

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 17/03/2016

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

Application:	PP/15/07602	Agenda Item:	STR1		
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).ADDITIONAL INFORMATION- OVERSHADOWING REPORT ONLY				
Applicant:	Notting Hill Gate KCS Limited				
Agent:	Ms G Church Bilfinger GVA				
Properties notified:	Objections:	Support:	Comments:	Petition:	
1735	80	17	6	0	

1. Summary

- 1.1 Planning permission is sought for the redevelopment of Newcombe House, its neighbouring buildings on Kensington Church Street and the associated ground level car park behind. The site is at the heart of Notting Hill Gate 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 and appear tired, lacking engaging compositional qualities and architectural flair. The existing Newcombe House building stands at 12 storeys high, accessed from an unsatisfactory podium and concrete stairs. The proposals provide the opportunity to refresh and revitalise this significant site.
- 1.2 The Notting Hill Gate Supplementary Planning Document (SPD), contains the Council's aspirations for Notting Hill Gate 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 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 A1 and A3 uses, office spaces, residential entrances and a new medical facility. The existing quantum of office

floorspace is reprovided, alongside a modest uplift in retail floorspace and 46 market residential units.

- 1.4 The proposals entail the replacement of Newcombe House with a new tall building of a different form and profile. At its highest point this would be 25.5 metres higher than the existing building and 8.5 metres 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 has a new and different impact on views across these areas and upon the settings of groups of significant heritage assets. This impact is not always positive and architecturally the tall building is not as compelling as that which could be achieved. Despite this, the lower level elements of the scheme are appropriately contextual and bring benefits through reinstating consistency across the townscape in terms of height and layout.
- 1.5 The proposals include a number of benefits which will be secured through a section 106 agreement. 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 Notting Hill Gate; a contribution to public art and a new public square which would be designated as public highway. The scheme includes a financial contribution to affordable housing and provision of 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 Overall, 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 a section 106 agreement.

It is recommended the Committee authorises the Executive Director, Planning & Borough Development:

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| 1. | Subject to there being no Direction to the contrary by the Mayor of London, to grant planning permission subject to the conditions and prior completion of a legal agreement on the terms set out Section 7.153 in this report. |
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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 site is bound by Notting Hill Gate to the north, Kensington Church Street to the east, Kensington Place to the south and the circle and district underground station to the west.

The site comprises the following elements:

- Newcombe House, an office building of 12 storeys with plant above, accessed from Notting Hill Gate;
- 207 to 237 Kensington Church Street, a linear block of 1 and 2 storeys of commercial uses;

- Royston Court at 161- 199 Kensington Church Street, with commercial uses at the ground floor and 20 bedsit units used by Notting Hill Housing Trust over 4 floors above;
 - A surface level car park with 61 spaces, 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 primary shopping frontage the Notting Hill Gate district shopping centre and the site lies within an area of archaeological importance.
- 3.3 No part of the site is within a conservation area. However the site adjoins the boundaries of 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 the terrace of Pembridge Gardens which lies to the north of the site which is grade II listed.

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 the public square vary in their scale and uses. 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.

Notting Hill Gate Building:

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

Tall Building:

The tallest element is divided into two 'forms' the lower is 12 storeys (ground plus 11) and the taller is 19 storeys (ground plus 18). At its highest point it rises to 25.5m higher than the existing Newcombe House building. The tower contains 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 comprises office spaces from the first to third floors and residential units from fourth floor to the eighteenth floor providing one x two bedroom unit, 17 x three bedroom units and three x four bedroom units.

Kensington Church Street Buildings:

To the south of the tall building, fronting onto Kensington Church Street, would be two new blocks of four storeys. One of the proposed buildings has a roof top garden and the other a plant enclosure. Gaps between these buildings provide views and pedestrian access from Kensington Church Street to the public square. These 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. These buildings provide 21 units as 9 x one bedroom and 12 x two bedroom units.

West Perimeter Building:

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. The main part of this block is two and a half storeys high with retail uses that front onto the

public square at the ground floor level and residential accommodation above as 4 x two bedroom units.

