

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 31/01/2018

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

Application:	PP/17/05782	Agenda Item:	N08		
Address:	Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, LONDON				
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 (MAJOR APPLICATION).				
Applicant:	Notting Hill Gate KCS Ltd				
Agent:	Ms G Church Quod				
Properties notified:	Objections:	Support:	Comments:	Petition:	
2033	727	178	21	0	
Conservation area:	Kensington				

1. Summary

- 1.1 Planning permission is sought for the redevelopment of Newcombe House, its neighbouring buildings on Kensington Church Street (KCS), and the associated ground level car park behind. The site is at the heart of Notting Hill Gate (NHG) in an area of the highest public transport accessibility and an area that experiences high footfall by residents, workers and visitors to the Borough. The existing buildings date from the late 1950s and are typical of their period, comprising robust pre-cast concrete and glass buildings, decorated by roughcast concrete infill panels. They are of limited individual or collective townscape merit, have a tired appearance, and lack any engaging compositional qualities and architectural flair. The proposals provide the opportunity to address this, and to refresh and revitalise this significant site.
- 1.2 The Notting Hill Gate Supplementary Planning Document (NHG SPD), contains the Council's aspirations for NHG and states that the area should have more attractive buildings, more pleasant pavements and public spaces, a good and balanced range of shopping facilities, a thriving office community and an adequate range of social and community uses to meet local needs. The NHG SPD acknowledges that the site of Newcombe House will play an important role in the future of Notting Hill Gate.
- 1.3 The proposals would provide a new pedestrianised public square surrounded by active frontages of commercial uses at the ground floor level including Class A1 (retail) and Class A3 (cafe/restaurant) uses, office spaces, residential entrances and a new medical facility. The existing quantum of office floorspace would be re-provided, alongside a modest uplift

in retail floorspace and 46 residential units, including 9 social rented units which is considered to be the maximum reasonable amount of affordable housing that the scheme could provide.

- 1.4 The proposals entail the replacement of Newcombe House (12 storeys) with a new tall building (18 storeys) of a different form and profile. At its highest point this would be 25.5m higher than the existing building and 8.5m taller than Campden Hill Towers to the west. This increase in height would have implications for the settings of the four adjoining conservation areas where the building would have a new and different impact on views across these areas and upon the settings of groups of significant heritage assets.
- 1.5 The proposals include a number of benefits which would be secured through a legal agreement under section 106. Notably this includes a commitment to step free access from street level to the southbound (inner rail) Circle and District line platform which represents an opportunity unique to this site due to its location. Other benefits to local transport and public realm include the provision of a new cycle hire docking station on the site, renewal of footpaths around the site, and provision of new street trees on NHG, a contribution to public art, and a new public square which would be designated as public highway. The scheme includes affordable housing in the form of 9 social rented units, and a new medical facility, with a provision in the section 106 agreement to revert to office floorspace if not occupied by the NHS commissioning group within a specified timescale.
- 1.6 On consideration of the proposals as a whole, the development would bring welcome benefits to Notting Hill Gate and is recommended for approval subject to conditions and completion of a section 106 agreement.

It is recommended the Committee authorises the Executive Director, Planning & Borough Development:	
1.	Subject to there being no Direction to the contrary by Mayor of London, to grant planning permission on the satisfactory completion of an undertaking or agreement to secure the matters in Section 8 of this report and with the conditions listed in Section 11 of this report.
2.	To refuse planning permission if an undertaking or agreement to secure the contributions in Section 8 of this report has not been satisfactorily completed by 28 February 2018 for the reason that the proposed development would not be accompanied by associated necessary infrastructure improvements.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.
- The terms of the recommended legal agreement are beyond the Executive Director's delegated authority.

3. The site and its surroundings

- 3.1 The application site is bounded by Notting Hill Gate to the north, Kensington Church Street to the east, Kensington Place to the south, and the Circle and District line and a London Underground Limited substation to the west. The site currently contains a number of linked blocks, a surface car park of 61 spaces, Newcombe Street and part of Uxbridge Street. The buildings comprise:

- Newcombe House; an office building (Class B1) of 12 storeys plus plant above set back from Notting Hill Gate behind a podium accessed by concrete stairs from Notting Hill Gate
 - 207-237 Kensington Church Street; a 1-2 storey linear block of shops and restaurants (Class A1 and Class A3)
 - Royston Court (161-199 Kensington Church Street); a 5 storey building with ground floor retail (Class A1 and Class A3) and 20 (vacant) self-contained studio units (Class C3) on the upper floors which are owned and managed by Notting Hill Housing Trust (NHHT)
 - A surface level car park with 61 spaces (also used for storage and collection of refuse and the farmer's market every Saturday morning); and
 - Parts of the roads and footpaths of Newcombe Street and Uxbridge Street.
- 3.2 The existing frontages onto Notting Hill Gate and Kensington Church Street form part of the primary shopping frontage the Notting Hill Gate District Shopping Centre.
- 3.3 No part of the site is within a conservation area, although it adjoins the boundaries of the following four conservation areas:
- Kensington Conservation Area to the south and east,
 - Kensington Palace Conservation Area to the east,
 - Pembridge Conservation Area to the north east, and;
 - Ladbroke Conservation Area to the north west.
- 3.4 The Circle and District line underground station, including its roof, is grade II listed. There are no other listed buildings directly adjoining the site. There are a number of heritage assets within the vicinity of the site, most notably Notting Hill Gate Underground Station which is Grade II listed and the terrace of 1-34 Pembridge Gardens which lies to the north of the site which is Grade II listed.
- 3.5 The site lies within an area of archaeological importance.
- 3.6 The buildings and open space date from the late 1950s and are part of a larger post war urban intervention that widened the roadways along and immediately adjacent to Notting Hill Gate and redeveloped stretches of street frontage buildings running from the Czech Embassy adjacent to Kensington Palace Gardens to the east through to Campden Hill Towers in the west. However, the scheme was not entirely comprehensive, sitting alongside sections of historic fabric on either side of the road
- 3.7 The architecture is typical of the period, comprising robust pre-cast concrete and glass buildings, decorated by roughcast concrete infill panels and brightened by jaunty pieces of public art or occasional back-painted coloured glass panels. The building composition is a typical mix of mainly low and medium blocks with a singular taller element (46m). In this instance Newcombe House is a 12-storey office building and, sat above its podium, it is as wide as it is tall. It is one of two high-rise buildings of district scale in Notting Hill Gate, sitting diagonally opposite a 16-storey slab residential building (63m), though Campden Hill Towers is orientated side-on to the main road. Both towers are from the same period and by the same architects, Cotton Ballard and Blow (1957); and landmark, if not seemingly bookend the main commercial core.
- 3.8 The site is within a wider context of traditional streets and buildings that dates mainly from the mid to late Victorian period, with some Edwardian and early 20th Century buildings. The wider area has a distinct domestic scale and character. The 2 to 3-storey and more artisan character of Notting Hill Village to the immediate south contrasts with the 3 to 4-storey residential terraces of Ladbroke and Pembridge, and the grander townhouses and villas of Kensington Palace Gardens to the east and Holland Park further to the west. The

surrounding townscape is largely designated as a heritage asset, with the conservation areas of Kensington, Ladbroke, Pembridge and Kensington Palace Gardens almost pin-wheeling around the site. The area also contains many statutory listed buildings, including the adjacent underground station and nearby grade II listed Gate and Coronet cinemas and the grade II terraced housing of Pembridge Gardens and Square. Lastly, the grade I listed Kensington Palace and its grade I registered gardens lie a short distance to the east of Notting Hill Gate, where both Newcombe House and Campden Hill Tower are visible above the tree-line in the backdrop of the royal palace.

4. The proposal

4.1 Planning permission is sought for the comprehensive redevelopment of the site including all its buildings and car park to provide a new layout of buildings set around an integral public square. The buildings, which would be set around a public square, vary in scale and use. A brief description of each of the new buildings is provided below, moving around the site in a clockwise direction from the northern end of the site:

4.2 Corner building

Notting Hill Gate building

The proposed building which fronts onto Notting Hill Gate would be four storeys (ground plus 3) storeys and 19m in height. This would contain retail uses at the ground floor level and office accommodation above.

East Form and Central Form ("Tall building")

The tallest element is divided into two 'forms' the lower (East Form) is 14 storeys (ground plus 13) and the taller (Central Form) is 18 storeys (ground plus 17). At its highest point it rises to 25.5m higher than the existing Newcombe House building. The tower would contain retail uses, office and residential entrances at the ground floor level. Pedestrian routes would exist underneath the tall building providing access routes from Notting Hill Gate and Uxbridge Street into the new public square. The tall building would comprise Class B1 office space from the first to third floors and private residential units from fourth floor to the eighteenth floor providing 18 x 3-bedroom units and 3 x 4-bedroom units.

4.3 Kensington Church Street buildings

To the south of the tall building, fronting onto Kensington Church Street, would be two new blocks of 4 storeys. Gaps between these buildings would provide views and pedestrian access from Kensington Church Street to the public square. These would have retail uses at the ground floor level with frontages onto both Kensington Church Street and the public square. Residential accommodation is proposed above with ground floor entrances on Kensington Church Street and the public square.

Kensington Church Street Building 1 (KCS 1)

This building would provide 12 private residential units as 6 x 1-bedroom and 6 x 2-bedroom units, which would have access to a roof top garden.

Kensington Church Street Building 2 (KCS 2)

This building would provide 9 social rented residential units as 3 x 1-bedroom, 3 x 2-bedroom and 3 x 3-bedroom units. The roof of the building would have a plant enclosure.

4.4 West Perimeter Buildings

New buildings are proposed to the western edge of the site which will directly adjoin the roof of the underground platform and the London Underground substation at the rear.

West Perimeter Building 1

This 2.5 storey building would have retail uses fronting onto the public square at ground floor level with private residential accommodation above as 4 x 2-bedroom units.

West Perimeter Building 2 / The Cube

To the southern end of this block would be a visually distinct building ('the Cube') which would form the southern end of the public square. This building would provide office accommodation at all floors and the ground floor plan includes the car lift which would provide egress from the basement car park onto Newcombe Street and Kensington Place.

West Perimeter Building 3

The most northern of the West Perimeter Buildings is a taller block which would sit south of Uxbridge Street and behind David Game House. This would be five storeys high and the ground floor level would include a retail unit, plant and entrance to a health facility. It would also include the car lift which would provide access from Uxbridge Street to the basement level car park. The first floor would provide office floorspace and the second and third floors would provide space which is proposed to be used as a NHS health facility (reverting to office floorspace if not occupied by the NHS commissioning group within a specified timescale).

4.5 The other features of the proposed site layout are:

Public square

The public square would be located in the centre of the site and would provide 876 sq metres of public space. The public square would be pedestrianised with access only for emergency vehicles. Servicing of the commercial uses would take place from the street.

Basement

A two storey basement is proposed across the entirety of the site. Basement level 1 would provide ancillary storage space for the commercial units at ground floor level. The lower level would provide a basement car park comprising 25 residential parking spaces and 5 spaces for use by the health facility as well as cycle storage facilities. The basement plans demonstrate an area to facilitate installation of a lift from the southbound Circle and District line platform to the TfL ticket hall under Notting Hill Gate.

4.6 Across the entirety of the development, the existing and proposed uses are:

	Existing (sqm) (GIA)	Proposed (sqm) (GIA)	D i f f e r e n c e (sqm) (GIA)
Office (Class B1)	5,206	4,390	- 816
Health facility (Class D1)	-	904	+ 904
Retail (Class A1 and A3)	2,569	2,871	+ 302
Residential (Class C3)	955	8,740	+ 7,785
Residential car park	-	1,818	+ 1,818
Plant and servicing (for all uses)	413	1,102	+ 689

- 4.7 Across the entirety of the development, 37 private residential units and 9 social rented units are proposed. Their mix is:

Unit size	Number of units	% of whole
1 bedroom	9	19.5
2 bedroom	13	28
3 bedroom	21	46
4 bedroom	3	6.5
Total	46	100

5. Relevant planning history

- 5.1 There is planning history relating to several of the component parts of the application site, for example the use of the car park by the farmer's market, use of the second floor of Newcombe House and signage and small scale alterations associated with the commercial uses. These are not directly relevant to this planning application.
- 5.2 The relevant planning history is PP/15/07602 for identical works to that currently proposed, with the exception of the affordable housing provision. PP/15/07602 was refused by the Council for three reasons:
1. The height of the tall building would be significantly taller than the existing building and the surrounding townscape. 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. It would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and would result in substantial harm to those heritage assets. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6 and 7.7, and Local Plan policies CL1, CL2, CL3, CL4, CL11 and CL12. The public benefits would be insufficient to outweigh those harms
 2. The proposals result in the loss of social rented floorspace within the Royal Borough, contrary to policies of the London Plan, in particular Policy 3.14, and the Local Plan, in particular policy CH3
 3. In the absence of agreed Section 106 obligations, and provisions under section 16 of the General Powers Act, which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the London Plan, in particular policies 3.12 and 3.16, the Local Plan, in particular policy C1, CT1 and CH2.
- 5.3 On appeal following the Public Inquiry the Planning Inspector upheld only one of these reasons for refusal relating to the loss of social rented floorspace contrary to CLP policy CH3 (b). The Inspector also expressed doubt on the submitted evidence that this loss of social rented floorspace was justified on viability grounds or that sufficient payment was proposed towards off-site affordable housing.
- 5.4 The current application seeks to respond to the Inspector's decision by retaining the same scheme design with the inclusion of 9 social rented affordable housing units on-site instead of the market housing previously proposed.

Reference	Description	Decision	Implemented
LB/16/00466 Land between Newcombe House, 45 Notting Hill Gate, Railway Cutting Rear of 9 to 37 Jameson Street and London Underground Substation, Jameson Street	Construction of new wall adjacent to wall of listed station building; associated flashing and rainwater collection guttering attached to listed wall. Creation of stepfree access safeguarding zone between platform level and ticket hall level involving construction of walls abutting existing listed station building wall.	Granted 29/04/2016	No
PP/15/07602	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 (MAJOR APPLICATION).	Refused 29/04/2016 Appeal dismissed 12/06/2017	N/A

6. Main policies and strategies relevant to the decision

The development plan

6.1 The main planning considerations applying to the site and the associated policies are:

	Consolidated Local Plan	Saved UDP	London Plan
Notting Hill Gate	CP7, CV16		
Town Centre Uses	CK1, CF1, CF2, CF3, CF4, CF5	H8	3.1, 3.2, 3.16, 3.17, 4.7, 4.8, 4.9, 4.12
Housing	CF9, CH1, CH2, CH3	H17	3.4, 3.5, 3.6, 3.7, 3.8, 3.12, 3.13, 3.14, 7.1, 7.2, 7.3
Transport	CT1, CT2, CR7		6.1, 6.2, 6.3, 6.4, 6.5, 6.7, 6.9, 6.10, 6.13
General townscape and building heights	CL1, CR1, CR2, CR3, CR4, CR5, CR6, CL2, CL10, CL11, CL12		7.3, 7.4, 7.5, 7.6, 7.7, 7.13, 7.21
Heritage assets	CL3, CL4, CL11		7.8, 7.9

Living conditions	CL5, CE6		
Basements	CL7		
Sustainability, flooding and climate change	CE1, CE2, CE3, CE4, CE5		5.2, 5.3, 5.6, 5.9, 5.10, 5.11, 5.12, 5.13, 7.14
Contaminated land	CE7		5.21

These policies can be read online at:

- Consolidated Local Plan and Saved UDP:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>
- London Plan:
<http://www.london.gov.uk/priorities/planning/london-plan>

Other local strategies or publications

6.2 The main relevant supplementary planning documents adopted by the Council are:

- Notting Hill Gate, 2015
- Transport and Streets, 2016
- Trees and Development, 2010
- Building Height, 2010
- Basements, 2016
- Noise, 2009
- Planning Obligations, 2010
- The Streetscape Guide, 2012
- Kensington Conservation Area Appraisal, 2017
- Kensington Palace Conservation Area Proposals Statement, 1997
- Pembridge Conservation Area Appraisal, 2017
- Ladbrooke Conservation Area Appraisal, 2015
- Shopfront Design Guide, 2011
- Access Design Guide, 2010
- Air Quality, 2009

6.3 The relevant GLA supplementary planning documents include:

- Affordable Housing & Viability, 2017
- Housing, 2016
- Accessible London: Achieving an Inclusive Environment, 2014
- The Control of Dust and Emissions during Construction and Demolition, 2014
- Town Centres, 2014
- Character and Context, 2014
- Sustainable Design and Construction, 2014

6.4 These documents can be read online at:

Conservation Area Proposal Statements and Conservation Area Appraisals:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

Adopted supplementary planning documents:
<http://www.rbkc.gov.uk/planningandbuildingcontrol/planningpolicy/supplementaryplanning.aspx>

7. Evaluation

- 7.1 The Inspector's decision for PP/15/07602 is a significant material consideration in the determination of the current application. The Planning Inspector represents the Secretary of State, and significant weight needs to be given to the content of the appeal decision letter. The Courts have held in summary that a previous decision should be a powerful material consideration in any new determination, that there is a public interest in consistency of decision making, and that the decision maker now has to have very good reason to depart from another decision-maker's reasoned rational judgment; this is heightened where the previous decision maker is a Planning Inspector on behalf of the Secretary of State.
- 7.2 The Inspector identified two substantive issues. The first was the issue of townscape and impact on heritage assets, and the second was the issue of social housing. In relation to the impact of the proposal on townscape and heritage assets the Inspector found that the proposed building was high quality architecture and a significant improvement on the existing building, and that in most cases it either enhanced relevant heritage assets and their settings or left them unharmed. Where he did identify any harm, it was minor and more than outweighed by the positive impacts of the proposal in townscape and heritage terms. On the second issue, the Inspector was not convinced that enough had been done to address affordable housing policies.
- 7.3 The decisive issues are:
- i Whether the impact of the proposed uses on the function and vitality of the Notting Hill Gate district centre would be acceptable;
 - ii Whether the contribution to the Borough's existing housing stock would be acceptable in terms of quantum and in terms of mix and provision of affordable housing;
 - iii Whether the impact of the proposed layout, height, massing and design of the development on the surrounding townscape and adjacent conservation areas and designated heritage assets would be acceptable;
 - iv Whether the impact of the proposal on transport, parking and pedestrian environments and provision of step free access to the underground would be acceptable;
 - v Whether the scale of the basement development and its impact on neighbouring living conditions during demolition and construction would be acceptable;
 - vi Whether the proposal would have an acceptable impact on neighbouring living conditions;
 - vii Whether the proposal would have an acceptable impact on environmental considerations including air quality, sustainability, microclimate and contaminated land; and
 - viii Whether the proposed associated changes to the listed structure of the underground station would be acceptable.

