this proposal would deliver. The proposal would barely contribute to the provision of good homes for those in housing need.

CLP policy CH2 (p) relates to larger schemes delivering in excess of 800 sqm of residential development which fail to provide 50% of gross external residential floorspace for affordable housing. These schemes must demonstrate (i) “the maximum reasonable amount of affordable housing is

provided through the provision of a viability assessment using the GLA toolkit, or an agreed alternative” and (ii) “the exceptional site circumstances or other public benefits to justify the reduced affordable housing provision”.

The Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing. There are no exceptional site circumstances nor public benefits which justify the reduced housing provision.

The applicant states that benefits of the scheme include the re-provision of open space for the farmer’s market, one-way step-free access at Notting Hill Gate London Underground Station, and provision of a doctor’s surgery. In the Council’s view, these benefits are of lesser importance and should be given less weight in the planning balance than the imperative to provide more housing. The limited contribution the proposal makes to the provision of affordable housing is unacceptable. This is compounded by the harm caused to the setting of heritage assets (as detailed below) which would not be outweighed by the benefits of the scheme.

The Council’s view is that the applicant needs to re-think their approach to developing this site. For example, the one-way step free access should be safeguarded in a scheme rather than provided now. When other nearby sites are able to make step-free access possible, then the applicant can contribute to the delivery of step-free access in both directions, which would be of greater benefit. The proposed Public Square in the middle of the site is of dubious value. Other similar enclosed retail spaces in the area such as Lancer Square on Kensington Church Street do not work, particularly as the retail market is not booming at present. Releasing that open space for homes would enable a more sustainable development that met the Council’s priorities. The doctor’s surgery is also of limited value given it will be let at market rents and there is no urgent need for the surgery. By removing these elements, a scheme could be brought forward that delivered more housing and minimised harm to the setting of heritage assets.

The Council supports the redevelopment or refurbishment of this site to deliver on London Plan and the Council’s Local Plan priorities. Unfortunately, this proposal does not deliver these priorities and the approach needs to be re-considered.

Reason 2 – Harm to the townscape and setting of heritage assets

Tall building

The main objection to the tall building is its scale, its architectural quality as a tall building, and its visual impact on views and surrounding heritage assets.

The tall building would appear within the panoramic view out of Kensington Gardens (grade I registered historic park and garden and conservation area in RBKC and WCC) and on the wider backdrop to grade I listed Kensington Palace, as identified in the Building Height SPD. TVIA Views no.40 and A5 from the Round Pond, Views nos. 42a and 42c from the Boardwalk, and View no.39 from Lancaster Gate show the new building breaking the distant tree cover and rising above the statue of Queen Victoria, harming the picturesque quality of the view and settings of the heritage assets. The Council’s objection to the tall building as viewed from Kensington Gardens is shared by the Royal Parks.

Pembridge Gardens comprises terraces of grade II listed buildings on both sides of the street (View no.38), where the tall building would disrupt the consistent terrace roofline and backdrop and would dominate the setting of this unified group, causing harm to both the listed building and Pembridge Conservation Area.

Kensington Palace Gardens comprises grade II and II* mansions and detached houses that sit within generous gardens. View no.43 shows the tall building’s increased scale and presence within the

backdrop, again causing harm to the setting of the listed buildings and Kensington Palace Conservation Area.

In Linden Gardens (View no.37) the impact of the tall building would be harmful to the setting of Pembridge Conservation Area, by closing the townscape gap between the two adjacent terraces and blurring the termination of the consistent roofline

In terms of the wider townscape and setting of the surrounding conservation areas, the statutory requirement under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The tall building would be seen in many new views (Views nos. 1, 14, 15, 19, 20, 24, 26, 32, 33, 34) and the additional scale of the tall building would appear negatively.

The submitted viewpoints are static and pinpoint the impact at a single location. However, the experience of the tall building would be kinetic and its impact on its surroundings will vary depending on the viewpoint. The cumulative effect of harmful impact on the conservation areas, listed buildings and the registered park and garden would be substantial

The elevational designs of the tall building are overly fragmented, and lack a sufficiently strong compositional quality or identity. The tall building would not have a wholly positive impact. The tall building would be more visible within the surrounding townscape, with resultant harm to the setting of grade II listed buildings, the grade I listed Kensington Palace and its registered gardens, and some views within surrounding conservation areas. The harm would be substantial and significant weight must be accorded to these impacts which include the listed properties of Kensington Palace Gardens and Kensington Palace Conservation Area, and the listed properties of Pembridge Gardens and cumulatively to Pembridge Conservation Area.