Southern Western Perimeter Building

To the southern end of this block is a visually distinct building referred to by the applicant as ‘the cube’ which forms the southern end of the public square. This provides office accommodation at all floors and the ground floor plan includes the car lift which provides egress from the basement car park onto Newcombe Street and Kensington Place.

North Western Perimeter Building:

The most northern of the West Perimeter Buildings is a taller block which sits south of Uxbridge Street and behind David Game House. This is five storeys high and the ground floor level includes a retail unit, plant and entrance to a health facility. It also includes the car lift which provides 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.

4.2 Other features of the proposed site layout are:

The Public Square

The public square would be located in the centre of the site and would provide some 876 sq metres of public space. The public square will 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 provides ancillary storage space for the commercial units at ground floor level. The lower level provides 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 south bound circle and district line platform to the TfL ticket hall under Notting Hill Gate.

4.3 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	5,206	4,534	-672
Health facility	-	904	+ 904
Retail	2,569	2,871	+ 302
Residential	1,002	8,596	+ 7,594
Residential car park	-	1,818	+ 1,818
Plant and servicing (for all uses)	413	1,102	+ 689

4.4 Across the entirety of the development, 46 market residential units are proposed. Their mix is:

Unit size	Number of units	%
1 bedroom	9	20
2 bedroom	16	35
3 bedroom	18	39
4 bedroom	3	6
Total	46	100

4.5 Referral to the Mayor of London

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 full Stage 1 report is attached to this report. A summary of that report with officer comments is provided in Section 8 below.

5.0 Planning history

5.1 There is no planning history directly relevant to this current application for the redevelopment of the site.

5.2 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.

6.0 Main relevant 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	London Plan	Saved UDP
Notting Hill Gate	CP7, CV16		
Town centre uses	CK1, CF1, CF2, CF3, CF4, CF5	3.1, 3.2, 3.16, 3.17, 4.7, 4.8, 4.9, 4.12	H8
Housing	CF9, CH1, CH2, CH3,	3.4, 3.5, 3.6, 3.7, 3.8, 3.12, 3.13, 3.14, 7.1, 7.2, 7.3	H17
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,	7.15	
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	

6.2 These documents 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

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

- Notting Hill Gate, 2015
- Transport, 2008
- Trees and Development, 2010
- Building Height, 2010

- Subterranean Development, 2009
- Access Design Guide, 2010
- Air Quality, 2009
- Building Height 2010
- Noise, 2009
- Planning Obligations, 2010
- The Streetscape Guide, 2004
- Kensington Conservation Area Proposals Statement, 1995
- Kensington Palace Conservation Area Proposals Statement, 1996
- Pembridge Conservation Area Proposals Statement, 1982
- Ladbroke Conservation Area Appraisal, 2015

6.4 The following unadopted supplementary planning documents are relevant:

- Revised Draft Basement SPD, November 2015
- Draft Transport and Streets SPD, February 2015

6.5 The relevant GLA supplementary planning documents include:

- Draft Interim Housing SPG, May 2015
- Housing 2012
- The Control of Dust and Emissions during Construction and Demolition, July 2014
- Sustainable Design and Construction, April 2014

6.6 These documents can be read online at:

- Conservation Area Proposal Statement:
<http://www.rbkc.gov.uk/planningandbuildingcontrol/heritageandconservation/conservationareas/conservationareasexplained/proposalstatements.aspx>
- Conservation Area Appraisal:
www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-area-appraisals
- Adopted supplementary planning documents:
<http://www.rbkc.gov.uk/planningandbuildingcontrol/planningpolicy/supplementaryplanning.aspx>
- Draft supplementary planning documents:
<https://planningconsult.rbkc.gov.uk>
- GLA supplementary planning guidance:
<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance>

7.0 Evaluation

7.1 The issues for consideration are:

- i. Impact of the proposed uses on the function and vitality of the Notting Hill Gate district centre
- ii. Impact of the proposal on the Borough's existing housing stock
- iii. The provision of the proposed mix of residential units and affordable housing contribution in light of this Council's planning policies and those of the London Plan
- iv. Impact of the proposed layout, height, massing and design of the development on the surrounding townscape and adjacent conservation areas and designated heritage assets
- v. Impact on transport, parking and pedestrian environments and provision of

step free access to the underground

- vi. Quality of the public square
- vii. Scale of the basement development and its impact on neighbouring living conditions during demolition and construction
- viii. Impact of the development on the living conditions of nearby buildings
- ix. Environmental considerations including air quality, sustainability, microclimate and contaminated land
- x. Acceptability of the proposed associated changes to the listed structure of the underground station.