Impact of the proposed uses upon the function and vitality of the Notting Hill Gate district centre

Retail uses

- 7.4 The proposals would increase existing retail floorspace by 302 sqm (GIA) to 2,871 sqm (GIA) an increase of 11%, and would increase the commercial units on the site from 11 to 14. CLP policy CF1 (a) supports a 'town centre first' approach and policy CF1 (b) requires new retail with a floorspace of 400 sqm or more to be located within a higher order town centre. Notting Hill Gate is classed as a district centre in the CLP and is a higher order town centre. Given the town centre location, the increase in retail floorspace would be welcomed.
- 7.5 CLP policy CF2 concerns the nature of retail development in town centres. CLP policy CF2 (a) requires that "the scale and nature of development within a town centre to reflect the position of the centre within the retail hierarchy and to assist in the implementation of the vision for the centre as set out within Section 1B Places (Chapters 4-18)". CLP policy CF2 (b) requires "a range of shop unit sizes in new major retail development and resist the amalgamation of shop units, where the retention of existing units contributes to achieving the vision for the centre". In accordance with policy CF2, the commercial units proposed at ground floor level vary in size with nine of them incorporating ancillary storage areas at basement level. The development could accommodate a range of occupiers and has a focus on smaller retail units which the Notting Hill Gate SPD acknowledges to be one of the characteristics of Notting Hill Gate. A retail frontage on Notting Hill Gate would be reinstated where the steps and podium entrance to Newcombe House currently exist, which is welcomed.
- 7.6 CLP policy CF3 seeks to "secure the success and vitality of our town centre by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by, a range of complimentary town centre uses". Four of the commercial units would be restaurant/café use (Class A3) and these would be sited on the Kensington Church Street frontage, interspersed with retail units (Class A1) as complimentary town centre uses. The proposals represent an overall improvement to the function and vitality of Notting Hill Gate through the creation of active frontages onto the public square, a net increase of one retail unit, and repairing the retail frontage on Notting Hill Gate, which balances positively against the reduction in Class A1 frontage length on Kensington Church Street. The applicant proposes a retail marketing strategy to secure appropriate occupiers for the retail units as part of the associated legal agreement under s.106.
- 7.7 The public square would contain adequate space for the re-provision of the farmer's market, which currently utilises the existing car park on the site in compliance with CLP policy CF4.

Health facility

- 7.8 The proposals include an area of 904 sqm (GIA)/ 745 sqm (NIA) within West Perimeter Building 3 for use as a health facility (Class D1). The health facility would include ancillary office functions at first floor level. Ancillary space and car parking for the surgery would also be provided at basement level. The provision of a doctor's surgery is welcome and is supported by CLP policy CK1 (b) which seeks to enhance social and community facilities in the Borough. The Notting Hill Gate SPD also recognises the desire for a new primary health care centre in the area, stating at paragraph 3.6 that "The Council supports the provision of new social and community facilities in accordance with Policy CK1 of the Core Strategy [now CLP]." The SPD highlights a requirement for a new primary healthcare centre in the area, with a new primary healthcare centre of circa 1,000 sqm sought in Notting Hill Gate.

- 7.9 The applicant states that this has been designed in consultation with the NHS West London Clinical Commissioning Group to meet the requirements of two existing surgeries (Pembridge Villas Surgery and Westbourne Grove Medical Centre) who are proposing to occupy the space. The applicant has agreed heads of terms for letting the floorspace to NHS Property Services Limited for the grant of a 25 year lease at rents signed off by the District Valuer for use as a surgery, clinic or primary health care centre. However, the NHS would be entitled to remain in occupation and renew its tenancy at the end of 25 years as per the statutory business tenant protections under the Landlord and Tenant Act 1954.
- 7.10 The s.106 agreement would incorporate a mechanism to allow the NHS Commissioning Group first refusal of the doctor's surgery. If within a specified period of time, no agreement for lease has been entered into, then the premises would revert to offices (Class B1). The use of this space as an office rather than a medical facility has implications for the overall development value as its use as an office would result in the scheme having a greater surplus of approximately £1.6m, as demonstrated by viability testing. This surplus would take the form of a payment towards affordable housing, as secured by the s.106 agreement.

Office use

- 7.11 The scheme proposes 4,390 sqm (GIA) of office accommodation across three floors within the Corner Building and all three floors within the West Perimeter Building 2. This represents a loss of 816 sqm (GIA) compared to existing (and 672 sqm compared the previous scheme). CLP policy CF5 (a)(ii) protects medium sized offices in higher order town centres unless "the office is within a town centre and is being replaced by a shop or shop floorspace, by a social and community use which predominantly serves, or which provides significant benefits to, borough residents; or by another (not residential) town centre use where this allows the expansion of an adjoining premises". The provision of a health facility, a social and community use, would offset the loss of office floorspace and is, therefore, acceptable under CLP policy CF5.
- 7.12 The replacement office floorspace would be of a higher specification than that which currently exists with improved access from the ground floor level. This would be a significant improvement above the existing arrangements with access from a raised podium. The layout of the office floorspace would be flexible, providing opportunities for subdivision to accommodate the varying needs of different businesses. Even if the office floorspace within the tall building were to be used by a single occupier, this would adhere to CLP policy CF5 (c) which requires that large office premises are located in higher order town centres and accessible areas. Conditions to restrict the layout and future amalgamations of office units are therefore not necessary.

Housing

Impact on the Borough's existing housing stock and provision of affordable housing

- 7.13 The proposals would result in the loss of existing residential accommodation in Royston Court which fronts onto Kensington Church Street. Royston Court is managed by Notting Hill Housing Trust (NHHT) and currently provides 20 bedsit units (1,071 sqm GEA) which, until recently, accommodated former rough sleepers. The applicant states that NHHT has moved the majority of tenants into other existing accommodation within the Borough.
- 7.14 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 applicant maintains their position from the appeal that the permitted use of Royston Court is as residential flats and there is no obligation to use the properties as affordable housing, or to let to tenants at reduced rents. Nevertheless, whilst the Inspector was aware that the occupiers would be

re-housed, the Inspector considered that Royston Court comprised “20 social housing units designed to house former homeless people” (paragraph 45), and concluded that the appeal scheme would result in a loss of social rented housing floorspace within the Borough contrary to CLP policy CH3 (b). Notwithstanding that Royston Court is now vacant, the proposed demolition of Royston Court under the current application would result in a loss of these homes and a loss of social rented floorspace within the Borough, contrary to CLP policy CH3 (b).

- 7.15 The 20 studio units in Royston Court would be replaced by 9 social rented units comprising 3 x 1-bedroom units, 3 x 2-bedroom units, and 3 x 3-bedroom units in KCS 2. The overall amount of floorspace proposed as affordable housing would exceed the previous floorspace in Royston Court by 159 sqm (GIA). The requirements of 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 159 sqm, the proposals do not meet the requirement of policy CH3 (b) in terms of unit numbers.
- 7.16 Balancing against the shortfall in numbers is the fact that the quality of proposed accommodation to replace Royston Court would be significantly improved upon the existing. The existing units are sub-standard with, for example, many of them not meeting the Nationally Described Space Standards nor having access to private or communal amenity space. The proposed replacement units would comply with Lifetime Homes standards and would be units designed similarly to the market housing units i.e. “tenure-blind” as per CLP policy CL2 (n).
- 7.17 The proposals involve the creation of 46 residential units of 9,992 sqm (GEA), which is 8,921 sqm more than existing. 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 nine social rented units, which amounts to 14% by floor area. The proposals would not comply with this requirement. The scheme would deliver 159 sqm of affordable housing floorspace beyond what already exists on site at Royston Court, which would be re-provided. Once the re-provision of the existing affordable floorspace at Royston Court is discounted (as this would have to be re-provided anyway in order to satisfy CLP policy CH3 (b)), the proportion of affordable floorspace provision amounts to 1.78% of the overall net additional residential floorspace.
- 7.18 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 reduces affordable housing provision”.
- 7.19 At the appeal, the applicant argued that retaining the existing social housing or providing new affordable housing on site, would render the scheme unviable. The Inspector was not persuaded that at least some affordable housing could not be provided on site or, more importantly, justified the loss of all the existing 20 social housing bed spaces on the site or a net loss in the Borough, and concluded that doubts over viability did not amount to a sound justification for the loss of social housing or the conflict with CLP policy CH3 (b).
- 7.20 The National Planning Policy Framework states that viability should consider “competitive returns to a willing landowner and willing developer to enable the development to be deliverable.” This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. National Planning Guidance recognises that the individual circumstances of any scheme should be taken into consideration when assessing viability. Councils are therefore encouraged to be flexible with regards to planning obligations if the applicant is able to demonstrate that such obligations (or a higher level of obligation) would make a scheme unviable. If a financial appraisal generates a return below the benchmark return then a development can be

considered unviable. However, if the appraisal generates a return at or in excess of the benchmark return then the development can be considered viable and any surplus (return above the benchmark) is potentially capable of contributing towards the provision of affordable housing.

- 7.21 The 'Statement of Common Ground Further Addendum' prepared for the Public Inquiry explained the need for a Benchmark Land Value (BLV) as a hurdle which a proposed scheme would need to reach in order to incentivise a land owner to release its land for development (paragraph 50). But the Inspector considered that the usual onus to provide an incentive for the land to be released for development did not fully apply as the applicant has already bought the land, with the exception of Royston Court (paragraph 54). The three methods for calculating the BLV (theoretical Alternative Use Value (AUV) using the same massing and building envelope of appeal scheme, comparison with other market transactions, and Existing Use Value (EUV) as set out in paragraphs 51-53) did not persuade the Inspector that there was a sound basis for a site value of £33m, and consequently the Inspector gave limited weight to the BLV used in the assessment.
- 7.22 The current application was submitted with a Financial Viability Assessment (FVA) prepared by Bilfinger GVA. This was later supplemented by a scenarios letter dated 26 September 2017. The applicant's FVA has been analysed on behalf of the Council by independent external assessors to verify whether the scheme offers the maximum reasonable level of affordable housing. The assessment was carried out using a residual land value, calculated by establishing the value of the completed development and deducting all costs of undertaking the development (including finance costs, professional fees, CIL, s106 costs and marketing fees) together with a reasonable profit for the developer as stated in the NPPF. In order for the development to be technically viable the residual value must be higher than the benchmark land value.
- 7.23 In the current application the applicants based the Site Value Benchmark (SVB) upon the existing use of the property and has considered a refurbishment scenario for the existing property. The existing use value (EUV) is the preferred land value assessment by the GLA for planning purposes as set out in the Mayor of London's SPG. The independent assessors for the Council are of the opinion that the application has addressed the Inspector's concerns by using this as the preferred method of determining Site Value, and have done so with the knowledge that the underlying assumptions will be reviewed by the Council's advisors.
- 7.24 The SVB applied by the applicant is £33m based on an AUV. The Council's assessor considers this to be a reasonable assessment. The assumptions made in the AUV are based on market inputs. The Council's assessors have changed the classification of the applicant's SVB assessment to AUV because it includes a refurbishment cost, and they undertook a separate EUV assessment for indicative purposes.
- 7.25 The applicant's benchmark return is 20% profit on cost. The Council's assessor has targeted a blended profit which of 17.5% profit on GDV for the private residential, 6% profit on GDV for the affordable residential, and 15% profit on GDV for the commercial. This results in a target return of 16.75% profit on GDV, which reflects the GLA's preferred profit return. The assessors consider the residential and retail development values to be reasonable, and the office development value to be slightly more optimistic but not in itself unreasonable.
- 7.26 Allowances for costs for undertaking the development are reasonable, although the 5% developer's contingency has been removed from the assessment. The allowances made for acquisition costs, professional fees, marketing and the letting and disposal costs, as well as other abnormal development costs, appear generally acceptable given the nature of the proposed development.
- 7.27 The appraisal on behalf of the Council concludes that whilst the proposed development may be more viable than its predecessor at the time of the appeal, it still does not exceed a reasonable profit benchmark itself. Although improved upon its predecessor it is still

unable to viably achieve additional affordable units above what is proposed currently. This has been tested through sensitivity analysis which indicates the proposed scheme can be considered viable through small increases to sales values and reduction in costs. It is concluded that the proposed scheme is potentially deliverable due to the impact of the small changes to private sales values and construction costs have on the profit return. On the basis of this confirmation from the Council's independent assessor, it is concluded that the 'maximum reasonable amount' of affordable housing is proposed, in compliance with national guidance, the London Plan, and Consolidated Local Plan, and that the concerns raised by the Inspector at the appeal have been satisfactorily addressed.

- 7.28 The Mayor's Affordable Housing SPG advises that where applications do not achieve the threshold level of affordable housing they should be assessed under the 'Viability Tested Route', and should be required to provide Early and Late Reviews. The proposed scheme does not achieve the threshold level of affordable housing and therefore a two-stage review would be necessary, as secured under the S106 agreement. As set out in the AH&V SPG guidance, the purpose of the review mechanism is not to reduce the base level of affordable housing contributions but to "Assess changes in development values and build costs which are the most significant variables within an assessment and are most likely to be subject to change. This avoids the need for a full reassessment of viability and reduces information requirements thereby enabling a shorter review period" (Annex A, p.57).
- 7.29 In addition to the independent viability assessors appointed by the Council to carry out a thorough review of the Viability Statement submitted by the applicants, the GLA took separate advice on the same key issue. It is important to note that the assessors for both the GLA and the Council have reached the same conclusion from evidence and comparables, that the development is providing the maximum reasonable amount of affordable housing. Therefore, the proposals accord with the housing policies of the Consolidated Local Plan, the London Plan, and relevant London wide and national guidance, as regards affordable housing. It is concluded that the single outstanding issue from the appeal has now been satisfactorily addressed.
- 7.30 The Greater London Authority notes that the the number of affordable habitable rooms on-site has increased from 20 to 27, and that there is a significant improvement in the quality of the housing accommodation, which accords with London Plan Policy 3.14 and the Mayor's Affordable Housing and Viability SPG (paragraph 20). It is confirmed that GLA officers have robustly interrogated the viability assessment, and supplementary documents requested from the applicant, which have demonstrated that the maximum possible level of affordable housing is being achieved at 17.3% by habitable room/19.6% by units, equating to 5.1% uplift in affordable housing together with the delivery of step-free access.
- 7.31 It is concluded that the proposed development does provide the maximum reasonable amount of affordable housing, in compliance with the development plan and national guidance. This was the only element left in doubt in the Inspector's dismissal of the appeal in the previous proposals, and it has been successfully addressed in this latest application with that element of doubt now removed.

Housing mix and quality

- 7.32 London Plan policy 3.4 states that taking into account local context and character and public transport capacity, development should optimise housing output for different types of location within the relevant density range in Table 3.2 of the London Plan (the density matrix). The site lies within an 'urban' area for the benefit of assessment against the density matrix within the London Plan and has a public transport accessibility level of 6b. The proposal will provide a range of unit sizes. The proposed development provides a density of 562 habitable rooms per hectare (based on 151 habitable rooms and a residential site area of 0.2688ha), which is appropriate.
- 7.33 CLP Policy CH2 (a) requires "new residential development to include a mix of types, tenures and sizes of homes to reflect the varying needs of the borough, taking into account the characteristics of the site, and current evidence in relation to housing need". The

Council's current evidence of housing need can be found in the Council's most up-to-date Strategic Housing Market Assessment (SHMA) 2015.

- 7.34 Paragraph 35.3.10 of the CLP identifies a greater need for 3-bedroom and 4-bedroom or more market housing in the Borough, and states that "over the next 20 years, the size of new market housing likely to be required in the borough is 20% one and two bedroom units and 80% three and four bedroom units". The CLP acknowledged that it would be unrealistic to expect these proportions to be adhered to in each case, but in the private market sector the need for as high a proportion of large dwellings is underlined. Although the affordable housing provision is for an equal mix of 1-bedroom, 2-bedroom and 3-bedroom units, the CLP makes clear that it would be unrealistic to expect all housing scheme to comprise dwellings built to these exact ratios (paragraph 35.3.11). The Borough has updated its evidence base on local housing requirements through the SHMA 2015. This is shown as a breakdown by bedroom size of the objectively assessed need (OAN) for all types of housing. The evidence is of a 50/50 split between smaller (1-2 bedrooms) and larger (3-4+ bedrooms) units. The proposed mix of 48% 1-2 bedroom units and 52% 3-4 bedroom units is in line with the SHMA 2015 and therefore complies with CLP policy CH2 (a).
- 7.35 All units would achieve the minimum floorspace standards laid out in the London Plan and the Nationally Described Space Standards. Eight units (17%) are more than double the minimum floorspace standard and all exceed the relevant minimum standard. Overall the development incorporates an appropriate range and mix of unit sizes. All units have access to either shared amenity spaces within the development, such as the roof terrace to the Kensington Church Street building, or private amenity spaces. In the case of the units within the tall building this is in the form of enclosed winter gardens. The Mayor's Housing SPG accepts enclosed winter gardens as an acceptable alternative to open spaces for dwellings exposed to noise.
- 7.36 Six of the flats are single aspect, representing 16% of the proposed flats, but these do not face north and would still have reasonable natural lighting conditions. All of the proposed flats have good standards of internal amenity.
- 7.37 The sunlight and daylight report submitted by the applicant includes assessment of the daylighting conditions in the proposed new dwellings where the Average Daylight Factor test has been carried out in accordance with BRE guidance. This test measures daylight in the interior of a room. Not all levels of the tall building have been tested, but the results from the first six residential floors demonstrate that all habitable rooms far exceed the minimum daylighting standards recommended by the BRE. As a result of the repetition of the floor plan and lack of obstruction to daylight at the levels above, it is assumed that the levels above would also have good daylighting conditions. The first floor residential units of the most southern of the Kensington Church Street Buildings receive the lowest levels of daylighting, however they remain compliant with the recommendations of the BRE guidance. The lighting conditions would be acceptable and compliant with development plan policy CL5.
- 7.38 The four units within the west perimeter building have their main windows on the east elevation, opening onto the public square, with the possibility that they could experience disturbance from activities within the square. The units within the tall building may also experience disturbance as a result of their proximity to Notting Hill Gate. The application is accompanied by a noise report which demonstrates that sound insulation requirements and compliance with the levels set out in the Noise SPD and British Standard 8233:2014 are achievable. Conditions 6 to 12 are recommended to ensure a satisfactory standard of accommodation for all future occupants of the buildings including: details of the facade construction including sound insulation and appropriate design detail to prevent disturbance by vibration. Condition 4 is recommended to prevent the commercial uses operating between the hours of 23:00 and 07:00. The drawings show no external plant to the development and this would require further planning permission. Overall, subject to compliance with conditions, the proposals provide an acceptable standard of accommodation and comply with policy CE6 in respect of noise and disturbance.

- 7.39 Condition 70 is recommended to ensure that 90% of the units achieve compliance with optional Building Regulation requirement M4(2) in respect of accessibility which is now equivalent to the lifetime homes standard no longer in force. Condition 70 also ensures that 10% of the units can achieve compliance with optional Building Regulation requirement M4(3)(2)(a) to ensure they are wheelchair accessible. These conditions are necessary to comply with policy CH2(b) of the Consolidated Local Plan and the applicant has confirmed that compliance is possible.