WPB3

In the amended scheme WPB3 at the north-east end of the square has been increased in height by two additional storeys and now comprises ground and six upper floors with a roof garden. In the Council's view, the scheme has been worsened by this amendment.

The additional height of WPB3 would result in a tall, bulky built form that would not respond to the prevailing building heights within its context. It would present high-level bulk onto Notting Hill Gate. It would fail to respect its adjoining context, detracting from the hierarchy and legibility of the traditional urban form and disrupting local townscape views. It would cause harm to the setting of Pembridge Conservation Area. It would also detract from the singular quality of the tall building, detracting from the overall urban design and architectural quality of the scheme.

At 30m in height WPB3 would be the tallest of the perimeter blocks and would be 11m taller than KCS1 and the Notting Hill Gate perimeter building, which are the more significant buildings as they front onto the main roads. As such, the amended building would not respond to the prevailing building heights in the area, contrary to policy CL12. Its scale would contradict the traditional hierarchy of the local built form and detract from the legibility of the townscape, contrary to CL1.

WPB3 would rise above the more domestic scale of Uxbridge Street (southside) with Farmer Street and Jameson Street (not shown in the TVIA) and above the consistent parapet line of the terraced housing in Hillgate Place (View no.25), particularly catching the eye when its rooftop gardens are in use.

The more significant visual impacts would be on the townscape views from the north-west, where WPB3 would sit significantly above the roofline of David Game House, appearing unrelated in its form and material finish to the street buildings, and presenting high level bulk that would obscure and

detract from the slender form of the tall building (View no.8). WPB3 would continue to be read in this way following the construction of the approved extension to David Game House.

Further away, the visual impact of the additional storeys would become more pronounced. From Kensington Park Road (View no.17) WPB3 would be seen within the backdrop to the terraced housing of Pembridge Gardens, where its final storey and roof garden would sit unrelated above the rooftops of Pembridge Road. WPB3 would breach the roofline and blur its roofscape in a more generalised way, detracting from the attractive rhythm and appearance of its chimneystacks. From Kensington Park Road (View no.16) the additional storeys would result in the building becoming more distinct on the skyline as its height and bulk would be expressed above the roofscape of Pembridge Road. In this instance, WPB3 would become the focal point of the view, sitting unrelated above the lower-rise built form of the terraced properties, the bulk and horizontality of its architecture contrasting unfavourably with the finer grained form and verticality of the housing below. At dusk internal lighting and horizontal window proportions would emphasize the incongruous effect. Furthermore, the scale and appearance of WPB3 would have the unfortunate effect of disrupting the landmark quality of the tall building. Its bulk and squat appearance on the skyline would obscure and detract from the singularity and slenderness of the tall building. The white stone-clad tall building would no longer be perceived as terminating the vista; with the eye drawn to its grey, squat neighbour WPB3. Overall, WPB3 would present a high level bulk that disrupts the local townscape and, along with the tall building, causes substantial harm to the setting of Pembridge Conservation Area.

Balancing

Given these impacts, the tall building cannot be regarded as having a wholly positive impact on the character and quality of the local townscape as required by the Consolidated Local Plan. The amended scheme would cause substantial harm to the setting of some heritage assets. Instances where this would occur are in the backdrop of Kensington Palace when viewed from certain angles, in particular in views from near the Round Pond, in the setting of listed buildings in the northern section of Kensington Palace Gardens, and from some points within the Pembridge Conservation Area.

The statutory test requires considerable importance and weight to be given to that harm, but it must be weighed against the public benefits of the proposal as material considerations. The Council recognises that, if the scheme overall was otherwise extremely positive (which it is not) then those harms could be balanced in favour of granting permission. However, when the scheme delivers so little else, the harm caused to the setting of heritage assets is a decisive factor against it. In giving considerable importance and weight to the setting of nearby listed buildings and nearby conservation areas, the Council does not consider that the weight attached to the public benefits of the scheme are sufficient material considerations to outweigh the harm to the setting of heritage assets in order for planning permission to be granted contrary to the development plan.

Conclusion

In the Council's opinion, there are no material considerations in this case that would justify a grant of planning permission for a development that would fail to comply with the policies of the development plan. There are no conditions that would overcome the problems presented by the amended proposals and enable planning permission to be granted that would be reasonable in all respects and satisfy national guidance for planning conditions. The Mayor of London is respectfully requested to refuse planning permission.

Yours sincerely,

Cllr Quentin Marshall
Chairman of the Planning Committee
The Royal Borough of Kensington and Chelsea