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

Retail Uses

- 7.2 The proposals would increase retail floorspace by 302 sqm (GIA) and increase the commercial units on the site from 13 to 14. The proposals would also reinstate a retail frontage on Notting Hill Gate where the steps and podium entrance to Newcombe House currently exist. These are welcome benefits to the scheme and adhere to the aspirations of policies in the Consolidated Local Plan, in particular policies CF1, CF2 and CF3.
- 7.3 The 14 commercial units proposed at ground floor level vary in size and nine incorporate ancillary storage areas at the 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.
- 7.4 The applicant proposes that three of the commercial units would be restaurants and cafes (A3 use) and one further unit would be a mix of A1/A3. These units are located on the Kensington Church Street frontage and are not consecutive units but are interspersed with retail units. This would result in a reduction in the retail frontage on Kensington Church Street and conflict with policy CF3a). However, 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.
- 7.5 The public square contains adequate space for re-provision of the farmer's market which currently utilises the existing car park on the site. This is compliant with policy CF4.

Health Facility

- 7.6 The proposals include an area of 904 sqm (GIA) which could be used as a health facility. The applicant states that this has been designed in consultation with the NHS West London Clinical Commissioning Group and staff at the existing Pembridge Villas Surgery.
- 7.7 The provision of a doctors surgery is welcome and in line with policy CK1 of the Consolidated Local Plan which seeks to enhance social and community facilities in the Borough. The Notting Hill SPD also recognises the desire for a new primary health care centre in the area.
- 7.8 The Section 106 agreement will incorporate a mechanism to allow the NHS Commissioning Group first refusal of the doctors surgery. If within a specified period of time, no intent to occupy has been obtained from the NHS Commissioning Group, then the premises would revert to offices. The use of this space has implications for the overall development value and its use as an office would result in the scheme having a greater surplus which could contribute to the Borough's affordable housing fund. Therefore the

Section 106 would need to incorporate a clause to ensure that the additional surplus, if the space reverts to office, contributes to the Council's affordable housing fund. Viability testing has demonstrated that an additional £2.54m will be contributed to the Council's affordable housing fund if the premises were to revert to an office use.

Office Uses

- 7.9 The scheme proposes 4,534 sqm of office accommodation which represents a loss of 672 sqm (GIA). Policy CF5 a)ii) of the Consolidated Local Plan gives provision for office floorspace to be lost to a social and community use which predominantly serves, or which provides significant benefits to the Borough's residents. The loss of office floorspace for the health facility is therefore acceptable and adheres to policy CF5. If the 904sqm of health facility floorspace were to be office there would be an increase in office floorspace on the site.
- 7.10 The replacement office floorspace would be of a higher specification than that which currently exists with improved access from the ground floor level. This is a significant improvement above the existing arrangements with access from a raised podium.
- 7.11 The layout of the office floorspace is flexible with opportunities for subdivision to accommodate a number of occupiers. Even if the office floorspace in within the tall building were to be used by a single occupier this would adhere to policy CF5c) which requires that large office premises are located in higher order town centres and accessible areas. Restrictions on the layout and future amalgamations of office units are therefore not necessary.

Impact on the Borough's existing housing stock

- 7.12 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 and currently provides 20 bedsit units which accommodate former rough sleepers. The loss of this accommodation would conflict with policy CH3 which resists the loss of social rented floor space. Notting Hill Housing Trust has confirmed that the existing tenants would be decanted into other existing accommodation either within the Borough or out of the Borough, depending on the needs and preferences of those occupants.
- 7.13 The loss of this social rented floorspace and 20 bedsit units needs to be weighed against the benefits of the proposed development overall.