Impact of the proposed layout, height, massing and design of the development on the surrounding townscape and adjacent conservation areas and designated heritage assets

Demolition

- 7.40 Newcombe House and the other buildings fronting Kensington Church Street are part of a series of buildings at Notting Hill Gate associated with post-war urban development. However, they are of limited individual or collective townscape merit. The architecture is mundane and lacks any engaging compositional quality or architectural merit. There is some merit in Newcombe House's simple slab form and plain, robust appearance and how it sits relatively unnoticed within the wider townscape given its size (notwithstanding the current green debris netting). However, the building is in a poor state of repair and is no longer fit for purpose without substantial refurbishment. Newcombe House is identified as an "eyesore" in CLP paragraph 16.3.9. The buildings on Kensington Church Street, with the exception of the shopfronts, are tired. The area in front of Newcombe House, fronting Notting Hill Gate, gives Newcombe House an awkward relationship with the street due to the podium entrance and steep staircases with plaza area below which provides a poor quality open space. The space is small, overshadowed and congested, with pedestrians accessing the neighbouring subway and station entrance, resulting in an unappealing street environment. The rear of Newcombe House also provides a poor urban environment with an unattractive termination of views along Uxbridge Street, under croft service route and open car park which becomes engaging only through use by the farmer's market.
- 7.41 Newcombe House and associated buildings are not considered a non-designated heritage asset. The demolition of the existing buildings would be acceptable, and would lead to an enhancement of the townscape of the Town Centre as long as replaced with a development of appropriately high architectural and urban design quality, as set out in the Council's vision for Notting Hill Gate in CLP CV16. This conclusion is consistent with the view of the Planning Inspector (paragraphs 8 and 12), who noted that there was no dispute that the existing buildings on the site are drab, of their time, and have a poor relationship with the public realm.; and that the site is in need of regeneration.

New build

- 7.42 The proposal is for a large, mixed-use development in a general layout and built form that is not too dissimilar to the current arrangements, though it includes a significant uplift in residential floorspace and public open space. The scheme comprises a mixed-use high-rise building and a series of low-rise buildings that line the site's street edges. In this instance, however, there is a shift in design emphasis towards a strong sense of place with the site re-defined as a central plaza enclosed by 2, 4 and 5-storey perimeter buildings and a part 14/ part 18-storey tower located at its northern end. The success of the plaza and development as a whole is reliant on a number of architectural, urban design and landscape factors, including how it integrates with and impacts upon the wider urban and townscape context.
- 7.43 In terms of assessing the design merits, it is useful to review the proposals in three parts - the perimeter buildings, the central plaza and the tower block - recognising there is inevitable overlap.

Perimeter buildings

- 7.44 The proposed layout of the development as a series of perimeter buildings is welcome in terms of good urban design. The outer buildings continue to edge onto Kensington Church Street, defining and activating the public realm to the east; and importantly infill the existing weak public plaza on Notting Hill Gate, re-establishing the common buildingline with David Game House and improving the enclosure of the street. Three new buildings are inserted within the site, which back onto the high wall and blank façade of the LU station platforms and electrical substation, bringing an active edge to the west side of the new plaza and enclosing it to the south.
- 7.45 The new layout has an improved urban grain, providing two new pedestrian links into the site from Kensington Church Street, as well as regularising and improving the little-used passageway that links through onto Notting Hill Gate. The Inspector's appeal decision has referred to the new diagonal route from Kensington Church Street as a 'rather ingenious solution' to improve local permeability, as it lines up with Kensington Mall opposite (paragraph 18). The pedestrian route from Notting Hill Gate is enlarged and re-graded offering a direct and more inviting route, albeit still within an undercroft. The service access route from Uxbridge Road receives a similar upgrade, providing a more attractive route that doglegs into the plaza that also enjoys a visual connection through a glazed office lobby to Kensington Church Street. Lastly, the route through from Kensington Place in the south is retained and upgraded. As such the new layout improves the permeability of the site, providing a variety of routes that connect well with the adjoining street network.
- 7.46 The routes are legible and un-gated, providing easy access through to the plaza. The intimate and compressed scale of the southeast and north pedestrian links is welcome, adding to the urban experience of entering into the central space. It is notable that the building facades along Kensington Church Street are slightly angled back from each other to improve the inter-visibility between the street and square. The contribution and safety of the glazed corners are questionable but are consistent with the previous application and were not queried by the Planning Inspector at the appeal.
- 7.47 The urban structure is sufficiently fine grained with regular-sized blocks and a ground floor zone that is sufficiently sub-divided to provide a rhythm of shopfronts and building entrances onto Notting Hill Gate and especially Kensington Church Street, supporting their primacy and character. The retail and entrance lobbies are double-fronted, ensuring the central plaza is simultaneously activated, which is welcome. Further ground floor retail and the doctors' surgery activate the west side of the square, as does the new office entrance on the south side. All 14 retail units are provided in a mix of mainly small and some medium sizes rather than fewer larger units, which maintains a good level of animation. Lastly, the building layouts with its upper floor layering ensure that the public realm is overlooked by office and residential uses, providing good informal surveillance.

Notting Hill Gate Building (NHGB)

- 7.48 In terms of height and massing the perimeter blocks are for the most part relatively modest in scale and integrate sufficiently well with their neighbours. Running clockwise, the new infill building on Notting Hill Gate comprises ground and 3 upper storeys, and is some 18m in height. This is half a storey higher than the *current* David Game House, though this does not jar with its neighbour and sits better in the context of the wide street, enhancing the townscape. The difference in height is a factor of the improved floor-to-ceiling for the retail and office floors, and design of building's parapet wall and rooftop garden. It is notable that the recent permission for an additional setback storey on David Game House would restore the height relationship between the neighbouring blocks.

KCS1 and KCS2

- 7.49 The two perimeter buildings along Kensington Church Street (KCS1 and 2) are similarly ground and three upper storeys, rising to 16m in height. The shoulder height sits some 3m below those of the neighbouring buildings to the east (180-206 KCS) and to the south (145

KCS), which are generally ground plus four upper storeys. The comparatively lower scale nonetheless provides improved and sufficient enclosure to the street, and could be said to maintain a variety of local rooflines. The buildings have communal roof gardens (KCS1) and rooftop plant (KCS2) that are set back from the parapet so as not to appear prominent within the townscape.

WPB1, WPB2 and WPB3

- 7.50 Block WPB2 is a 3-storey office building, which at 13m is distinctly modest in height, but has an attractively proportioned cube form and is sufficiently scaled to reasonably enclose the south end of the square and mediate well with the Baptist Chapel and low-rise artisan dwellings of Kensington Place beyond.
- 7.51 Block WPB1 lines the west side of the new plaza and has a comparatively shallow depth of 10m, optimising the central open space. The building comprises ground floor retail and part 1/ part 2-residential storeys above, providing apartments with mezzanine bedroom spaces onto the square. At 10m high the building may seem low-rise given the location and lessens the enclosure within the plaza, but is scaled as such not to impinge upon the amenity of the residential properties in Jameson Street. The block's setback rear elevation and low scale have the benefits of not impacting on the setting of the adjacent grade II listed station and of optimising the afternoon and early evening sunlight within the plaza, and is on balance supported.
- 7.52 Perimeter block WPB1 sits at the northeast end of the square and comprises ground and 4 upper floors, providing retail, offices and the surgery, and is topped by a private roof garden. At 23m in height it is the tallest of the perimeter blocks, sitting adjacent to the substation and proposed tower and comparatively unaffected by neighbouring amenity. It would rise above the Notting Hill Gate perimeter building, which is the more important of the two, contradicting the traditional hierarchy of the local built form, and is evident above the roofline of the existing David Game House in local and long distance views from the northwest (views L9 and 20). However, the townscape impact is limited and would in time be negated by the newly approved additional penthouse storey above David Game House. Recommended condition 50 would ensure that the rooftop garden would not attract undue attention.

NHGB

- 7.53 The Notting Hill Gate building expresses its structural frame with deeply set windows and large panels of stonework, providing a robust feel that contrasts with the openness of the large glazed windows. The double height openings and structural glazed corner add a sense of scale to the building and draws the eye round into Kensington Church Street, providing an effective modern take on a corner building. The use of Portland stone and bronzed colour aluminium provide an attractive material finish to the elevations, which sit well with the 1950s building context. Recommended condition 45 would ensure that the high quality detailing is retained and the finishes taken through into the tall passageway by condition. Advertisement consent would be required for the building's signage to ensure that this is sympathetic.

KCSB1 and KCSB2 and WPB1 and WPB3

- 7.54 The east and west perimeter buildings share a consistent architecture that has a more domestic quality that provides a more human scale to Kensington Church Street and the plaza. The architecture is conceived more as traditional brick facades with punched hole openings that are composed into bays and layers to provide a calm and ordered appearance. For the most part this works well, providing a good rhythm to the facades and a sense of base, middle and top, reflecting the wider historic context. The facades are generally well detailed with slim projecting brick frames and concealed awnings for shopfronts and building entrances; and decent window reveals, vertically proportioned windows, inset balconies and integral window boxes on the upper residential floors. The appearance is diminished to some extent by the heavy-browed parapets, occasional glazed

open corner and contrived window surrounds that top-and-tail 'L' shaped projecting brick ledges and deep shadow gaps. The west perimeter building features double height balcony openings over first and mezzanine level, and slim-profile metal-framed windows that are multi-paned on the upper level and give an attractive art deco feel to the design, Recommended conditions 48 would ensure the quality of delivery.

- 7.55 In terms of material finish, the use of high quality, long format Petersen brickwork brings a distinctive appearance and has an attractive texture if not overlaid with recessed joints. The hand-set brickwork is integral to the architectural quality. The Inspector's appeal decision refers to the textured brickwork as "responding to some extent to the materials of the adjacent townhouses" (paragraph 10). However, the Design Officer has advised that the proposed choice of grey lacks sufficient warmth, domestic quality and contextual familiarity, and it is necessary to ensure an appropriate final colour and treatment of brickwork through the facing materials conditions. Recommended conditions 54 and 55 are necessary to secure this.
- 7.56 The apartments have good floor-to-ceiling heights of 2.7m, openable windows and dual aspect for the roadside perimeter blocks. The west perimeter apartments are single aspect onto the square, which is effective in screening out train noise and compensated by the duplex layout, large window openings and comparatively shallow block depth. The doctors' surgery similarly has good amenities, including a dedicated entrance and lift from street and basement car park levels. Its discreet corner location within the square works well, given the need for privacy within consultation and treatment rooms, though the close proximity of the adjacent office windows requires reviewing, perhaps with the use of deeper reveals, which could be addressed by condition. Overall, the design of the east and west perimeter buildings is well handled and of sufficient quality.

WPB2

- 7.57 The architecture of the cubed office building is distinctive, reflecting its singular built form and visual function, providing an engaging building that closes the end of the square and a counterpoint to the tower opposite. The building has a sculptural quality with deep-set horizontal and vertical proportioned openings and perforated panels that use light and shade to provide a dynamic appearance across the main elevations and roof. The façade design is intricate and playful, but functions equally well for the office use, providing good daylighting and low-level modesty screening.
- 7.58 The design uses smooth white Corian, a high quality composite that is a robust and easily maintained finish, and can be fashioned to provide clean edges, overlapping joints and a fine filigree effect. Its use for external cladding is unusual, but not without precedent; and could work in this instance, given the building's discreet location, where it is mainly seen within the site's own context and only glimpsed in limited views from Kensington Church Street and Kensington Place. The Planning Inspector considered the smooth white Corian finish would "provide a modern contrast to the adjacent Baptist Church while echoing its white exterior" (paragraph 18), however the Design Officer has advised that the cladding should be conditioned to ensure its appropriate detailed finish and this would be secured through recommended conditions 48 and 49. Functionally the building has acceptable floor-to-ceiling heights and flexibility of use, shown as providing touchdown office accommodation at ground floor and single occupier use above. The Inspector's appeal decision refers to the Cube building providing "additional high quality office space" (paragraph 18).

Public square

- 7.59 The central open space would provide one of the main public benefits in the scheme and would provide a key sense of place. In terms of its three dimensional form, the comparative studies provided in the submission show a slightly more generous amount of open space and a similar scale of surrounding buildings as St Christopher's Place, though with the notable exception of the tower. St Christopher's Place is widely regarded as an attractive and successful plaza, though its popularity is in part due to its location immediately adjacent

to Oxford Street.

- 7.60 The square is defined by active edges on all sides and is easily accessed at grade by legible and generally well-connected and attractive routes, which is welcome, providing good urban design. That the routes remain ungated and the square is generally open to public access as secured in the legal agreement.
- 7.61 The surrounding buildings contain a reasonable mix of uses, including the local surgery, though it is arguable whether the inherent intensity of uses and its adjacency to Notting Hill Gate with its station and shops is sufficient to ensure its success. Much will depend on the careful curation of its 14 shops and the full occupation of its offices. However, the open space does benefit from good orientation, with the suppressed scale of its south and west edges providing sunlight well into the evening.
- 7.62 The Design and Access Statement indicates that the space is adequately sized and flexible enough to accommodate al fresco dining, the farmers' market and occasional events, such as outdoor cinema screenings or public art displays, which is welcome in providing added visual interest and activity to the square. The Inspector considered that that the public square would 'be pleasant enough for sitting out in for much of the year'. Given the active shopfronts on both sides and resumed use by the farmers' market, he considered that the public space 'could make an attractive and welcoming amenity space' (paragraphs 19-21).
- 7.63 The landscaping designs for the square show a grey granite finish in a long narrow format, occasionally 'lifted' to provide modern bench seating and tree planting. The use of a high quality natural stone is welcome, though the choice and format is more redolent of shared carriageway surfaces and West End/ City locations. Porphyry or York Stone would offer a warmer and more contextual finish, and is effectively used in Hans Crescent and Duke of York's Square. The proposals include the re-surfacing of the surrounding public realm of Notting Hill Gate and Kensington Church Street using high quality York Stone, which is welcome. However, the Design Officer advises that the proposed extension of granite setts beyond the lanes, disrupting the floorscape of the adjacent primary streets, should be avoided. Instead, the York Stone could easily be run seamlessly into the square, encouraging the wider sense of connectivity and public realm. Recommended conditions 60 - 62 are necessary to address this and secure appropriately high quality materials for the public square.

Tall building

- 7.64 The Council has acknowledged in its NHG SPD that a development is very unlikely to come forward that does not retain a tall building on this site. The main considerations in assessing the new tower are its position on the site; its scale; its architectural quality as a tall building; and its visual impact on views and surrounding heritage assets. That Newcombe House is already a 'district scaled' tall building is an important material consideration in the assessment. The Inspector notes that the proposed tall building would be "roughly 50% taller than Newcombe House" (paragraph 11).
- 7.65 The scheme has positioned the tall building towards the north of the site – a similar approach to the existing Newcombe House, which mitigates any significant impact on the surrounding buildings of the additional overshadowing and, in this instance, allows the rear open space to be developed as an attractive plaza. In detail, the tower has shifted moderately forward on the site, but is unable to ground onto Notting Hill Gate due to the structural constraints of the underground subway and station. This means that the tower itself does little to animate the principal street, though the effects on legibility are limited to the immediate townscape context and would not be perceived over the wider setting. Instead the building's east side is brought down to grade onto the secondary Kensington Church Street and the west side onto the plaza at the rear, bringing vitality to these spaces; whilst the new infill building onto Notting Hill Gate (NHGB) makes up the shortfall to an extent. Overall, this is a welcome improvement compared to Newcombe House, which sits seemingly disconnected from the adjoining public realm.

- 7.66 The building's increased volume is handled by expressing the structure as interlocking vertical elements: the intention being to suggest two visually distinct but related forms of different heights that suggest a more slender built form. Seen in silhouette the height and massing is engaging, providing a dynamic form that changes in profile when seen in the round. The effect works well and for the most part presents a taller, slimmer built form (e.g. view no.9 in the Townscape, Heritage and Visual Impact Assessment dated September 2017). Though inevitably from other oblique angles the full extent of the tower's massing can be read (e.g., view no.12). The 'slipped' visual effect depends on the elevational designs, though their contribution diminishes over distance and falling daylight, as the detailing becomes harder to read and its bulk coalesces.
- 7.67 In terms of comparative scale, Newcombe House is 35m wide and 47m tall, forming a tall slab block of district scale and a width to height ratio of 1:1.3 when seen generally head-on (e.g. view no.13). The existing building appears slimmer in side profile, where its relatively shallow depth of 14.5m gives a ratio of 1:3.2 (view no.18). The proposed building steps in height from 55m (east blade) to an overall height of 72m (west blade): increases of 8m and 25m, respectively. The west blade also exceeds neighbouring Campden Hill Tower by 9m. The proposed building can be considered district scale, being four times the prevailing building height in Notting Hill Gate (CLP paragraph 34.3.103).
- 7.68 The depth and width of the blades are much narrower at 12.5m by 17m for the east blade and 12.5m by 20m for the west blade. If read independently this gives the east element the same proportion as Newcombe House in profile (1:3:2), and the west element a similar proportion (1:3:6), but distinctly slimmer ratios of 1:4:4 and 1:5:8 when each are regarded head-on. Taken together at mid-rise level, the slimming effect diminishes and the building appears broad and bulkier than Newcombe House (views nos. 11-13). However, as stated above, when seen in the round, the slipped form is slimmer than Newcombe House more often than not. Moreover, in those angles where the two slipped forms converge and the overall height of tower is read unencumbered, it reaches an elegant proportion in silhouette, and as such the tower's increased height and massing is welcome in principle (nos. 6 and 9). The Planning Inspector similarly assessed the tower's 'staggered form' and notes that its slenderness ratio would alter with the angle of view. He concurs that "the taller half of the two slipped forms alone is undoubtedly slender but, where this can be read together with the lower one, the combination would be stockier, albeit with a narrower top". However, he regards that the slipped form design and its articulation "add considerable interest" (paragraph 15), and he concluded the tower was of an acceptable form.
- 7.69 Functionally the floorspace within the tall building is of a high quality. The office and residential lobbies are generous in size and double-aspect, with separate, legible entrances directly onto Kensington Church Street and the new public square. The offices on first to fourth floor levels and residential apartments above are well appointed. The offices have large flexible floorplates, large windows, good floor-to-ceiling heights of 2.75m with air-conditioning and deep service voids. On the fifth floor and above the large apartment sizes and slipped floorplate produce 21 corner units (including 3 duplexes). The apartments have floor-to-ceiling heights of 2.85m and full height windows that provide daylighting deep into the apartments and excellent outlook given the elevated position above the context. Natural ventilation and air-conditioning are provided. Each apartment has access to a private winter garden, with the duplex units enjoying double height spaces; while the apartments at fourth, fifth and fourteenth floors have intensive roof gardens set on top of the adjacent lower blocks.
- 7.70 In terms of the elevational design, the detailing is thorough and the main facing material is attractive and high quality, using a smooth Portland Stone cladding matched with patinated dark bronze coloured aluminium. That the same material palette is used on both blades and the Notting Hill Gate building is notable in that the built forms will not always appear so distinct as shown in the townscape analysis. The windows and doors are specified as low iron glass, minimising any discolouration, though the impacts of tinting and solar gain are unclear, and need to be further assessed by condition. The material palette is nonetheless used to good effect with the stonework returned into deep window openings and its jointing used to give a robust feel and more of a vertical emphasis to the elevations. Juliette

balconies and guttering are integrated into the shadow gaps between the window frames and stonework, avoiding any additional clutter. The details are well executed and supported.

- 7.71 The architecture works well at base level. The building comes to ground effectively to Kensington Church Street and to the public square. The canopied entrance is legible on both elevations, albeit it is more about highlighting the residential use than offices. The main office entrance is to one side on Kensington Church Street, but is made distinctive by the double height glazed lobby and glazed treatment of the office floors immediately above. The glazed 'link' works well, providing a visual link and passageway (albeit for office staff) through to Uxbridge Street and to visually separate the slipped blades from the Notting Hill Gate building. Within the glazed link the west blade's north façade is continued down using Portland Stone and into the lobby. Seen obliquely from the northwest, the tall building can be seen to ground within the "passageway" which is welcome.
- 7.72 In considering that tall building's facade design, the Planning Inspector noted the variation in the arrangement of glass and stone, but that it follows a "structured pattern". He considered that the arrangement has a "pleasing rhythm which could be both interesting and cohesive" (paragraph 16). He referred to the mixed opinions of the tall building by the Council's Architectural Appraisal Panel, but does not note that this related to the proposed form. The Panel were unanimous on the façade design, which it considered to be busy, fragmented and random with poor compositional quality, but the Inspector did not agree with this criticism and concluded that the tall building "would be far more engaging to the eye than the dull repetition to the fenestration of Newcombe House while maintaining integrity" (paragraph 16).

Impact upon local views

- 7.73 The tall building would not be visible in any of the strategic views that cross the Royal Borough. The replacement building would be seen within the more immediate context, given the tower's district scale, with the visual impact is contained to an extent by the tight urban grain and rising topography of Campden Hill to the south and west and Notting Hill to the northwest. Nevertheless, its additional height and modest shift in position on site does result in the building being seen from more positions than the current building.
- 7.74 The Planning Inspector noted that looking from the east Newcombe House's slab form is replaced by the much taller but broken down form and detailed articulation of the new tower that 'would result in a bold and attractive appearance'. (paragraph 22). From the south he found that the replacement of the 'ugly slab that is Newcombe House into the staggered elegant forms.... would be even more favourable and a significant enhancement'. Further away the impact is reduced and the effect is neutral (paragraph 23). From Hillgate Village the Inspector notes that the tall building would stand above the terraced housing and be at 'odds' with the local character, but given the well-considered design it would not be unattractive. Similarly, from the southwest, the improved appearance would offset the harm from the increase in scale (paragraph 24). From the west, he found that the view would be of the side of the taller element only and would be a marked improvement, and would not stand out given Campden Hill Tower (paragraph 25). Lastly, from the northwest and north, he noted the greater visual prominence of the tall building above the housing, although he referred to it being at 'odds' and 'alien' to the local context he also highlighted the more elegant design and concluded that the overall impact would be neutral (paragraphs 26 and 27). Overall, he found the designs convincing: in most views carefully tailored to context, making good use of the slipped form; and the detailing more attractive than Newcombe House. In other views the tall building would be too distant to stand out. (paragraph 28).

Setting of Listed Buildings and Conservation Areas

- 7.75 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 the Royal Palace, as identified in the Building at Height SPD. Views no.40 and A5 from the Round Pond, Views 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; albeit the harm is not significant, given the relatively minor breach and presence of Campden Hill Tower. It is not visible from Holland Park (view no.21), which is within a conservation area with an important panoramic also identified in the SPD. The Planning Inspector acknowledged the harm to the settings of Kensington Palace and Kensington Gardens, both as a grade I listed building and park and as a conservation area in WCC, and assesses the harm to be minor or very slight (paragraph 39). The special historic character of Kensington Gardens (a grade I park within Historic England's Register of Historic Parks and Gardens and also forming a substantial part of the City of Westminster's Royal Parks Conservation Area) would not be harmed. The character and the appearance of the Bayswater Conservation Area, the Queensway Conservation Area, and the Westbourne Conservation Area (within WCC), would be preserved.

- 7.76 Looking at other valued assets, the closest listed building is the adjacent grade II listed underground station, though its low position and significance of the early cut-and-cover station platform is unaffected by the tall building's position to the north. The settings of the grade II listed Gate and Coronet Cinemas are similarly unaffected: they presently sit on the thoroughfare as town centre activities, bookended by the existing Campden Hill Tower and Newcombe House. The replacement building does not alter this in eastward views (nos. 6 and 7) and westward views (nos. 10 and 11), or appear especially disruptive to the settings. The Inspector referred to the listed buildings and concluded that there is not harm to their settings and their significance would therefore be preserved (paragraph 39).
- 7.77 Other close by listed buildings that are affected include Pembridge Gardens, which comprises terraces of grade II listed buildings on both sides of the street (view no.38), where despite the tall building reading as a single slim blade it would nonetheless 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. The Planning Inspector noted that "a clear view of the tower above the houses...would contrast unfavourably with the character and distract from their homogeneity'. However, he considered any harm would be offset by the removal of Newcombe House and by the improved appearance of the tall building. He concluded that the balance of effects on the conservation area would be neutral (paragraph 35). He reached the same conclusion for the impact on the majority of the listed terraces, identifying minor harm in the few settings where Newcombe House is not easily visible (paragraph 39).
- 7.78 The other important group of listed buildings affected are in Kensington Palace Gardens, which comprises grade II and II* mansions and detached houses that sit within generous gardens. View no.43 shows the building's increased scale and presence within the backdrop, again causing harm to the setting of the listed buildings and Kensington Palace Conservation Area. This is acknowledged by the Inspector as a less than substantial harm given the visibility of Newcombe House.
- 7.79 In Linden Gardens (view no.37), whilst the grade II listed archway into Linden Mews is already lost against the background of Newcombe House. In this instance the impact of the replacement building is marginal on the archway, but is harmful to the setting of Pembridge Conservation Area, being seen to close the townscape gap between the two adjacent terraces and blurs the termination of the consistent roofline. The Inspector highlighted the "attractive aspect to the tower", having a neutral effect on the conservation area and on the listed building setting (paragraphs 35 and 39).
- 7.80 The Inspector considers the matter of cumulative effect of the number of small, but harmful impacts on the conservation areas, listed buildings, and the registered park and garden. However, he finds them to be "well below the hurdle for substantial harm" (paragraph 42), and goes on to assess the public benefits.
- 7.81 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 tower can be seen in many views (nos.2, 3,

8, 9, 12, 16, 17, 18, 23, 25 and 28) in which Newcombe House is already seen, and then in other views (1, 14, 15, 19, 20, 24, 26, 32, 33, 34, and A2 and A3 (WCC)) where it is not previously seen. It would not be visible in views nos. 22, 27, 30, 31, 35, 36, 39 (WCC), 44, A1 (WCC) and A4 (WCC), where it is obscured by intervening buildings. Of these, where the existing building can be seen the impact of the additional scale is neutral or modestly beneficial, with the exception of no.23 where it would appear negatively. Where the tall building now comes into view, it is either unobtrusive or modestly harmful at most, given the glimpsed view and/or presence of Campden Hill Tower. Generally, views from Campden Hill and Notting Hill are already impacted upon by either or both of the current towers; as are the more local views within Hillgate Village, and as such only modestly affected.

Functioning of the public square

- 7.82 It is not intended that the square should be adopted by the Council, but it is recommended that the legal agreement provides for it to be dedicated as public highway to ensure retention of public access although privately maintained. This would be secured in the legal agreement under s.106 (see item 23 in paragraph 8.1).
- 7.83 The public square would be pedestrianised with access from Uxbridge Street and Newcombe Street only for emergency vehicles, as secured by recommended condition 21. Whilst the public square would not be adopted it would provide a significantly improved pedestrian environment and connections through the site as per CLP policy CT1 (g). The current route through the site is unattractive and not apparent. As a right of way exists through the site this should be maintained in perpetuity and the square should be dedicated as highway. The S106 would ensure that the new public square would be accessible to the public.
- 7.84 The public square would benefit from good orientation and the lower scale buildings along the western boundary would allow for evening sun to light the square. The applicant's overshadowing report demonstrates that on 21 March (vernal equinox) 57.07% of the area of the public square would receive two hours of sun. This is acceptable and is in accordance with the BRE guidance on overshadowing to amenity areas. The amount of public square that would receive sunlight would improve towards the summer solstice when the square would be most likely to be used. The applicant's wind and microclimate assessment includes results of wind tunnel testing for the proposed development and assesses parts of the development against a 'comfort criteria' consisting of 6 pedestrian activities where less active pursuits require more benign wind conditions. It demonstrates that all except one area tested within the public square would achieve compliance with standards for sitting and standing, which are those activities requiring the lowest wind levels. This is dependent on a number of mitigation measures identified in the study being in place prior to the development being occupied. Condition 71 is recommended to secure these measures in full. The area which would experience a slightly higher wind levels is the point directly in the centre of the square, furthest from any surrounding buildings. Overall the results of microclimate testing demonstrate the public square would provide a suitable outdoor public amenity space.
- 7.85 Microclimate testing has been carried out on the public areas surrounding the development site and the wind conditions predicted on the pavements in the vicinity are generally improved upon the existing.
- 7.86 As there are new pedestrian routes proposed through the site TfL have requested a financial contribution to fund the required Legible London signage. This would form part of the s.106 agreement and is supported by CLP policies CT1(g) and CR1.
- 7.87 Information submitted by the applicant demonstrates that the public square has potential to be used by a variety of users including the farmer's market. This would require a separate planning permission once the details are known. Uses of the square would have to be appropriately managed to prevent noise disturbance to the residential units directly adjoining the square at the upper levels. Recommended condition 4 is necessary to secure appropriate operating hours of activities in the square. If for any reason it became clear in

the future that these needed to be varied, that could be done through an application to amend the hours quoted in the condition and assessed on its merits at that time.

- 7.88 The finish to the ground of the public square is shown as grey granite in a long narrow format with integral occasional planting and benches. The use of a high quality stone is welcome but the choice and format are not characteristic in this Borough. Porphyry or York stone would give a warmer and more contextual finish, and is effectively used in other public spaces in the Borough. Condition 60 is recommended to secure the details.
- 7.89 Four new False Acacia trees are proposed within the public square which can grow up to 25m in height. As the new basement would be site under this area it is proposed to put the trees in pairs in planters with a capacity of 15 cubic metres. The limited size of the tree planters is such that their growth is likely to be constrained. With such a limited volume of soil the trees will require almost constant irrigation in the growing season, and if the watering system fails the trees will soon die. The trees would be maintained by the site owners not the Council and recommended condition 38 is necessary to ensure that the trees are replaced if they die within five years of planting.

Archaeology

- 7.90 The site is within an area of archaeological importance. The Greater London Archaeological Advisory Service has reviewed the application and stated that there is no archaeological requirement. The majority of the site has been significantly impacted by previous development and further explorations by the applicant have echoed this. No archaeological conditions are recommended.

Impact on transport, parking and pedestrian environments and provision of step free access to the underground

- 7.91 The site is located within an area of public transport accessibility level (PTAL) of 6b which is the highest, and most accessible level within London. This is derived from its excellent access to public transport services within Notting Hill Gate underground station and access to ten frequent bus services within close proximity of the site. As a result of the high PTAL level, the site is suitable for high trip generating uses.

Trip generation

- 7.92 The application is accompanied by a Transport Assessment which sets out a multi-modal assessment of the existing and forecast trips generated by the site for each use. As the extent of commercial uses (Classes A1, A3 and B1), would only be modestly changed by the proposals, the proposed development would not be likely to generate a significant increase in trips compared to the existing, even accounting for more efficient use of space and increased occupancy.
- 7.93 The number and mode of trips generated by the 46 new residential dwellings has been calculated using travel survey data from existing similar developments within London. In light of the proximity to public transport, overall there would not be likely to be a material impact on either the highway or public transport networks respectively.
- 7.94 The trips associated with the medical facility would be new and additional. If this part of the site were to be used for Class D1 uses other than a medical facility, for example educational facilities, then the impact on local traffic and parking could be materially different. Recommended condition 5 is necessary to restrict the use to other uses within the same D1 use class. The conversion of the medical facility floorspace to additional office floorspace would be acceptable in transport terms.
- 7.95 Taking all land uses across the site into account, the overall increase in trips would be modest and would not be material in terms of impact on the highway or public transport networks. The benefit from the significant reduction in off-street car parking spaces and the associated decrease in vehicle movements would more than outweigh a potential impact

that could arise from the slight increase in public transport trips.

- 7.96 As the increase in floorspace on the site derives primarily from 46 residential units, the development would be unlikely to cause significant adverse effects on the capacity of the underground network.

Vehicle access and car parking

- 7.97 In accordance with CLP policy CT1 (c) all additional residential units should be “permit-free” i.e. residents would be ineligible to receive resident’s parking permits, in order to prevent an increase in on-street parking pressure contrary to CLP policy CT1 (b). This would be secured for the additional 26 residential units through the legal agreement.
- 7.98 The site has two vehicle accesses: one from Newcombe Street at the southern side of the site which is adopted public highway and; part of Uxbridge Street which is a private and unadopted. The existing car park in the centre of the site provides 61 car parking spaces which are leased out to a number of local businesses. The application confirms that 32 spaces are reserved for tenants of the existing buildings, 20 are leased to estate agents, and 9 are split between other surrounding local businesses. Importantly, none of the spaces are used by local residents and on this basis the car park would not be likely to result in any material increase in parking pressure on Resident Permit Holder bays in accordance with CLP policy CT1(b). The existing uses of the car park would not be eligible for on-street parking permits within the Borough and would therefore need to obtain alternative off-street car parking elsewhere or convert to non-car modes. There is potential for pressure to be increased on nearby on-street pay and display bays although the cost of long stay parking is likely to be prohibitive. The application suggests there is sufficient spare capacity existing to accommodate any increase in demand that does occur. Survey data shows that on a typical weekday afternoon within a 200m radius of the site, 45% (37 out of 82) of Pay and Display bays are unoccupied.
- 7.99 The completed commercial, office and medical uses are not expected to generate a significant increase in demand for on-street parking with most trips forecast to be made by public transport modes. As discussed above, there is sufficient capacity in nearby pay and display bays to accommodate any trips that are made by car.
- 7.100 The proposed development would retain the two existing vehicle accesses. The existing car park would be replaced by a pedestrianised public square and, excluding emergency access no vehicles would drive through the site, and would instead use a pair of car lifts installed at either end of the Newcombe Street and Uxbridge Street to access and egress respectively the new basement car park.
- 7.101 30 car parking spaces are proposed of which 25 would be allocated to the residential dwellings and five spaces to the medical facility. As the site is within an area of PTAL 6b), the highest accessibility level, the provision of residential car parking is disappointing. Both the GLA and TfL have described this level of parking as excessive. Despite this, these 25 spaces adhere to the maximum permitted under CLP policy CT1 (d) and the standards of the Transport and Streets SPD. The provision of five car parking spaces for the medical facility accords with CLP policy CT1 (e) and reflects the operational requirements of the surgery.
- 7.102 TfL comment that the provision of 25 car parking spaces for the 46 residential units equates to 0.55 spaces per dwelling, which would be discouraged in their forthcoming policy direction as proposed in the draft Mayor’s Transport Strategy (MTS) to reduce car dominance and increase travel by sustainable modes. A refusal of planning permission would not be justified at the present time as it remains that this parking provision complies with the current London Plan maximum standards. A draft Travel Plan has been submitted for the office use, which is considered acceptable and a good basis for a final Travel Plan, which would be secured by recommended condition 18. A Travel Plan monitoring fee would be secured by the s.106 agreement.

- 7.103 The basement car park at the lower level of the basement would be accessed via a car lift from Uxbridge Street. The exit would be via a second car lift at the southern side of the site onto Newcombe Street. The principle of car lifts is accepted for private car parks such as this. Any queuing of vehicles waiting to access the basement would occur on the private section of Uxbridge Street, however the car lifts must be appropriately maintained to prevent breakdowns that would cause a build-up of waiting vehicles.
- 7.104 In accordance with The London Plan and draft Transport and Streets SPD, a minimum of 20% of parking spaces must have electric vehicle charging and a further 20% must have a passive power supply for activation at a later date. 20% of the car parking spaces are shown to be suitable for disabled use, which meets the relevant standards. Recommended condition 16 is necessary to secure a Car Park Management Plan to obtain full details of the operation and layout of the basement car parking demonstrating the location of electric vehicle car charging points, provision of motorcycle parking and a proactive regime of car lift maintenance.
- 7.105 TfL have suggested that the applicant should consider inclusion of a car club bay within the site. However, there is not adequate or appropriate space on either Uxbridge Street or Newcombe Street to accommodate this bay. To place the bay within the public square would compromise the quality of the space for pedestrians. The absence of a car club bay is acceptable. The applicant has accepted TfL's request that all residential units should benefit from free membership to a car club to help reduce private car ownership.

Cycle parking

- 7.106 A total of 219 bicycle parking spaces are proposed across the development split between different uses and providing a mix of both long stay and short stay bicycle parking. This level of provision is policy compliant with London Plan policy 6.9 and LP policy CT1 (f) for the mix of uses proposed. Shower and changing facilities would be provided within the basement for staff.
- 7.107 A new cycle hire docking station is proposed on Uxbridge Street. The proposed docking station would have a capacity for 25 bicycles and would be located entirely within the applicant's ownership and the application's red line boundary. The cost of installing the cycle hire docking station would be secured through the S106 agreement. Recommended condition 17 is necessary to secure the final details of bicycle parking across the site prior to first occupation.

Motorcycle Parking

- 7.108 To ensure that development adequately cater for expected motorcycle parking demand, the Council requires that where off-street parking is provided, at least four motorcycle spaces, or 10% of the total provision of car parking should be provided, whichever is greater. In this case, that would amount to a minimum provision of four spaces. Whilst no motorcycle parking spaces have been identified, an acceptable provision would be made without medication to the layout. Recommended condition 16 requiring a Car Park Management Plan should include details on where the motorcycle parking spaces would be located.

Servicing

- 7.109 Servicing for all the proposed uses would take place from the kerbside. An existing loading bay is in place on Kensington Church Street which allows loading at all times for a period up to 40 minutes. In addition, there is an adjacent length of single yellow line which can be used before 08:30 and after 18:30. Loading is also possible on Notting Hill Gate with three pay and display bays adjacent to the site's frontage from 10:00 to 16:00 and after 18:30 if they are unoccupied. The applicant has undertaken a survey of the existing level of use of the loading bays and this demonstrates that there is a significant spare capacity with the bay occupied for only 15% of the surveyed period of 06:00 and 21:00.
- 7.110 CLP policy CR7 requires servicing to be accommodated within a site so that the road

network is not hindered, although recognises that the physical servicing area could be detrimental to the character or appearance of an area, or detrimental to residential amenity. This site and the public square could accommodate off-street servicing. However, it is preferable for the public square to remain vehicle free to provide a high quality public space and restrict noise disturbance to future residential occupants of the development. Allowing servicing from the street would be unlikely to result in any significant adverse impact on traffic and congestion, pedestrian safety, residential amenity or impact on bus routes. In this instance servicing from the street would be acceptable. Recommended conditions 22 and 23 are necessary to secure a full servicing and waste management plan for all uses. A full servicing plan is also required for a thorough understanding of the likely emissions as a result of the development.