The provision of the proposed mix of residential units and affordable housing contribution in light of this Council's planning policies and those of the London Plan

- 7.14 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. As the proposal is for a mixed use site, the non residential floorspace has been deducted from the site area. Using this methodology the proposed development provides 209 units per hectare and 677 habitable rooms per hectare. This is within the appropriate range contained in the density matrix.
- 7.15 The development would provide 46 market residential units in total. The Council's most up to date evidence on housing contained in the Strategic Housing Market Assessment (SHMA 2015) suggests a need for new developments to provide 50% 1 and 2 beds and 50% 3 and 4 beds. The proposed development comprises 55% 1 and 2 beds and 45% 3 and 4 beds in the market sector. While arguably this is orientated towards provision of smaller units this is acceptable for this site which is less suitable for family accommodation

due to its location and restraints to providing high quality outdoor space.

- 7.16 All units achieve the minimum floorspace standards laid out in the Minor Alterations to the London Plan and the development includes a mix of both large and small sized units. Eight units (17%) are more than double the minimum floorspace standard, however others are closer to the minimum standard. Overall the development incorporates an appropriate range and mix of unit sizes.
- 7.17 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 GLA's Draft Interim Housing SPG accepts enclosed winter gardens as an acceptable alternative to open spaces for dwellings exposed to noise.
- 7.18 There are six units proposed within the Kensington Church Street blocks which are single aspect. This represents 16% of the proposed units across the scheme. However none are single aspect and north facing.
- 7.19 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
- 7.20 The four units within the west perimeter building have only modest windows in their rear elevations and have their main windows on the east elevation, opening onto the public square. These units are likely to 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.
- 7.21 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.

Affordable Housing

- 7.22 The application was submitted with a Financial Viability Assessment (FVA) prepared by Bilfinger GVA. This included two options for the scheme: one being the provision of four units on site together with a financial contribution of £1,513,069; the second being no on

site housing and a wholly financial contribution of £7,060,549. The applicants state in the FVA that this sum would increase to £9,601,685 if the doctors surgery was not taken up by the NHS and was used as offices. The applicant's FVA was independently assessed on behalf of the Council by Gerald Eve in accordance with the RICS Valuation – Professional Standards January 2014. The assessment was carried out using a residual land value. This is 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 The applicant's FVA included a benchmark land value based on a policy compliant Alternative Use Value (AUV) of the site as offices using the same massing and building envelope as the proposed scheme. This approach was agreed by Gerald Eve. Gerald Eve also included additional sensitivity testing for impact of -5%/+5% of revenue and costs.
- 7.24 Gerald Eve agreed with the majority of the applicant's inputs in the FVA including all sales revenue/commercial yield and the majority of costs except construction cost and contingency and developer's contingency. This resulted in a difference of £3.5m between the parties. However, during assessment of the application additional planning benefits were secured, in particular the inclusion of the funding for a lift from street level to the District/Circle south bound platform whereas the original cost was for safeguarding the route for a lift to the ticket office. Further costs have also been incurred for an increase in the safeguarding cost, cycle hire docking station and public art to meet other objectives.
- 7.25 Although there have been additional scheme costs incurred since the application was originally submitted the applicant has confirmed that they will agree to pay the initial affordable housing payment in lieu amounts of £7,060,549 if the doctors surgery is taken up by the NHS Commissioning Group and £9,601,685 if this use does not come forward. In order to secure the maximum reasonable amount of affordable housing it is also recommended that a clause is included in the s106 agreement requiring any surplus from the money secured for Step Free Access should be paid to the Council for affordable housing.
- 7.26 It should be noted that although the maximum number of on site units which could be provided was 4 x 2 bedroom units above the commercial premises at the rear of the site. The small number of units in a mixed use building is highly unlikely to be attractive to Registered Providers as it would give rise to management issues. In this case the wholly financial contribution would provide an appropriate affordable housing provision and would be likely to provide more units elsewhere. The proposal is considered to comply with Policy CH2 of the Consolidated Local Plan and London Plan Policy 3.12.

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

- 7.27 Newcombe House and the other buildings fronting Kensington Church Street are part of a series of buildings at Notting Hill Gate associated with postwar 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. The building is in a poor state of repair and is no longer fit for purpose without substantial refurbishment. Similarly on Kensington Church Street the buildings, 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 step staircases with plaza area below which provides a poor quality open space. The rear of Newcombe House also provides a poor urban environment with an unattractive

termination of views along Uxbridge Street, undercroft service route and open car park which becomes engaging only through use by the farmer's market.