Step Free Access to Notting Hill Gate Underground Station

- 7.111 The redevelopment of this site offers the opportunity to facilitate step free access to Notting Hill Gate Underground Station. Accessibility conditions within the Borough affect not just those who are disabled but other issues of accessibility including people with push chairs, unseen heart conditions, cyclists and those carrying large or heavy items. Access to the Underground system is particularly important for its users, including those with reduced mobility and the Council's Infrastructure Delivery Plan (2014) identifies Notting Hill Gate Station as one of four in the Borough which should be made step free. Step free access is also sought by CLP policy CT1(k) and the Notting Hill Gate SPD.
- 7.112 At a meeting of the Full Council on 27 January 2016 a petition of more than 1,500 signatures was presented in respect of accessibility to London Underground. The prayer of the petition stated that works should begin at four major stations, including Notting Hill Gate, and that the issue of accessibility required urgent action in order to meet the needs of all Londoners and visitors without prejudice. The Council resolved to work with TfL, developers and local residents to achieve accessible transport in the Borough. The minutes of the meeting include reference to discussion of opportunities for improved access to Notting Hill Gate station from the development of Newcombe House.
- 7.113 Under Section 149 of the Equality Act 2010, public authorities are required to have due regard in all that they do under three aims: to eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; to advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it, and; to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. These considerations are directly relevant to the proposed step free access.
- 7.114 The applicants have confirmed that they will meet all the proposed costs associated with delivering the step free access. The situation of the site allows for step free access from street level to the southbound platform of the Circle and District Lines through two new lifts (street level to ticket hall, and ticket hall to the southbound platform) and walkways which would be provided partially within the site and partially within the demise of Notting Hill Gate. The route from the ticket hall level to the platform of the Circle and District Lines would pass through the proposed basement. The route from street level to ticket hall level would be provided within the highway outside of the application site boundary. This would ensure that access to the southbound platform is fully step free (not just step free to the ticket hall). Access to the northbound platform is not possible from the site forming the subject of this application, and would probably need to be achieved as part of a separate development. This notwithstanding, the provision for step-free access to the District and Circle Line south-bound platform is a major benefit to Notting Hill Gate and for that reason this is fully supported by TfL and London Underground who have had separate discussions as to the details for this. TfL have pointed out that step free access to even one of the platforms would enhance the amount of step free access on the network and help meet Mayoral objectives to make as many stations step free as possible. Appropriate weight should therefore be accorded to this benefit.
- 7.115 TfL have confirmed that the applicants have been in discussions with London Underground

and that terms have been agreed for the necessary legal agreements and associated delivery of the necessary works. The provision of step-free access would be funded by the applicant to a cap of £3.75m, as secured through the s.106 agreement, in addition to the costs and works for the safeguarded area. The developer needs to enter into a separate Development Agreement with TfL which is an agreement outside planning legislation. The s.106 agreement would require the developer to enter into a Development Agreement with TfL to facilitate the necessary works to step free access from the street level to the platform. Should the costs of the works exceed the £3.75m cap, the developer has agreed to bear the additional costs of this work which will be secured in the Development Agreement with TfL. The inclusion of these works as part of the overall development proposals is welcome and constitutes a significant public benefit and accords with CLP policies and the aspirations of the Council as a whole.

Pedestrian environment

- 7.116 The proposals include amendments to the public highway surrounding the site. The detailed design of these works is yet to be agreed but would be similar to those shown indicatively on submitted drawing no. 0586.SK12, although the extension of the limestone paving from within the central square out onto the public highway would need to cease at the site boundary. Most of the works are relatively minor in nature and relate primarily to resurfacing of existing footways around the site and amending the layout, and to some extent the operation of, the junction of Newcombe Street and Kensington Place. These works would be acceptable but would require a Stage 2 Road Safety Audit to be submitted for approval.
- 7.117 All works to the public highway would be undertaken by the Council's contractors at the applicant's expense. The s.106 agreement would require the developer to enter into a Section 278 agreement in respect of these works. The development would result in changes to the existing building line of Notting Hill Gate, Kensington Place and Kensington Church Street. The Council should adopt the areas of footway around the outside of the development to maintain the quality and consistency of the footway. A Stopping Up Order under Section 247 of the Town and Country Planning Act will be required to remove access across all land where the public are currently able to walk but would not be able to after the development is completed. This would include a small area of land at the junction of Kensington Place and Kensington Church Street and the area which currently exists in front of the site on Notting Hill Gate. An informative is recommended to advise the applicant accordingly.
- 7.118 There is an existing significant difference in levels across the site which is evident at its northern end where steps provide access to the street level of Notting Hill Gate. To provide a consistent and step free ground level across the site the proposed landscaping includes slopes and shallow ramps. This would include re-grading the private part of Uxbridge Street to increase the ground level at its eastern end. This may require changes to the elevation of the adjacent London Underground substation including the re-positioning of a doorway where the ground level increases. Any alterations to the substation building would require separate planning permission and an informative advises the applicant of this. The new levels at this part of the site could result in an increase in surface water runoff from Uxbridge Street onto Jameson Street. Recommended condition 20 is necessary to secure details of a drainage channel across the junction with Jameson Street to prevent surface water draining onto the public highway.

Basement development

Size

- 7.119 The proposals entail the excavation of two storeys of basement underneath the full footprint of the site. In order to comply with CLP policy CL7 it is therefore necessary for the site to be considered a 'large site' in accordance with the definition set out in the reasoned justification for policy CL7. This states that large sites will *"generally be new developments located in a commercial setting or the size of an entire or substantial part of an urban block."*

They should be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site and offer more opportunity to mitigate construction impacts and carbon emissions on site.”

- 7.120 The site is both located in a commercial setting and occupies a substantial part of an urban block, bounded by roads to three sides which gives the benefit of simple access and easy access to major traffic routes. The location of the site is also such that vehicles associated with the construction process would not be required to move through residential streets with the exception of the eastern end of Kensington Place. The site benefits from additional access via Uxbridge Street but it is not proposed to use this for construction vehicles.
- 7.121 The submitted documents demonstrate the site is able to accommodate all equipment including accommodation and stores on the site. This relies on the use of the eastern end of Uxbridge Street which is within the applicant's ownership and would not be excavated. The construction methodology entails provision of secant piling around the perimeter of the site followed by an open dig and bottom-up construction process across the site from south to north, using props and ramps to give vehicle access down into the excavated areas. A gantry deck would be used as a loading bay on the site to load spoil onto vehicles on the site. This information is adequate to demonstrate that the construction process could be accommodated within the site itself.
- 7.122 The site is a 'large site' in terms of CLP policy CL7 and the depth of the basement is acceptable.

Structural stability

- 7.123 The application is accompanied by a Construction Method Statement which meets the requirements of CLP policy CL7 (m) and the Basement SPD and adequately demonstrates that the structural stability of the existing nearby buildings could be safeguarded. The document acknowledges the delicacies of the adjacent Grade II listed underground station and details measures for its protection.

Construction traffic

- 7.124 Three draft Construction Traffic Management Plans (CTMPs) have been submitted in relation to three phases: demolition, basement excavation and construction. These set out an overall acceptable methodology and recommended conditions 24 and 25 are necessary for a Demolition Traffic Management Plan (DTMP) for the demolition phase and final CTMPs for the excavation and above ground construction phases. An assessment fee of £2,800 per DTMP and CTMP would be secured through the S106 agreement.
- 7.125 TfL have commented that the construction arrangements should make appropriate provision for the continued safe and efficient operation of the bus stand and stops on Kensington Church Street. Suitable agreement of the proposals by TfL should be obtained and stated in the final stage CTMPs to be submitted under condition.
- 7.126 Requiring a detailed CTMP and DTMP exerts as much control over construction traffic and construction impact as can reasonably be achieved under the Town and Country Planning Act and observing national guidance for conditions. Beyond these mechanisms, further controls exist under the Highways Act 1980, the Control of Pollution Act 1974, and the Environmental Protection Act 1990, and the Council's Code of Construction Practice must also be properly followed.

Impact on neighbouring living conditions

- 7.127 The majority of the new residential dwellings across the development would face onto existing streets around the site. To the south, the windows of the new residential units at the junction of Kensington Place and Kensington Church Street would be 11m from the windows of 145 Kensington Church Street which is currently under construction, which is the same relationship which exists between other existing properties on Kensington Place to

the west and is a result of the development re-establishing historic building lines. It is not considered that the proposed building configuration would result in a material loss of privacy to occupiers of existing surrounding properties or those of the proposed new development. The proposed roof terraces over the new buildings would be set a sufficient distance away from surrounding buildings to ensure that their occupants would not suffer any significant loss of privacy. In the case of the Tall building, the proposed roof terraces would be at such a height that would prevent penetrating angles of view into existing neighbouring windows, in compliance with policy CL5.

- 7.128 To the east, the proposed units fronting Kensington Church Street would be approximately 20.5m from the opposite properties on Kensington Church Street at their nearest point. This distance is sufficient so as not to result in any material loss of privacy to occupiers of the properties opposite by overlooking between windows or the proposed roof terrace to the main roof of the building fronting Kensington Church Street.
- 7.129 To the west, the new buildings proposed along the western site boundary are between approximately 16m and 18m of the rear windows of properties on Jameson Street. The proposed buildings along the western side boundary have a number of windows in the rear elevation which face towards the properties on Jameson Street. The windows proposed at the first floor level serve circulation space, office accommodation and secondary windows to habitable rooms. At the second floor level, the proposed windows are set further back into the site and a distance exceeding 18m exists between these windows and the properties on Jameson Street. These windows would not cause a loss of privacy. Condition 3 is recommended to ensure that the areas of flat roof at second floor level, adjacent to the site boundary, are not used at any time as roof terraces to prevent opportunities for noise disturbance or static overlooking from occupants looking out to the west.
- 7.130 To the north, the residential units within the tall blocks are a minimum of 35m from the properties on the northern side of Notting Hill Gate which is also acceptable.
- 7.131 Due to the increase in the scale and the size of windows within the tall building there would be an increase in perceived overlooking experienced from existing surrounding residential properties where they would feel they were overlooked more than they are currently. Despite this, the tall building is an appropriate distance from surrounding properties and this relationship is inherent in a dense urban townscape such as this. The changes in privacy arising from the tall building would not cause a significant worsening of the living conditions of nearby properties.

Sunlight and daylight

- 7.132 The sunlight and daylight assessment has been submitted with the application which considers the impact of the development on the provision of sunlight and daylight to nearby buildings. The assessment considers the following addresses:
- 52- 74 Notting Hill Gate (even only) located on the northern side of Notting Hill Gate opposite the application site;
 - 9 – 37 Jameson Street (odd) located to the west of the site adjacent to the listed underground station
 - 2 – 8 Jameson Street (even) on the western side of Jameson Street
 - 5 Kensington Place to the south of the site
 - 160 – 188 and 206 Kensington Church Street (even) including Carlyle Mansions.
- 7.133 To assess daylighting the Vertical Sky Component (VSC) test has been carried out as recommended in the British Research Establishment guidelines. VSC is a measure of the amount of visible sky available from a point on a vertical plane, usually a point at the centre of a window. The BRE guidelines explain that diffuse daylight may be considered material if, after a development, the VSC is less than 27% and where the resultant amount is more than 20% of its former value.
- 7.134 To supplement the VSC test, the 'no skyline' test has also been carried out. This tests the

distribution of daylight within a room as opposed to just at the plane of the window. The no sky line is a line which separates areas of the room that do and do not have a direct view of the sky. The BRE guide explains that the daylight distribution may be materially reduced if the area that receives direct skylight is reduced by more than 20%.

- 7.135 The VSC results contained in the sunlight and daylight report demonstrate that there would be some windows that would not achieve a BRE compliant standard following completion of the development. These would be one first floor window in the front elevation of 174- 180 Kensington Church Street (experiencing up to a 22% reduction in daylighting); seven windows in the front elevation of 182-188 Kensington Church Street including five at the first floor level and two at the second floor level (experiencing up to a 26% reduction), and; six windows in the front elevation of 206 Kensington Church Street above the existing public house (experiencing up to a 28% reduction).
- 7.136 The residential properties at 17- 25 Rabbit Row, directly opposite the application site on Kensington Church Street, have not been tested but are likely to experience similar results with windows failing to achieve the BRE standard at first floor level.
- 7.137 A material reduction in VSC is not uncommon in urban environments and in this case the reductions are not much over the 20% yardstick. The results are in part a product of the uncharacteristically low buildings which currently exist on the eastern side of the application site and which give the buildings opposite high levels of existing daylighting as a result of their open aspect over the application site. The use of the 'no skyline' test is therefore useful for further analysis. The 'no skyline' test results similarly demonstrate that rooms in 182- 188 Kensington Church Street are most affected by the new development. Some of the tested rooms would experience no change to the sky line. In the most extreme case, one first floor window serving a kitchen/ dining/ living room would receive a 68% reduction in the area of the room from which the sky would be visible; however, this is in large part due to a notably deep room floorplate and overhanging balcony which restricts visibility of the sky.
- 7.138 While losses in daylight have been identified to the buildings on Kensington Church Street, these buildings experience uninterrupted outlook over the low rise buildings on the site. The heights of the existing buildings on the application site are an anomaly in the townscape and the reduction in daylighting conditions of the buildings opposite in order to reinstate building heights consistent with the surrounding area is acceptable in this instance.
- 7.139 The results show that other tested windows retain levels of daylight compliant with BRE guidance for VSC. The majority of windows in the rear of properties on Jameson Street would experience some reduction in daylighting, particularly those at the first floor level. Again this is as a result of the existing uninterrupted and open aspect across the application site. While there would be a reduction in daylighting of up to 15% at one first floor window at 33 Jameson Street, all tested windows would continue to receive a level of daylight which is compliant with BRE guidance. The 'no skyline' test demonstrates that one ground floor room within 19 Jameson Street experiences a 28% reduction in skyline visibility. This window serves a room at the ground floor level, adjacent to a closet wing. However, it is one room of a house and would not cause a significant worsening of the living conditions of that property.
- 7.140 In addition to the losses discussed above, the daylight testing demonstrates that some windows would receive slightly improved conditions as a result of the development, for example within 8 Edge Street, 5 Kensington Place and 172 Kensington Church Street.
- 7.141 The Average Probable Sunlight Hours (APSH) test has been carried out to assess the impact of the development on sunlighting levels of nearby residential windows. The test assesses the amount of sunlighting received by windows throughout the year. The BRE guidance explains that sunlight availability may be adversely affected if the centre of the window: a) receives less than 25% of APSH or less than 5% of APSH in winter months between September and March, and; b) receives more than 20% reduction during either period, and; c) has an overall reduction in sunlight received over the whole year greater

than 4% of APSH.

- 7.142 The results of the APSH test demonstrate that all of the tested windows remain compliant with the standards in the BRE guidance. It demonstrates that there are losses exceeding 20% to first floor windows of 174- 180 Kensington Church Street, 182- 199 Kensington Church Street and 206 Kensington Church Street during winter months and also losses exceeding 20% to the first, second and some third floor level windows of 182- 188 Kensington Church Street. However while these windows experience losses exceeding 20%, the remaining levels of sunlight provision are acceptable.
- 7.143 Residential windows on Jameson Street generally experience small reductions in sunlighting as a result of their orientation where the development site is due east. The most affected window is a first floor rear window of 19 Jameson Street where the percentage of average probable sunlight hours in winter months is reduced by 25%. Despite this, the levels received during summer months results in the overall levels being compliant. All other windows and properties remain compliant with BRE guidance.
- 7.144 While the BRE guidance is a useful tool to assessing the impact of proposed development on existing buildings, the document states that it is a guide and not an instrument of planning policy. It states that while it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. In this instance the reductions in provision of sunlight and daylight arise from the increase in building heights on the site, which reinstate consistency in the townscape and are more akin to a district shopping centre location than those which currently exist on the site.
- 7.145 In conclusion, the windows of nearby residential properties would experience varying degrees of daylight, but overall the changes would not result in a significant enough impact upon their overall living conditions to justify a refusal of planning permission. This was also the conclusion that the planning Inspector reached in considering the previous scheme on appeal.

Overshadowing

- 7.146 The applicant has submitted transient overshadowing diagrams which show snap shots of the movement of shadows across the site at hourly intervals during the day on 21 March (spring equinox). The diagrams compare overshadowing from the existing and the proposed developments. There are no numerical targets for shadowing. The geographical areas covered in the diagram are limited, but include the rear gardens of those properties on Jameson Street to the south which are the closest private amenity spaces to the site. At these properties additional shadows are cast in the early part of the day before 8am. After this time the shadows cast by the development spread to the north and then to the east in the afternoon. The increase in overshadowing towards Jameson Street would not cause a material worsening of the living conditions experienced by those occupants.

Sense of enclosure

- 7.147 The proposals will undoubtedly increase the sense of enclosure experienced by nearby occupiers, in particularly those properties on Jameson Street and Kensington Church Street which currently experience outlook over the low rise buildings on the site. Despite this the proposed buildings are not excessive in their height and would not give rise to an unreasonable increase in sense of enclosure or one which would significantly worsen the living conditions of those properties.

Noise and disturbance

- 7.148 No external plant is proposed as part of the development and any external plant or flues would require separate planning permission. Condition 4 is recommended to ensure that the commercial uses have ceased between 23:00 and 07:00 hours. This would ensure compliance with policies CL5 and CE6.

- 7.149 The use of the residential terraces across the new buildings would not give rise to undue noise disturbance to neighbouring occupiers by reason of their size and position. The commercial uses proposed across the site would not generally cause noise and disturbance beyond the level of the existing uses which are not controlled by conditions. For this reason no further conditions controlling operations are recommended.

Environmental considerations

Air quality

- 7.150 CHP is proposed as the primary means of heating the network and additional heat would be provided by back up boilers. The design incorporates one natural gas CHP unit and three 850kwh gas boilers. This is acceptable however information is required regarding the use of catalysts through submission of a low emission strategy which would be secured by condition 39. Conditions 40 and 41 are recommended to ensure an acceptable level of emissions from the CHP as required by GLA guidance.
- 7.151 The inclusion of an air quality neutral assessment with the application is welcome and addresses NO_x building and transport emissions. In the absence of a benchmark in guidance for the health facility an A1 use benchmark has been used, however this is not accepted as the nature of the use and its visitors and their means of transport are likely to be materially different. Despite this, the transport emissions used exceed the London Plan SPD benchmark and therefore measures will need to be undertaken to significantly reduce emissions from transport sources, for example measures included in the servicing plan to reduce the number of deliveries.
- 7.152 With regard to demolition and construction, the submitted information states that there are fewer than ten sensitive receptors within 20m. However this is contested given the proximity of commercial uses, office and residential properties. These will increase the sensitivity of the human health impacts. The relevant mitigation measures given in the risk assessment should be included in a site specific Demolition and Construction Management Plan based on the Mayor of London's 'The Control of Dust and Emissions during Construction and Demolition'. Conditions 42 and 43 are recommended to secure one such document for demolition and another for the construction phase to ensure adequate mitigation and protection against the dust and emissions arising from the development.
- 7.153 While there are outstanding concerns relating to the impact of the development on air quality, the omissions in the submitted information can be dealt with by the submission of further information secured by conditions. Conditions 39 to 44 are therefore recommended to secure the following: a low emissions strategy; full details of combustion plant; acceptable emissions from the CHP plant; a demolition environmental management plan (DEMP) and a construction environmental management plan (CEMP) will be required, as well as details of all mechanical ventilation. As no air quality model verification has been presented within the application, there is no confirmation that the predicted levels by the modelling are correct, and no way at this point of checking the model performance, or if it is underestimating/overestimating the concentrations predicted by the dispersion modelling exercise. In short, to establish the full impact of the development on local air quality an Air Quality Assessment will need to be submitted and approved. Recommended condition 72 would secure this. Subject to that condition, the development would ensure that the impact to local air quality is quantified, that suitable mitigation is applied to the development and that any impacts are properly managed.

Flooding and drainage

- 7.154 The site is in Flood Zone 1 and is not located in a critical drainage area. The site is smaller than 1 hectare and a flood risk assessment is not required. The site is at low risk of fluvial, reservoir and tidal flooding and the surface water management plan submitted with the application demonstrates the site is at low risk of surface water flooding. However, surface water flooding must be appropriately managed to reduce flood risk elsewhere.

- 7.155 The basement construction method statement explores ground conditions and states that the effect of the basement on groundwater flows is negligible as the underground station acts as a restraint and barrier to groundwater flows and the basement would result in a minimal change to the groundwater level.
- 7.156 Thames Water have raised no objection to the proposals and has recommended Informatives 7-11 to protect the sewer system and a condition relating to drainage details and discharge into the sewer. Condition 27 is also recommended to secure a non-return valve or device to avoid risk of back flow into the basement.
- 7.157 With regard to surface water run-off, the applicant has demonstrated that water run-off rates on the site would be reduced to 45% of the existing rate which is welcome. The drainage strategy demonstrates that various sustainable urban drainage systems (SUDS) were considered and the proposed SuDS include green roofs; a basement tank beneath the public square which will discharge into the sewers, and tree pits. Condition 28 is recommended to ensure the SuDS identified within the report shall be full installed within the development.
- 7.158 Thames Water has advised that the drainage statement should be extended to show further details of sewer plans, storage locations and volumes, flow restrictions and connection points into the sewer. It is not reasonable to secure this level of detail under a condition as part of a planning permission.

Trees

- 7.159 An arboricultural report has been submitted with the application. The interpretation of what constitutes the Root Protection Area of trees in that it may be adjusted by 20% is incorrect, and is not part of the British Standard. It is not agreed that the large London Plane tree at the corner of Notting Hill Gate and Kensington Church Street (outside Waterstones) achieves only a grade B in the categories provided by the British Standard. This is considered to be a grade A tree. This is a prominent and healthy tree with a long life-expectancy. The felling of this tree to facilitate the development and reinstate the building line of Notting Hill Gate would be contrary to CLP policy CR6 which seeks to resist development which results in the damage or loss of trees of townscape or amenity value. However, this harm is outweighed by the benefit of reinstating the retail frontage on Notting Hill Gate.
- 7.160 The arboricultural report states that four new London Plane trees to a height of 10m could be planted in the footpath of Notting Hill Gate in front of the development to replace the existing cabbage palms and the London Plane tree on Notting Hill Gate by the corner of Kensington Church Street. However, it is questioned whether this would be possible in light of the services which are likely to exist below the footpath (the ticket office of the tube station is below the pavement). This may be why planters are currently in place here for the cabbage palms. The applicant has not explored whether it would be possible to plant these trees. Works to this footpath and the planting of trees would be carried out by the Council. It is recommended that the planting of the trees, if possible, falls within the remit of the Section 278 secured by the s.106 agreement.
- 7.161 The applicant intends to retain all existing trees on Kensington Church Street with the exception of one which requires replacement. Recommended condition 36 necessary to secure details of the retained tree's protection throughout the demolition and construction process.

Ecology

- 7.162 The site does not fall within any of the Borough's ecological sensitive areas. The applicant has carried out a bat survey and recommended condition 29 is necessary to ensure that the recommendations contained in this report, relating to native planting within the development, provision of bat boxes, appropriate lighting design to minimise intrusion to bats, are adhered to. Overall the principles of the development and its new soft

landscaping at various levels, would be an improvement to the existing situation in terms of ecological benefits and is compliant with the aims of CLP policies CR5, CR6 and CE4.

Contaminated Land

- 7.163 The proposed uses would be particularly vulnerable to the presence of contamination. Recommended conditions 30-35 are necessary to ensure a thorough investigation of the ground conditions and likely sources of contamination, appropriate remediation if necessary, and a validation report if necessary to confirm that all potential contamination has been removed from the site prior to its first use. These conditions are necessary to ensure compliance with CLP policy CE7 and to ensure the development is safe for future occupiers. This approach was not queried by the Planning Inspector at the appeal.

Impact on the listed underground station

- 7.164 Listed building consent has been granted under LB/16/00466 for works required to the eastern wall of the grade II listed circle and district line underground station, and is valid until 2019.
- 7.165 The works do not entail removal of any part of the eastern wall of the underground station but involve construction of a new wall adjacent to the existing wall with associated flashing and rainwater collection guttering attached to the top of the wall. The submitted documentation suggests the existing wall, to which the new wall would be attached, has been rebuilt and does not contain historic fabric. On this basis the alterations adjacent to the wall would therefore not cause harm to the special architectural or historic interest of the listed structure. The excavation of the basement in close proximity to the listed structure would be acceptable subject to appropriate works to ensure stability of the adjacent wall. Condition 3 of the listed building consent secures a detailed methodology of the excavation adjacent to the listed structure. Condition 4 of the listed building consent secures full details of the maintenance to the listed wall (which would now be obscured by the new development) and means of infilling space and details of drainage to ensure that rainwater is not directed over the listed roof of the station. These conditions do not need to be replicated in the case of this planning application.
- 7.166 Part of the proposals include the safeguarding of areas to facilitate step free access from the southbound circle and district line platforms. This would entail formation of a hole within the eastern wall of the listed station to provide level access to a lift which would sit underneath the application site. At this stage the exact location, width and details of finishes and methodology are not known and these works are excluded from the listed building consent. While these works are likely to be acceptable as a result of the public benefit of the step free access, a further listed building consent application should be made at a time when full details of these works are known.

Issues and balancing

- 7.167 There is a statutory requirement for planning authorities, laid down in s.38(6) of the Town and Country Planning Act 1990, to determine an application "in accordance with the Development Plan unless material considerations indicate otherwise". Where it is found that a proposal is contrary to a development plan policy, then it is necessary to assess whether a material consideration would justify an exception to that policy. A material consideration to which significant weight must be attached in this case is the decision of the Planning Inspector on the previous application for this site.
- 7.168 In accordance with the requirements of the NPPF, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision. Statutory duties and national guidance must also be adhered to.
- 7.169 The context for the assessment against the development plan is not one of a 'blank canvas'; the reality is that Newcombe House exists, that this part of Notting Hill Gate is in urgent need of upgrade, and that the planning Inspector acting for the Secretary of State

concluded as he did. These are the realities that have led to such a high amount of support, including from the Kensington Society, Campden Hill Residents Association, and Pembridge Association.

- 7.170 The proposed development would cause 'less than 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. These impacts must be balanced against the benefits in removing Newcombe House which appears harmfully in many of these backdrops at the moment. The greatest harm to any setting would be to some views from within Hillgate Village in the Kensington Conservation Area, Kensington Park Road in the Ladbroke Conservation Area, and from Pembridge Gardens in the Pembridge Conservation Area, but in the cases of each of these Conservation Areas there are perspectives where the impact would be neutral, or even an enhancement, when compared with Newcombe House, and the overall effect would be one of a less than substantial harm. The Inspector described the combined impacts as causing "only minor harm". 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.
- 7.171 There are significant benefits in the proposals. The benefits include a commitment by the developer to deliver step free access from the street level to the south bound (inner) circle and district line platforms of Notting Hill Gate underground station. The site provides a unique opportunity to provide step free access from the south bound platform to street level. Historic England has identified that the use of the basement on the Newcombe House site would remove the risk of unsympathetic alterations being required to the listed station to facilitate step free access in the future. The other land uses represent a notable benefit, in particular the provision of quality office space, increase in retail and commercial uses at the ground floor and potential for a new health facility, all of which would make a substantial improvement and to the vitality of the Notting Hill Gate and strengthen its status as a district shopping centre. The proposals also include nine social rented units as on-site affordable housing provision (and an additional payment towards affordable housing if the surgery use is not taken up). The proposals would refresh this tired part of the Borough and contribute to securing the long term success of Notting Hill Gate through in the associated public realm improvements, inclusion of a cycle hire docking station and provision of new residential units of a variety of sizes which would increase the stock of market housing in the borough.
- 7.172 The Consolidated Local Plan contains a site specific reference to the application site at 16.3.9, being "As an eyesore, the Council will adopt flexible planning standards to bring about the redevelopment of Newcombe House as a catalyst for the regeneration of the wider area". In fact, planning standards do not have to be flexed as the scheme produces benefits to outweigh the disbenefits and the proposal can therefore be recommended positively in accordance with statutory duties and national guidance.
- 7.173 The Planning Inspector dismissed the appeal due to doubt as to whether the maximum reasonable amount of affordable housing was being provided, including re-provision of the existing social rented floorspace. That issue has been fully addressed, not just by the applicants' viability assessor but by independent assessors separately advising both the GLA and this authority. All of the viability assessors, following thorough testing, have concluded that the maximum reasonable amount of affordable housing is being provided. The Inspector's concerns regarding affordable housing have been satisfactorily addressed.
- 7.174 Overall, the public benefits which could be secured by conditions and a legal agreement under s.106 would outweigh the harms identified to heritage assets in this case, and enable planning permission to be granted. In reaching this conclusion, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the surrounding conservation areas in the Royal Borough and within the City of Westminster.

8. Necessary associated infrastructure improvements

- 8.1 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Document setting out the relevant costs (see paragraph 5.2). In this case these improvements can be secured through an undertaking or agreement under s.106 of the Planning Act 1990 completed before planning permission is granted. Details of the funding and projects are shown below.

	Heads of terms	Financial contribution (where applicable)
1.	Affordable Housing, 9 units in KCS2 as social rented (the provision of the affordable housing units would be linked to occupation of the market units)	N/A
2.	Two-stage Viability Review Mechanism with trigger points set in accordance with the Mayor's Affordable Housing and Viability SPG	N/A
3.	Medical Centre (745 sqm of usable area) and no more than five Medical Centre Parking Spaces (not to occupy more than 50% of the dwellings until this has been provided). Construction of Medical Centre to Shell and Core Standard and Fit Out of Medical Centre to a specification approved by the NHS	Minimum of £1.5m
4.	Medical Centre Fallback Contribution towards affordable housing and five basement car parking spaces for the medical use to be used for the B1 office use instead (triggered 24 months from commencement of construction of basement foundations if no lease has been entered with NHS)	[£1,598,462]
5.	<p>Not to implement planning permission until the Development Agreement with LUL has been completed (including Step Free Access Fit Out Works, SFA LUL Works and SFA Works), with the fall-back position that if the SFA Fit Out Works and SFA LUL Works have <i>not</i> been carried out 7 years from practical completion of the SFA works, NHGKL to pay £3,750,000 to RBKC for the provision of Affordable Housing. The SFA Works to be carried out in any event prior to Occupation to ensure that future provision of step free access is safeguarded.</p> <p>The definition of step free access provided by TfL is: <i>the provision of lifts, ramps and/or other infrastructure that allow independent access for persons with restricted mobility to follow a route (or routes) between street and platform levels without the need to use stairs or escalators. Compliant access between the platform and train should also be provided where practicable.</i></p> <p>The Developer's obligation is to meet the costs of the provision of an SFA route between street level to the southbound (inner rail) platform of the District & Circle lines.</p>	[£3,750,000]

6.	Construction Training Contribution Index Linked payable prior to commencement (£2,500 for each £1m of construction costs as per the Planning Obligations SPD)	£261,500
7.	Carbon Offsetting Contribution Domestic (£112,036; Non-domestic £10,706)	£122,742
8.	Construction Training and Construction Training Plan (approved prior to implementation and carried out during construction period) to include: <ul style="list-style-type: none"> • Construction training plan to be submitted for approval • Compliance with the local procurement code • To notify the Council of job vacancies • Achieve a local procurement target of 10% • Provide employment data to the Council for monitoring 	N/A
9.	Small Independent Retail Units Marketing Strategy (comply prior to completion of the retail units).	N/A
10.	Compliance with Local Procurement Code (approval of schedule prior to commencement)	N/A
11.	Cycle Hire Contribution (Index Linked , paid 6 months prior to occupation) for 25 cycle hire docks on Uxbridge Street, to be delivered by TfL	£170,000
12.	Cycle Hire Docking Station Safeguarded Area (not to construct in that area for the safeguarding period and grant a lease or licence to TfL over the area upon TfL request during the safeguarding period) on Uxbridge Street	N/A
13.	Construction Traffic Management Plan Assessment Fee £2,800 per plan Index Linked (prior to commencement)	N/A
14.	Permit Free covenant for 26 units (ongoing from implementation)	N/A
15.	Car Club (1 free membership per dwelling for 12 months)	N/A
16.	Public Art (to spend minimum of £100,000 maximum of £150,000) and Public Art Strategy (approved within 1 year from commencement)	£100,000
17.	Legible London Contribution for signage (paid 6 months prior to occupation)	£3,017
18.	Demolition Traffic Management Plan Assessment Fee £2,800 per plan (Index Linked, paid prior to commencement)	£2,800 per plan
19.	Office Travel Plan Monitoring fee (Index Linked, paid prior to occupation)	£1,000
20.	Requirement to dedicate public access over new areas of footway around the site	N/A

21.	Highway Works and Highways Agreement (enter into within 12 months from implementation) regarding works to public realm and highways adjacent to the development site, delivered and funded through a section 278 agreement to include: <ul style="list-style-type: none"> • Renewal of footpaths around the site • Removal of street clutter on Notting Hill Gate (in the vicinity of the site) • Redesigning the layout and junction of Newcombe Street and Kensington Place • Planting of new trees on Notting Hill Gate. 	N/A
22	Section 106 Monitoring Fee (2.5% of value of contributions excluding affordable housing, docking station and step free access)	approx £12,000
23	Provision of a Public Square in accordance with the Public Square Plan (submit the Plan 6 months prior to occupation and not to occupy until it has been approved) and provision of permanent pedestrian and cycle access to the public subject to permitted closures	N/A
		approx. £2,173,059 [excluding items 4 and 5 which are fallback contributions]

9. Community Infrastructure Levy Information

- 9.1 If permitted and built, the additional floorspace in the proposal would require a payment of approximately £2,325,344 towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment of approximately £531,750 towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.
- 9.2 The Notting Hill Gate SPD states that wider public realm works at Notting Hill Gate should be primarily funded through development. It acknowledges that other sources of finance may also be required. In the absence of a detailed design of the proposed works at this time, the works do not adhere to the tests of CIL regulation 122. The additional units arising from this development do not require mitigation in this form to make the proposals acceptable. Despite this, the development would be liable for a Borough CIL payment as indicated above, and the Council's CIL Regulation 123 list states that CIL can be used for streetscape works, such as those described by the SPD. Therefore, the development could still contribute to these works, as sought by the SPD.

10. Consultations carried out

Mayor of London – Stage 1 Referral

- 10.1 The proposal has been referred to the Mayor of London under category 1C of the Town and County (Mayor of London) Order 2008. This allows the Mayor the opportunity, within 14 days of being formally notified of the Council's decision, to direct the Council to either refuse the application, to take the case over for his own determination, or allow the Council to determine the case itself. The Mayor's Stage 1 response is attached to this report as Appendix One.

10.2

The Mayor of London confirms that the London Plan policies on town centres, housing, affordable housing, heritage, urban design, inclusive access, sustainable development and transport are relevant to this application.

10.3

The Stage 1 response states that the principle of the development is supported, specifically the principle of the residential-led redevelopment of the site within the town centre, the provision of commercial and community floorspace (including a GP surgery), providing improved public realm and step-free access to the Circle and District Line platform at Notting Hill Gate underground station, and a permanent location for the farmer's market. In some ways the London Plan is not complied with though, and these matters are highlighted.

10.4

On the key matter of housing provision, it is noted that "although only nine social rent units are proposed, they will be of a better standard with an uplift in the number of [affordable] habitable rooms [on-site] from 20 to 27 and a concomitant increase in the amount of floorspace by 159 sq.m" (paragraph 20). This accords with London Plan Policy 3.14 and the Mayor's Affordable Housing and Viability SPG. The proposed nine affordable units equates to 19.6% by unit and 17.3% by habitable room, which is a 5.1% increase in floorspace terms over the existing provision, which would usually be unacceptable.

10.5

It is confirmed that GLA officers have robustly interrogated the viability assessment, and supplementary documents requested from the applicant, which is prepared in compliance with the Mayor's Affordable Housing and Viability SPG. The GLA confirms that the provision of nine units represent the maximum possible level of affordable housing that can be delivered (taking into account the provision of step-free access to the underground station and the inclusion of a GP surgery). It is concluded that the provision of grant funding would not viably increase the level of affordable provision. In order to be acceptable in its affordable housing provision, an early and a late stage review must be secured in accordance with the Mayor's Affordable Housing and Viability SPG. To address this, an early and late two-stage review is recommended within the legal agreement under s.106.

10.6

On climate change, the Stage 1 response concludes that the carbon dioxide savings do not meet the zero-carbon target for domestic buildings or the 35% target for non-domestic buildings. As such, the applicant is advised to consider the scope for additional measures aimed at achieving carbon reductions. Further information on notional cooling, overheating, the CHP and the site heat network is also required. Any remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund in order for the London Plan to be complied with. To address this, a contribution to the offset fund is recommended within the legal agreement under s.106.

10.6

The application is broadly supported in terms of transport considerations. However, the provision of step-free access to the inner Circle and District line platform at Notting Hill Gate Station should be secured and TfL must be involved in the drafting of conditions and obligations; a cycle hire docking station in the vicinity of the site should be secured by planning condition and the cost of installing the docking station secured by Section 106 agreement; and the detailed arrangements for construction agreed with TfL, and the residential car parking should be reduced. A total of 25 car parking spaces for the 46 residential units are proposed. Whilst this is within London Plan maximum standards, the GLA (and TfL) considers this provision is excessive given the site's location and PTAL, and in the context of the emerging policy direction set out in the draft Mayor's Transport Strategy to reduce car dominance and increase travel by sustainable modes, and should be reduced wherever possible.

10.7

To address this, the legal agreement prevents the implementation of the planning permission until the Development Agreement with LUL has been completed. Cycle docking station contributions are recommended within the legal agreement under s.106. A planning condition cannot secure a docking station as that would need planning permission in its own right, but TfL can make an application for one to be considered on its

merits. Regarding the removal of the basement level residential parking spaces, the applicant's viability consultant has set out that this is likely to reduce the value of the residential units by 10-15%, and increase the sale programme by up to 50%. They contend that any reduction to the number of car parking spaces would negatively impact the viability of the proposed scheme, including the proposed affordable housing and public benefits. The Council's independent assessor has advised that the reduction in car parking spaces would have an impact on the gross development value of the scheme, and agree that the comparable residential evidence provided by the applicant does include car parking as an amenity, and at this price point, car parking would be necessary. Therefore there may be an additional loss in value to the units, although this would only be applicable to a maximum of 25 of the 46 units (as there are only 25 spaces proposed). In terms of the sales programme, all units may sell in the same time due to the reduced value without car parking, but the impact on value and programme seems applicable only to 25 units maximum.

Architects Appraisal Panel (AAP)

10.8 The previous scheme PP/15/07602 was resented to the AAP in January 2016. A copy of the minutes of the meeting is attached to this report as Appendix Two. The main points were as follows:

- The general masterplan is supported
- The surrounding (perimeter) buildings are comfortably scaled and provide enclosure to the public plaza
- The architecture of the perimeter buildings is satisfactory, with the exception of the grey brick colour
- The building fronting Notting Hill Gate is engaging a good contextual response
- The plaza is well connected and is well animated
- Bringing the base of the tall building down on one side to Kensington Church Street does not seem entirely appropriate and it is disappointing it does not address the principal road
- The panel was not unanimous on the massing: some considered the slipped forms to be a good response, others considering it to appear more bulky and less satisfying than the existing
- It was questioned whether a simpler form could be more successful
- The tall building's elevations are too busy, fragmented and random and compositional quality is poor and architecture undistinguished.