- 7.28 Newcombe House and associated buildings are not considered a non-designated heritage asset. The demolition of the existing buildings is welcome, subject to the architectural and urban design quality of the site's redevelopment, as laid out in the Council's vision for Notting Hill Gate, CV16.
- 7.29 The paragraphs below assess the proposed development in two parts: the perimeter buildings and the tower block.

The Perimeter Buildings

- 7.30 This includes all the lower rise buildings to the south of the tall building and the building at the far northern end of the site fronting Notting Hill Gate. The proposed layout of the development including a series of perimeter buildings is welcome and constitutes good urban design. The outer buildings continue to define and activate the Kensington Church Street frontage and its public realm. On Notting Hill Gate the development re-establishes the building line with David Game House and improves the enclosure of the street. The buildings on the western side of the site, adjoining the underground station to the west, provide a welcome active edge to the public square and enclose it to the west and south.
- 7.31 The layout improves the urban grain through providing two new pedestrian links from Kensington Church Street into the public square. The existing link through to Notting Hill Gate is also improved and provides a valuable and more inviting link, albeit still with an undercroft. The proposed upgrading of Uxbridge Street also provides a more attractive route that doglegs into the public square and provides a visual connection through a glazed office building lobby to Kensington Church Street. The route to Kensington Place to the south is also retained and upgraded. Overall the proposed layout improves permeability of the site and provides a variety of routes that connect well with the adjoining street network.
- 7.32 The retail and entrance lobbies of the buildings fronting Kensington Church Street are double fronted, ensuring that the public square is simultaneously activated, which is welcome. The ground floor commercial units and the entrance to the health facility provide further activity to the western edge of the public square, as does the office entrance to the south of the square. The residential entrances at ground floor level also provide animation and natural surveillance to the public realm which is welcome.
- 7.33 In terms of height and massing, the perimeter blocks are relatively modest in scale and integrate sufficiently well with their neighbours. The building fronting Notting Hill Gate is half a storey higher than David Game House, however it does not jar with David Game House and sits better in the context of the wider street, enhancing the townscape.
- 7.34 The Kensington Church Street buildings sit lower than the surrounding buildings and the applicants state that the reduced scale is a result of Rights of Light. The height is improved from the existing and provides sufficient enclosure to the street.
- 7.35 The 'cube' building is distinctly modest in its height but has an attractively proportioned cube form and is sufficiently scaled to terminate and enclose the southern end of the square. It also mediates well with the Baptist Chapel and low rise dwellings in Kensington Place beyond. The buildings on the west side of the public square have a shallow depth and are low rise so do not impact on the setting of the grade II listed station and optimise afternoon and early evening sunlight to the public square. This is supported.
- 7.36 The northern west perimeter building, which sits to the east of the tall building and contains the medical facility, comprises ground plus four storeys with roof terrace above. This is tallest of the perimeter blocks. This building rises above buildings which front Notting Hill Gate and are more important to the townscape and this contradicts the traditional hierarchy of the built form. It is visible above David Game House in local and

middle distance views from the North. However, this townscape impact is relatively limited and marginally harmful, and could in time be negated by the changes to David Game House where an additional storey is supported by the Notting Hill Gate SPD.