Comments from interested parties

10.9 2033 nearby owners/occupiers were notified directly of the application. The application was advertised in the Kensington & Chelsea Gazette on 22/09/2017. A statutory notice advertising the application was posted near the site on 22/09/2017

21 letters of general comments were received, including from Cllr Campion and Cllr Faulks, summarised as:

	Comment	Response
1	This is a major application which should be decided by committee not under delegated authority (1)	The application will be determined by the Planning Committee.
2	Permission should not be granted without securing the 9 social rented units and the provision of the GP surgery (1)	This is secured under the legal agreement under s.106. See paragraph 8.1.
3	The public square is hidden and	See paragraphs 7.82-7.89.

may fail to attract footfall compared to retaining an open space on the corner of Kensington Church Street and Notting Hill Gate (1)

- 4 The area needs to be improved and should provide a square for the Farmers' Market to continue, a surgery that can officer more than the current Pembridge Villas Surgery, and a sufficient number of affordable homes should be provided, but this scheme should not include a tall building as this will change the heritage of Notting Hill Gate (1) See paragraph 7.171.

177 letters were received supporting the application, including from the Kensington Society, the Campden Hill Residents' Association, Pembridge Villas Surgery, Westbourne Grove Medical Centre, London Farmers Market, and NHS West London Clinical Commissioning Group, and many local residents, summarised as:

	Comment	Response
1	We would like the development to happen so the area can move forward; the appearance currently is rather depressing/is a disgrace. Newcombe House is an eyesore, and the proposed building, even though it is higher, would compare very favourably to it and would be an enhancement to many important views in and around Notting Hill Gate (68)	See paragraph 7.170.
2	The GP surgery development will provide a modern premises for a large practice in an area where it is very difficult to find adequate CQC compliant premises and will be welcome facility (55)	See paragraphs 7.8-7.10.
3	The package of benefits for Notting Hill Gate include an attractive public square, provision for the return of the farmers' market, a major GP group practice surgery, the provision for step-free access to the District and Circle Line south-bound platform, upgrades to the existing offices and shops, and will deliver much needed housing and social housing (78)	See paragraph 7.171.

4	Development would provide an economic boost to the area and secures jobs (8)	Agreed
5	Apart from social housing the previous scheme was acceptable (1)	This was the conclusion reached by the Planning Inspector, and is a material consideration of weight in assessing this latest application.
6	Many other (silent) residents of Hillgate Village fully support this scheme. The Hillgate Village Residents association is not representative of all local residents' views (2)	Noted.
7	Management details for the new square and Farmers' Market need to be fully worked up including proper provision for emergency vehicles (2)	Agreed.

727 letters have been received objecting to the application, including from Cllr Freeman, Hillgate Villas Residents' Association, Westbourne Park Villas Residents' Association, Hawksdown House School, Bethesda Baptist Church, Essex Unitarian Church, Skyline Campaign, and many local residents, summarised as:

	Comment	Response
1	The proposed development is too high and much higher than the existing building. The massing is inappropriate. The skyline across the whole area will be severely obstructed by the development and it will be a blot on the landscape, visible from miles around, adversely impacting views (466)	As discussed in the main body of the report, there are angles of view where the building would appear positively in comparison with the existing building, and others where it would not. Overall, the building would have a positive impact and be a benefit to the appearance of the wider area and would comply with London Plan and CLP policies in this regard. This was the conclusion of the Planning Inspector of the appeal scheme, and there has been no material change in circumstances since then. It was also the conclusion of the Greater London Authority.

2	<p>The proposed development has no architectural merit, style or ingenuity – poor design. This is a real opportunity for the Council to push for an architecturally outstanding development which will truly benefit the local area in Notting Hill Gate (146)</p>	<p>The CLP identifies Newcombe House as an eyesore, and this must be the starting point for any assessment. The Planning Inspector commented that architectural design is not usually a matter for the planning system to determine whilst assessing planning merits, but found anyway that the arrangement of stone and glass would “create a pleasing rhythm which would be both interesting and cohesive” [para. 17] and “would be far more engaging to the eye than the dull repetition to the fenestration of Newcombe House while maintaining integrity”. Recommended conditions 45 - 61 ensure that a suitably high quality of detail will be provided.</p>
3	<p>The proposal is at odds with the low-rise picturesque houses of the surrounding conservation areas and would be damaging to views from within them. It is not in keeping with the context and is out of character with the area. Negatively impacts the surrounding history and architecture (227)</p>	<p>The existing building is already at odds with the low rise development around it, in fact was designed that way along with Campden Hill Towers. The proposed building would maintain the principle of that relationship and would improve upon the appearance of Newcombe House. The planning Inspector found the development to be acceptable in that regard.</p>
4	<p>There has been no improvement to the design which is identical to that of the previous application which was rejected by the Council (27)</p>	<p>The applicants have not changed the design of the scheme, which the Planning Inspector found to be acceptable.</p>
5	<p>It would result in harm to the setting of nearby listed buildings (7)</p>	<p>The setting of nearby listed buildings would not be harmed substantially. In some cases the development would appear as a backdrop, but where Newcombe House already does this the proposed development would produce an enhancement. The ‘less than substantial’ effects of the development would be outweighed by the significant public benefits.</p>
6	<p>Disrespectful encroachment on space surrounding the Bethesda chapel and disturbance to its congregation (6)</p>	<p>The character and setting of the Bethesda chapel would not be harmed through the proposals. From some angles the development would be seen in views behind the chapel, but Newcombe House already features in these angles and the comparison is not a negative one.</p>
7	<p>The proposed development provides insufficient social housing. Provision of social housing is below the Mayor of London’s target of 35% for a major development (172)</p>	<p>The maximum reasonable amount of affordable housing is proposed, as confirmed by viability testing in compliance with London Plan and national guidance. The applicants have fully addressed the questions raised by the Planning Inspector in relation to affordable housing.</p>

8	<p>The flats would likely be bought as investments by overseas buyers which would be left empty and would not contribute to the vibrancy of the area. New luxury flats will ruin the areas village feel and destroy any lingering sense of community Notting Hill Gate still has (113)</p>	<p>The development would not be 'taking away' any of the existing ingredients in the vibrancy of the area or vitality of the community, and would contribute to those aspects of the locality more than Newcombe House.</p>
9	<p>A development of luxury flats is inappropriate in the current climate especially in RBKC (56)</p>	<p>Affordable housing is clearly the greatest need in the Royal Borough and London, but the applicants have demonstrated they have provided the maximum reasonable amount in this development. Housing of all types is needed in London, and market units still contribute towards housing targets.</p>
10	<p>Object to the affordable housing element being incorporated into the scheme when it should have been provided elsewhere in the vicinity (1)</p>	
11	<p>The effect of the development will be to drive up rents and current owners will leave units empty to ensure that market rent comparables remain high (3)</p>	<p>This would be an unlikely result of the development, and a refusal of planning permission would not be justified on this basis.</p>
12	<p>The development will put additional strain on local business. There will be a major loss of valuable local shops businesses in Kensington Church Street and Notting Hill Gate and the retail provision is wholly out of keeping with what is required to revive Notting Hill Gate (76)</p>	<p>The new shops and offices, and new building with internal square, would be likely to provide a significant boost to the vitality of the town centre.</p>
13	<p>The development would adversely impact the Farmers Market on Kensington Church Street (44)</p>	<p>The Farmers' Market would have to move temporarily, but would return. Planning permission has already been granted for locating the Farmers' Market on Portobello Road in the interim, which is a position that would still serve the Notting Hill area well. The Farmers' Market is a valued local facility which would be incorporated within the finished development.</p>

14	The development would negatively impact tourism. The area would be dominated by another modern building which is out of place with the quaint streets and colourful houses Notting Hill Gate is famous for (10)	The existing Newcombe House does little positive for tourism. The proposed development would produce a greatly enhanced street scene and create a positive landmark for the Town Centre that should not contrast negatively with the quaint streets and colourful houses of Notting Hill Gate.
15	Concerned over the level of disruption which will be caused during construction including unbearable noise, dust & traffic The development will adversely impact those who live, work, visit or attend school in the area over the years of construction and beyond Work would take place at the same time as the Whiteleys redevelopment, so the whole area would be disrupted and in chaos for years (181)	Newcombe House is an unattractive building and of its time visually and in terms of function; any redevelopment of this site is going to cause disruption locally through construction activity and construction traffic. A raft of conditions are recommended, to mitigate such impacts as far as can reasonably be achieved under the Town and Country Planning Act. Given these conditions, the impact of the construction work would not justify refusal of planning permission for the proposed development.
16	There would be an increase in overlooking and loss of privacy to nearby properties (12)	There would be some increase in overlooking and sense of enclosure, but not of a significant enough degree to warrant a refusal of planning permission. The Planning Inspector found the appeal scheme to have an acceptable impact on neighbouring living conditions.
17	There would be a loss of daylight and sunlight to nearby properties. Would overshadow the neighbourhood (29)	The majority of windows in surrounding residential properties would receive reductions in light within the tolerances of the BRE guidelines and policy CL5 and would not suffer any noticeable change to the living conditions presently enjoyed within them. In the case of those windows that would receive a reduction greater than 20% the impact is marginal and not sufficient to justify a refusal of planning permission.
18	There will be a massive increase of gusting wind due to the height of the proposed structure creating a wind tunnel (25)	Newcombe House is notorious for generating local winds around its base, but the proposed development has a different footprint and form and has also been subjected to wind modelling which indicates it would not generate such effects.
19	There would be no step-free access provided for the north bound circle and district line (4)	The provision of step free access to the south bound circle and district line is a very significant benefit. The provision of an access to the opposite, northbound platform would not be possible through the site forming the subject of this planning application.

20	There are no firm assurances or commitments in place over the NHS occupation of the proposed Doctor's surgery (4)	The provision of the space for the NHS facility would be secured through the legal agreement under s.106. The planning system cannot guarantee that a practice will occupy it, although given the acknowledged need in the area and the inclusion of the NHS in discussions, it must be unlikely that this facility would not be taken forwards. Recommended condition 5 precludes any Class D1 use other than a health facility.
21	There are no new community benefits proposed or inadequate community benefits (19)	The community benefits proposed are significant, and unlikely to come about by other means. The removal of Newcombe House and its replacement with a high quality landmark building, contribution to housing and to affordable housing, improved retail and office accommodation, new square, and provision of step free access to the southbound platform, are all significant benefits and should be accorded significant weight in the balance.
22	There will be an increase in cars, congestion and air pollution due to the increased population of the block (49)	The level of parking complies with the maximum standard of this authority and of the GLA. No increase in congestion or air pollution are predicted.
23	There will be constant noise and vibration from more cars entering the car park at all hours (3)	Residential blocks tend not to have much traffic entering or leaving in the middle of the night. No particular problems are envisaged in this regard. A Car Park Management Plan would be secured through recommended condition 16.
24	The development does not include adequate vehicular access or service provisions (3)	Vehicular access and servicing provisions are provided to Borough and London standards. Conditions 21, 22 and 23 are necessary to require full servicing and waste management plans.
25	Underground parking defies London policy and its construction poses danger (1)	All current parking standards would be satisfied and there are no development plan policies that preclude underground parking.
26	The new building will be a death trap given what has happened at Grenfell Tower (5)	The development would need to satisfy all current standards for new build under the Building Regulations and other legislation.

27	Possible damage to sewage and water pipes and subsidence in the adjoining streets (2)	It is not possible to guarantee in a large construction project that no accidental damage could occur to pipes or street surfaces, but appropriate measures would be taken to correct any such incidences.
28	Important street tree will have to be removed (1)	The loss of the tree would be outweighed by the benefits provided to the public realm through the proposals.
29	A two storey basement is contrary to policy (6)	The development is not contrary to basement policy. The site is a 'large site' as defined in policy CL7 and the depth of the excavation is acceptable in this instance.
30	The letters of support from the Kensington Society and Campden Hill Resident's Association is not representative of their members' views (1)	Noted.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Greater London Authority	Stage One Response appended to this report	Paragraphs 10.1 to 10.7
Historic England	Find that there would be be modest harm to assets of the highest significance, and advise that the Royal Borough should ensure that the public benefits being put forward are convincing, that they outweigh the extent of the harm and that they are secured and delivered if it is believed they justify the harm.	Paragraphs 7.75-7.81
Greater London Archaeological Advisory Service (GLAAS)	No archaeological requirement.	Paragraph 7.90
Thames Water	No objection, subject to conditions and informatives.	Paragraphs 7.156 and 7.158 Recommended conditions 26, 27, and 28.
Lead Local Flood Authority	No objection, subject to conditions.	Paragraphs 7.154-7.158

Transport for London (TfL)	No objections raised subject to legal agreement to secure step-free access to underground station, condition to provide 40% of car parking spaces with electric charging along with a car park management plan, and condition to secure cycle parking. Concern is raised that the draft Construction Traffic Management Plan proposes a temporary bus stop suspension, which would need to be justified in the final CTMP and may not necessarily be agreed. TfL comment that if the step free works are not undertaken as part of the Newcombe House development, then the opportunity would be lost until the next time the site is developed which could be expected to be many decades away.	Paragraphs Recommended conditions 16, 17, 18, 19, 24 and 25.
London Underground (LUL)	No response received	Paragraphs 7.114-7.115

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Crime Prevention Design Advisors	No response received	N/A
London Fire and Emergency Planning Authority	No response received	N/A
Natural England	Confirmed no comments to make.	N/A
Royal Parks	No response received	N/A
Environment Agency	Confirmed no comments to make	N/A

City of Westminster	No objection raised. Comments made to highlight the heritage importance of those parts of Westminster closest to the development to the east in the Bayswater area, and reminding the Royal Borough of its statutory duties in determining applications involving impacts upon heritage assets in particular to Kensington Gardens (a grade I park within Historic England's Register of Historic Parks and Gardens and also forming a substantial part of the City of Westminster's Royal Parks Conservation Area) and also the Bayswater Conservation Area, the Queensway Conservation Area, and the Westbourne Conservation Area.	Paragraph 7.75
Council for British Archaeology	No response received	Paragraph 7.90
Economic Development (RBKC)	No objection, subject to legal agreement building in support for local recruitment, Construction Training Contribution, an employment and skills plan and monitoring of those employed on site to total numbers of local labour employed	Paragraph 8.1
London and Middlesex Archaeological Service (LAMAS)	No comment, but for the appeal scheme they confirmed that they were concerned as regards conservation area impacts but had no objections in terms of heritage assets.	Paragraph 7.90
RBKC Ecology Service	No response – but no objections raised in relation to the appeal scheme.	Paragraph 7.162
Arboricultural Officer	Objection to the loss of the London Plane tree T14 which is a tree with great potential to become a landmark specimen. Also doubt cast upon the potential for new trees to be established on Notting Hill Gate by the corner of Kensington Church Street in planters with limited volumes of soil.	Paragraphs 7.89, 7.159-7.161
Conservation and Design Officer	Objection to insufficient architectural quality of the tall building and its harm to heritage assets, in particular listed buildings of Kensington Palace Gardens and Kensington Palace Conservation Area, and listed buildings of Pembridge Gardens and cumulatively to Pembridge Conservation Area	Paragraphs 7.40-7.81

Director of Transportation and Highways	No objections subject to conditions	Paragraphs 7.91-7.118
Director of Environmental Health	No objections to the proposed development subject to conditions being applied to address the missing information on land contamination and remedial requirements. The requirement to address land contamination concerns at this development is in accordance with national planning policy and policy CE7 to ensure the development is made suitable for use.	Paragraph 7.163
Air Quality Officer	No objection subject to conditions.	Paragraphs 7.150-7.153
RBKC Waste	No objection subject to conditions	Paragraph 7.110

11. Recommended conditions if the application is granted

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. Compliance with approved drawings

Except as required by conditions 17, 63, 64, 65, 66, 74 and 75 the development shall not be carried out except in complete accordance with the details shown on submitted plans *P-SITE-AA(0-)001*

P-SITE-AA(0-)002

P-SITE-AA(0-)011

P-SITE-AA(0-)021

P-SITE-AA(0-)100

P-SITE-AA(0-)101

P-SITE-AA(0-)102

P-SITE-AA(0-)103

P-SITE-AA(0-)104

P-SITE-AA(0-)105

P-SITE-AA(0-)106

P-SITE-AA(0-)107

P-SITE-AA(0-)108

P-SITE-AA(0-)109

P-SITE-AA(0-)110

P-SITE-AA(0-)111

P-SITE-AA(0-)112

P-SITE-AA(0-)113

P-SITE-AA(0-)201

P-SITE-AA(0-)202

P-SITE-AA(0-)203

P-SITE-AA(0-)204

P-SITE-AA(0-)205

P-SITE-AA(0-)206

P-SITE-AA(0-)301

P-SITE-AA(0-)302

P-SITE-AA(0-)303

P-SITE-AA(0-)304

P-KCS1-AA(0-)100

P-KCS1-AA(0-)101

P-KCS1-AA(0-)102

P-KCS1-AA(0-)201

P-KCS1-AA(0-)202

P-KCS1-AA(0-)301

P-KCS1-AA(0-)302

P-KCS1-AA(0-)303

P-KCS2-AA(0-)100

P-KCS2-AA(0-)101

P-KCS2-AA(0-)102

P-KCS2-AA(0-)201

**P-KCS2-AA(0-)301
P-KCS2-AA(0-)302
P-KCS2-AA(0-)303**

**P-WPB1-AA(0-)100
P-WPB1-AA(0-)101
P-WPB1-AA(0-)301
P-WPB1-AA(0-)302**

**P-WPB2-AA(0-)100
P-WPB2-AA(0-)101
P-WPB2-AA(0-)102
P-WPB2-AA(0-)200
P-WPB2-AA(0-)201
P-WPB2-AA(0-)300
P-WPB2-AA(0-)301**

**P-CB-AA(0-)011
P-CB-AA(0-)100
P-CB-AA(0-)101
P-CB-AA(0-)102
P-CB-AA(0-)103
P-CB-AA(0-)104
P-CB-AA(0-)105
P-CB-AA(0-)106
P-CB-AA(0-)107
P-CB-AA(0-)108
P-CB-AA(0-)109
P-CB-AA(0-)110
P-CB-AA(0-)201
P-CB-AA(0-)202
P-CB-AA(0-)301
P-CB-AA(0-)302
P-CB-AA(0-)303
P-CB-AA(0-)304
P-CB-AA(0-)400
P-CB-AA(0-)401
P-CB-AA(0-)402**

**P-KCS1-AA(4-)400
P-KCS1-AA(4-)401
P-KCS1-AA(4-)402
P-KCS1-AA(4-)403**

**P-WPB2-AA(4-)400
P-WPB2-AA(4-)401**

**0586.SK12
0586.SK13
0586.SK14
0586.SK15
0586.SK16
0586.SK17
0586.SK18
0586.SK19
0586.SK20
0586.SK21
0586.SK22
0586.SK23**

ARP-S-B1-ML-GA-8001/ P1
ARP-S-ZZ-ML-SX-8002/ P1
ARP-S-ZZ-ML-SX-8003/ P1
ARP-S-ZZ-ML-SX-8004/ P1
ARP-S-ZZ-ML-SX-8005/ P1
ARP-S-ZZ-ML-SX-8006/ P1
ARP-S-ZZ-ML-SX-8007/ P1
ARP-S-ZZ-ML-SX-8009/ P1

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. Use of Flat Roofs

The areas of flat roof adjacent to the western site boundary at second floor level and shown on drawing P-SITE-AA(0-)102 shall not be used at any time as a roof terrace by occupiers of the residential units or the office use except in case of emergency escape or for maintenance.