- 7.37 The proposal includes a number of large high level roof terraces to the Notting Hill Gate building, west perimeter building, Kensington Church Street building and the tall building. Roof gardens of this scale and nature are not characteristic of the area or adjacent conservation areas and conditions 63 to 66 are recommended to secure full details of all roof top gardens and amenity areas to ensure they are visually discreet and do not attract undue attention.
- 7.38 In terms of architecture, the perimeter blocks have a contemporary architecture that in parts, show a good contextual response. The building fronting Notting Hill Gate expresses its structural frame with deeply set windows and large panels of stonework, providing a robust appearance that contrasts with the openness of the glazed windows. The double height openings and glazed corner add a sense of scale to the building and draw the eye around to Kensington Church Street. The use of Portland stone for this building, and bronzed coloured aluminium provide an attractive material finish to the elevations that sit well with the context. It is important that the high quality detailing is retained and the finishes taken through into the tall passageway by conditions.
- 7.39 The buildings to the east and west side of the site, either side of the public square, share a consistent architecture that has a domestic quality and give a more human scale to the public square and Kensington Church Street. The architecture includes traditional brick facades with punched hole openings to provide a calm and ordered appearance 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, decent window reveals, vertically proportioned windows, inset balconies and integral window boxes. The appearance is diminished to some extent by the heavy-browed parapets, occasional glazed open corner and contrived window surroundings and deep shadow gaps. The western perimeter building includes double height balconies to the upper floors and slim-profile metal-framed windows that are multi-paned on the upper level and give an attractive art deco feel to the design. A sample of the window framing is secured by recommended conditions 54 and 48 to ensure delivery of a quality finish.
- 7.40 The proposed brick for the western and eastern perimeter buildings is a long format Peterson brick. This would bring a distinctive appearance and has an attractive texture if not overplayed with recessed joints. However, the proposed choice of grey lacks sufficient warmth, domestic quality and contextual familiarity. Conditions 54 and 48 are recommended to secure the final colour and the treatment of the brickwork.
- 7.41 The architecture of the 'cube' building to the southern side of the public square is distinctive, reflecting its singular built form and visual function, providing an engaging building which closes the end of the square and counterpoint to the tower opposite. It has a sculptured 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 road. The facade design is intricate and playful, but functions well for office use, providing good daylighting conditions and low-level modesty screening.
- 7.42 The 'cube' building uses Corian, a smooth white high quality composite that is robust and easily maintained. It 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 well in this location, given the discreet positioning of this building. Condition 51 is recommended to secure details and samples of the materials for this building to ensure an appropriate finish and level of craftsmanship.

Tall Building

- 7.43 The Notting Hill Gate SPD acknowledges that a development is unlikely to come forward

on this site that does not retain a tall building. It suggests that a 'modest increase' in height could be appropriate. Policy CL12 of the Consolidated Local Plan contains the Borough's policy on building heights. It requires new buildings to respect the setting of the Borough's valued townscapes and landscapes through appropriate building heights. CL12b) seeks to resist buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances, where the development has a wholly positive impact on the character and quality of the townscape. Despite this, the presence of an existing district scaled tall building on the site, which already has a negative impact on some aspects of the townscape, is an important consideration.

- 7.44 The main considerations in assessing the new tall building are: its position on the site; scale; architectural quality as a tall building; and its visual impact on the views and surrounding heritage assets.
- 7.45 Regarding the site layout, the proposed tall building is situated near the northern end of the site, similar to the location of the existing. 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 principal building on the site does not address and animate the principal street, though the impacts are limited to the immediate townscape context and not perceived over the wider setting. Instead the building's east elevation is brought down to grade onto Kensington Church Street and the west side onto the plaza at the rear, bringing vitality to these spaces. Overall, this is a welcome improvement compared to Newcombe House, which sits disconnected from the adjoining public realm.
- 7.46 The building's increased volume is handled by expressing the building as interlocking vertical elements with the intention to suggest two visually distinct but related forms of different heights that suggest a more slender development. Seen in silhouette the height and massing is engaging and provides 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 for example in views from Notting Hill Gate to the west. However in other oblique angles the full extent of the tower's massing can be read, for example in views from Notting Hill Gate from the east. 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.
- 7.47 In terms of comparative scale, Newcombe House is 47m tall and 35m wide, forming a tall slab block of district scale and a height/ratio of 1:1.3. The existing building appears slimmer in side profile, where its relatively shallow depth of 14½m gives a ratio of 1:3.2. The proposed building steps in height from 55m in its lower eastern element to an overall height of 72m to its higher western element. The western element also exceeds nearby Campden Hill Tower by 8.5m. The depth and width of the two elements are much narrower (12½m and 17-20m), which if read independently give slimmer ratios of between 1:3.2 and 1:6. Taken together at mid-rise level, the effect diminishes. However, 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 principal.
- 7.48 In terms of the elevational design, the level of detailing submitted 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. The same material palette is used on the tall building and the lower building fronting Notting Hill Gate building. The windows and doors are specified as low iron glass, minimising any discolouration, though the impacts of tinting and solar gain are unclear. Details of glazing would be secured among other facing materials in recommended condition 57. The material palette is used well 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. Juliet 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.