Reason - To protect the living conditions of those properties on Jameson Street and to comply with policy CL5 of the Consolidated Local Plan.

4. Hours of Operation

All ground floor commercial uses and events in the public square hereby approved shall not operate between 23:00 hours and 07:00 hours the following day.

Reason - To protect the living conditions of nearby residents and future occupiers of the development and to comply with policy CL5 of the Consolidated Local Plan.

5. Health Facility Use

The areas annotated as 'Flexible Surgery/ Office' on approved drawings P-SITE-AA(0-)100, P-SITE-AA(0-)103, P-SITE-AA(0-)102 and P-SITE-AA(0-)104, if used as a health facility, shall be used only as a health facility and not for any other use which falls within class D1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and any subsequent amendments to the use classes order.

Reason - To protect the living conditions of nearby properties and ensure an acceptable impact on local transport, traffic and parking to comply with policies CL5, CE6 and CT1.

6. Sound insulation between uses- Kensington Church Street buildings

No development shall take place on the superstructure of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the dwellings, and between the first floor dwellings and the ground floor commercial uses, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

7. Sound insulation between uses- Corner building

No development shall take place on the superstructure of the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the fourth floor dwellings and commercial uses below, has been submitted to, and

approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

8. Sound insulation between uses- West Perimeter buildings

No development shall take place on the superstructure of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the first floor dwellings and the commercial uses below, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

9. Facade Construction- Kensington Church Street buildings

No development shall commence (save for demolition, below ground works and temporary works) on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

10. Facade Construction- West Perimeter buildings

No development shall commence (save for demolition, below ground works and temporary works) on the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

11. Facade Construction- Corner building

No development (save for demolition, below ground works and temporary works) shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade

construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

12. Vibration Dose Values

Vibration Dose Values (VDVs), as defined in BS6472-1:2008 shall not exceed those in Table 1 of BS 6472. The measured or calculated VDVs generated as a result of the vibration affecting the development shall be adjusted as necessary to allow for transfer functions from the ground to the foundations and to all upper floors of the proposed development. Where it is predicted that Vibration Dose Values may exceed those of Table 1, at any floor of any building, then proposals to mitigate vibration to acceptable levels shall first be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure a satisfactory standard of accommodation, compliant with policy CE6 and CH2 of the Consolidated Local Plan.

13. Energy Performance

The dwellings shall achieve 35% improvement over Part L of the 2013 Building Regulations in relation to energy performance.

Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan

14. Water Efficiency

The dwellings shall achieve compliance with optional requirement G2 (2) (b) and the dwellings shall not be occupied until Building Regulations approval has been issued in respect of that dwelling certifying that these criteria have been achieved.

Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.

15. BREEAM Rating - New build non-residential

The non-residential floorspace shall achieve a BREEAM (new construction 2014) rating of Excellent. Each building forming part of the permission shall obtain a Post Construction Review Certificate certifying that a BREEAM rating of Excellent has been achieved within three months of first occupation of that floorspace.

Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.

16. Car Park Management Plan

Prior to the first use of the basement car park, a Car Park Management Plan should be submitted to, and approved in writing by the Local Planning Authority. This should include: details of the layout of the car park, demonstrating the final allocation of spaces between uses, the provision of 20% of car parking spaces with electric charging points, a further 20% with a passive energy supply for future use and provision of motorcycle parking

at a minimum of 4 motorcycle spaces; details of the controls of means of entry to the car park, and; a proactive regime of car lift maintenance. The development shall be carried out, and the car park subsequently managed, in accordance with the details approved.

Reason- To ensure a satisfactory management regime for the car park to ensure an acceptable impact and local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

17. Cycle Parking

Notwithstanding the details shown on the approved drawings, prior to commencement of works on the superstructure, details of all bicycle storage facilities across the site including the storage and the allocation of the spaces to the uses across the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved amended drawings.

Reason- To ensure a satisfactory cycle parking layout and standard of cycle parking facilities and to comply with policy CT1 and CR4. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

18. Office Travel Plan

Prior to the first occupation of any office accommodation, an office travel plan shall be submitted to and approved in writing by the Local Planning Authority. The office use shall be carried out in accordance with the approved travel plan.

Reason- To ensure the end use would have an acceptable impact on local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

19. Road Safety Audit

Prior to commencement of the development (save for demolition, below ground works and temporary works) a Stage 2 (detailed design) safety audit of the junction of Newcombe Street and Kensington Place junction shall be undertaken and submitted to, and approved in writing by the Local Planning Authority.

Reason- To inform the layout of the new junction and to ensure the creation of a safe and high quality pedestrian environment, to comply with policies CT1 and CR3 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

20. Drainage Channel to Jameson Street

Prior to commencement of works on the superstructure, details of a drainage channel to be installed at the junction of Uxbridge Street and Jameson Street, shall be submitted to, and approved in writing by the Local Planning Authority. The drainage channel shall be installed in accordance with the details approved and shall be installed in full prior to occupation of any part of the development.

Reason - To ensure satisfactory drainage of surface water run off on Uxbridge Street and to main a safe vehicular and pedestrian environment.

21. No Vehicles in the Public Square

The public square hereby approved shall be accessible only to emergency vehicles, vehicles required for maintenance of the development, and vehicles necessary for the set-up and breakdown of events within the public square. It shall not be used by any other vehicles.

Reason- To ensure the provision of highest possible public space and to comply with policies CR3, CR5 and CT1 of the Consolidated Local Plan.

22. Servicing and Waste Management Plan- Commercial Uses

Prior to occupation of any commercial use, a Servicing and Waste Management Plan for all retail and office uses shall be submitted to and approved in writing by the Local Planning Authority. The commercial uses shall be managed in accordance with the approved plan.

Reason- To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Consolidated Local Plan.

23. Servicing and Waste Management Plan- Residential

Prior to occupation of any residential unit, a Servicing and Waste Management Plan for all residential uses shall be submitted to and approved in writing by the Local Planning Authority. The residential uses shall be managed in accordance with the approved plan.

Reason- To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Consolidated Local Plan.

24. Demolition Traffic Management Plan (DTMP)

No development shall commence until a Demolition Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routing of demolition vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, or demolition work associated with the development;
- h) work programme and/or timescale for each phase of preparation, or demolition work associated with the development;
- i) details of measures to protect pedestrians and other highway users from demolition activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Demolition Traffic Management Plan.

Reason - To minimise the impact of demolition works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

25. Construction Traffic Management Plan CTMP)

No development (save for demolition) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

26. Drainage Strategy

No development (save for demolition) shall commence until a drainage strategy detailing on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public sewer system until the drainage works referred to in the strategy have been completed.

Reason- The development may lead to sewage flooding, to ensure that sufficient capacity is made available to cope with the new development, and in order to avoid adverse environmental impact on the community and comply with policy CE2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

27. Non Return Valve

No part of the development hereby permitted shall be occupied until a non-return valve, or suitable alternative device has been installed within the development to prevent the risk of backflow at a later stage resulting from

ground level surcharges during storm conditions.

Reason- To protect future occupants and users of the development against sewer flooding and to comply with policies CE2 and, CL5, CL7 of the Consolidated Local Plan.

28. Sustainable Urban Drainage Systems

The sustainable urban drainage systems of green roofs and attenuation tanks identified within the ‘Drainage Statement’ September 2017 by Arup, shall be installed in full prior to the first occupation of the relevant part of the development and shall be so maintained.

Reason- To ensure that appropriate measures to reduce surface water runoff are installed within the development and to comply with policies CE2 and CL7 of the Consolidated Local Plan.

29. Protection of Bats

Prior to the first occupation of any part of the development, details of measures to be incorporated to improve biodiversity within the development and enhance the site for bat species shall be submitted to and approved in writing by the Local Planning Authority in accordance with the findings of the Bat Survey Report (September 2017) and the approved measures shall be carried out in full and shall be so maintained.

Reason- To ensure that bats remain appropriately accommodated on the site and to adhere to policies CR5, CR6 and CE4 of the Consolidated Local Plan 2015.

30. Contamination – preliminary risk assessment report

No development shall commence, save for demolition, until a Preliminary Risk Assessment Report comprising:

- (i) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;**
- (ii) information from site inspection;**
- (iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and**
- (iv) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials**

has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

31. Contamination – Site Investigation Scheme

No development shall commence until a Site Investigation Scheme has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. (You are advised that the Scheme must be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater, and will be a matter of public record). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

32. Contamination – Site investigation and quantitative risk assessment

No development shall commence, save for demolition, until a site investigation has been undertaken in compliance with the approved Site Investigation Scheme and a Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

33. Contamination – Remediation method statement

If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until a Remediation Method Statement to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

34. Contamination – Verification report

If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until the measures identified within the approved Remediation Method Statement has been carried out in full and a Verification Report confirming:

- (i) completion of these works;**
- (ii) details of the remediation works carried out;**
- (iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;**
- (iv) classification of waste, its treatment, movement and disposal;**
- (v) and the validation of gas membrane placement.**

has been submitted to, and approved in writing, by the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of

the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

35. Contamination – Unexpected

If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

36. Protection of trees during construction – Details required

No development shall commence until full particulars of the methods by which the retained street trees adjacent to the site on Kensington Church Street are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, have been submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

37. Trees and landscaping – Details required

The areas of public realm shall not be first available for use until a scheme of landscaping, to include proposed trees and shrubs, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan.

38. Planting and replanting

All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan.

39. Low Emission Strategy required

Prior to commencement on the superstructure, a Low Emission Strategy shall have been submitted to, and approved in writing by, the local planning authority. The Strategy shall demonstrate the total emissions and per

unit/area from the existing use of the site and the new development, including transport sources and all combustion plant including, boilers, energy plant and emergency generators, and detail the measures that will be taken to achieve a reduction in emissions of NO_x and PM₁₀, and the selected solutions should have the least impact on local emissions of NO_x and PM₁₀, and the development shall be carried out only in accordance with the Strategy so approved.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

40. Combustion Plant- Pre Installation

Prior to installation of any combustion plant, including temporary installations, details of the selected combustion plant (including abatement equipment), their emissions and maintenance schedules shall be provided to and approved in writing by the Local Planning Authority. Boilers shall have NO_x emissions not exceeding 40mg/kwh of dry NO_x (at 0% O₂) and CHP plant not exceeding 95mg/Nm², at 5% O₂.

Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.

41. Combustion Plant

No CHP plant shall be used without the fitting of the appropriate abatement equipment or technologies to meet, as a minimum, the Band B emissions standard (95mg/Nm², at 5% O₂). A NO_x emissions test must be carried out by an accredited competent person and the test certificate and evidence of equipment maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The CHP plant shall be maintained in accordance with the maintenance schedule.

Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.

42. Demolition Environmental Management Plan (DEMP)

No development shall commence until a site specific Demolition Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition'. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

43. Construction Environmental Management Plan (CEMP)

No development (save for demolition) shall commence until a site specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and

demolition'. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

44. Ventilation

The residential units shall not exceed the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Details of measures to be taken to ensure compliance with this target are to be submitted prior to occupation of any residential unit and the system shall be so maintained in accordance with the submitted details.

Reason- To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan and London Plan policy 7.14 in ensuring that effects upon air quality in the area are minimised.

45. Details to be submitted- Notting Hill Gate building

No development shall commence on the building fronting Notting Hill Gate (as defined on page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

46. On site sample panel- Notting Hill Gate building

No development shall commence pursuant to the Notting Hill Gate building (as defined in page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 45, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

47. Details to be submitted- Notting Hill Gate building

No part of the Notting Hill Gate building (as defined on page 80 of the Design and Access Statement dated September 2017) shall be first occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive garden
- b) detailed drawings of the shop fronts

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

48. Details to be submitted- West Perimeter buildings

No development shall commence on the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

49. On site sample panel- West Perimeter buildings

No development shall commence pursuant to the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 48, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

50. Details to be submitted- West Perimeter buildings

No part of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive garden
- b) detailed drawings of the shop fronts
- a) detailed drawings of the car lift entrance including treatment of doors

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

51. Details to be submitted- Cube building

No development shall commence on the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

52. On site sample panel- Cube building

No development shall commence pursuant to the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 51, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

53. Details to be submitted- Cube building

No part of the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the car lift entrance including treatment of doors
- b) detailed drawings of ground floor entrances

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

54. Details to be submitted- Kensington Church Street buildings

No development shall commence on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

55. On site sample panel- Kensington Church Street buildings

No development shall commence pursuant to the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 54, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

56. Details to be submitted- Kensington Church Street buildings

No part of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of shopfronts
- b) detailed drawings of treatment of the roof level plant room

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

57. Details to be submitted- Corner building

No development shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

58. On site sample panel- Corner building

No development shall commence pursuant to the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 57, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

59. Details to be submitted- Corner building

No part of the corner building (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive gardens
- b) detailed drawings of all ground floor entrances
- c) detailed drawings of all shopfronts

Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

60. Public Realm Materials and Finishes

Prior to commencement of superstructure on any building subject of this planning permission details of the material and finishes to the ground level of the public square and its accesses shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out only accordance with the details approved.

Reason - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1, CL2, CR4, CR3 and CR5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

61. Public Realm- Sample Area

Prior to commencement of superstructure on any building subject of this planning permission, a sample area of the materials and finishes for the ground level of the public square and its accesses, as approved by condition 60 shall be provided on site and approved in writing by the Local Planning Authority and the samples shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved.

Reason - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

62. Public Realm Lighting

Prior to the first use of the public square, details of a lighting strategy for all areas of public realm, including undercroft areas and Uxbridge Street, shall

be submitted to, and approved in writing by the Local Planning Authority. The lighting strategy shall be installed in full accordance with the approved strategy prior to the occupation of the first residential unit.

Reason - To ensure the safety of future occupants and users of the site and ensure a high quality public realm and comply with policies CL1, CL2, CR4, CR3 and CR5 of the Consolidated Local Plan.

63. Amended Details of Roof Terrace- Corner building

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Corner Building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Corner Building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason- To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

64. Amended Details of Roof Terrace- Kensington Church Street building

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Kensington Church Street building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on these buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason- To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

65. Amended Details of Roof Terrace - Notting Hill Gate building

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Notting Hill Gate building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

66. Amended Details of Roof Terrace - West Perimeter buildings

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the West Perimeter buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and

67. Professional management of engineering works

No development shall commence (save demolition) until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CL7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

68. Considerate Constructors Scheme (CCS)

No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

69. LUL Infrastructure Protection

No development shall commence until a detailed method statement which accommodates the location of the existing London Underground structures has been agreed with London Underground Limited and has then been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all foundations, basement and ground floor structures and any other structures below ground level, including piling (temporary and permanent). The development thereafter shall be carried out in accordance with the approved design and method statements.

Reason - To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with London Plan Policy 3C.4 and 'Land for Transport Functions' Supplementary Planning Guidance. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

70. **Accessibility**
At least 90% of residential units within the development shall achieve compliance with optional requirement M4(2) of the building regulations and at least 10% shall achieve compliance with optional requirement M4(3)(2)(a) of the building regulations. Prior to commencement of works on the superstructure, plans demonstrating which of the units will achieve these standards should be submitted to and approved in writing by the Local Planning Authority. None of the specified units shall be occupied until Building Regulations approval has been issued certifying that these criteria have been achieved in respect of those units.
Reason – To ensure satisfactory provision for people with disabilities and meet the changing needs of households in accordance with development plan policies in particular policy CH2(b) of the Consolidated Local Plan.
71. **Wind Mitigation**
The mitigation measures identified in section 33 of the ‘Pedestrian Level Wind Microclimate Assessment’ by RWDI dated 6 September 2017 shall be implemented in full prior to the first occupation of the development.
Reason - To ensure a high quality outdoor public space around the site and ensure compliance with policies CR3 and CR4 of the Consolidated Local Plan.
72. **Air Quality Assessment**
No development shall commence until an Air Quality Impact Assessment has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and so maintained.
Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan
73. **Treatment of Western Flank Wall**
Prior to the commencement of development (save for demolition, below ground works and temporary works) on the West Perimeter Building 1 (as defined on page 80 of the Design and Access Statement dated September 2017), details of the treatment of the western elevation of West Perimeter Building 1 must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be so maintained.
Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL5 of the Consolidated Local Plan
74. **Retail units**
The units annotated as “retail” on drawing nos. P-SITE-AA(0-)011 and P-SITE-AA(0-)100 shall be retained for purposes only falling within Class A1 or Class A3 of the Town and Country Planning (Use Classes) Order 1987. At any time, a minimum of 10 such units shall be used for purposes falling within Class A1.
Reason - In order to ensure an appropriate mix of uses in compliance with the Development Plan.
75. **First floor office**
Notwithstanding the approved drawings, the area annotated as “office” at first floor level in West Perimeter Building 3 (as defined on page 80 of the Design and Access Statement dated September 2017) and shown on drawing no. P-CB-AA(0-)-101 shall be used either for a purpose falling within Class B1(a) (office) or as part of the health facility within Class D1.
Reason - In order to ensure compliance with the Development Plan.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Borough Development, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 3 In granting this permission the Council has had regard to Planning Obligation(s) under Section 106 of the Town and Country Planning Act 1990, as amended.
- 4 You should engage with neighbours and local residents associations in advance of submitting your Construction Traffic Management Plan (CTMP). It is also advisable to engage in further pre-application discussions with the Local Planning Authority prior to submission of the CTMP. You are reminded of the purpose of the CTMP, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.
- 5 The developer is reminded that a Stopping Up Order, under Section 247 of the Town and Country Planning Act will be required to formally remove access across all land where the public are currently able to walk but would not be able to post-development.
- 6 Any alterations required to the northern elevation of the London Underground substation, as a result of the regrading of Uxbridge Street to provide a level access, may require separate planning permission.
- 7 Approval should be sought from Thames Water where the erection of buildings or underpinning works would be over the line of , or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services to discuss options available at this site.
- 8 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Failure to do so may result in this and other buildings suffering blocked drains, sewage flooding and pollution to local watercourses.
- 9 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team and application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

- 10 There is a Thames Water main crossing the development site which may need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Thames Water Developer Services should be contact to discuss this matter further.
- 11 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water's pipes. The developer should take into account this minimum pressure in the design of the proposed development.
- 12 The planning permission hereby granted does not include any external plant or flues. If this is later found to be required for any reason, this will require further planning permission.
- 13 Naming and Numbering requirements provided under the Towns Improvement Clauses Act 1847 and the Public Health Act of 1925 mean that that premises must display their street number, and that no name or number other than that formally assigned may be displayed. Any requests for the assignment of names and numbers to new development should be made to the Executive Director, Planning and Borough Development, Town Hall, Hornton Street, W8 7NX well in advance of the completion of the building.
- 14 Any Advertisements to be erected at the premises may require consent under the Control of Advertisement Regulations 2007. You are advised to consult the Directorate of Planning and Borough Development.
- 15 The applicant is reminded that a Stopping Up Order will be required under the Highways Act where public access is not longer possible as a result of the revised building lines around the site. The applicant is advised to contact the Council's Highways department in this regard.
- 16 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.
- 17 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:
www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/17/05782 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Ms. C. Saverus

Telephone: 020 7361- 3235