- 7.49 At base level the architecture works well. The building is seen to come to ground effectively onto Kensington Church Street and the public square. The canopied entrance is legible on both elevations. 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' effectively provides a visual link and passageway through to Uxbridge Street and to separate visually the blades and particularly from the Notting Hill Gate building.
- 7.50 At the upper layers, the change from office use to residential use is made obvious by the change in window sizes, giving a base to the building. However, the effect is confused by the closed corner treatment that continues to sixth floor level on the Kensington Church Street elevation, and by the stacking of the winter gardens and their larger openings on the plaza elevation. Any sense of a well-proportioned base, middle and top of the building and calm, ordered elevations becomes lost. The elevational designs become more visually indiscriminate and fractured and lose their composition. The visual contribution of the double-height winter gardens is marred by the randomness and scale of the openings below, and by the glazed access tower that projects above the west blade and finishes a storey short of the west blade. There is little definition of a distinctive crown or rooftop flourish, though it is acknowledged that the rooftop plant is well handled and discreetly located not to spoil the roofline. Overall, the façade designs are too busy and fragmented, and the compositional quality consequently suffers. The architecture is arguably insufficiently compelling for this high-profile location in the Royal Borough.
- 7.51 In terms of impact on views and heritage assets, the tall building is not visible in any of the strategic views that cross the Royal Borough, and is of insufficient height to sit noticeably within any backdrops to the views. The replacement building is seen within the more immediate context, given the tower's district scale, though 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 in more locations than the current building.
- 7.52 The tower impinges upon the panoramic view out of Kensington Gardens and on the wider backdrop to the Royal Palace. Views from the Round Pond and the Broadwalk 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 to some extent. However the harm is not significant, given the relatively minor breach and presence of Campden Hill Tower. Historic England agree that while the intrusion is unwelcome and relies on the 'camouflage' of trees mitigating the impact, the harm is less than substantial.
- 7.53 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 appear disruptive to the settings.
- 7.54 Other nearby listed buildings that are affected include Pembridge Gardens, which comprises terraces of grade II listed buildings on both sides of the street. While the tower reading as a single slim blade, it disrupts the consistent terrace roofline and dominates the setting of this unified group, causing substantial harm both to the setting of the listed buildings and this part of the Pembridge Conservation Area. This compares to the existing Newcombe House, which sits more modestly at the end of the street.
- 7.55 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. A view from this street shows the building's increased scale and presence within the backdrop, causing significant harm to the setting of the listed buildings and Kensington

Palace conservation area, but less than substantial harm given the visibility of Newcombe House. In Linden Gardens 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 significantly harmful to the setting of the conservation area, being seen to close the townscape gap between the two adjacent terraces and blur the termination of the roofline.

- 7.56 A number of verified views have been provided of the wider townscape and the settings of the conservation areas. The tall building can be seen in a number of views where Newcombe House cannot currently be seen but is similarly not visible in some views where the existing building is. Where the existing building can be seen the impact of the additional scale is neutral or modestly beneficial, with the exception of long views from Aubrey Walk to the west. Where it now comes into view, the tower is either unobtrusive or modestly harmful at most, given the glimpsed view and/or presence of Campden Hill Tower. The exceptions are views from Westbourne Grove to the far north where it can be seen as now intruding upon an otherwise attractive suburban setting, although arguably the tower brings a positive focus to these views and emphasises the location of Notting Hill Gate. 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 are only modestly affected.
- 7.57 In summary, the masterplan and overall site layout are welcome and offer a good urban grain and improved connectivity. The scale respects the contextual built form and the lower elements of the scheme are of good architectural quality. The replacement tall building is appropriately scaled although the elevations are arguably fragmented and lack a strong identity.

Quality of the Public Square

- 7.58 The public square is comparable in size to St. Christopher's Place adjacent to Oxford Street. This provides an attractive and popular open space. The public square proposed is enclosed by active frontages and is easily accessible by well connected public routes. The Council would not adopt the public square but it is recommended that the section 106 agreement ensures it is dedicated as public highway to ensure retention of public access, however it will be privately maintained.
- 7.59 The public square would be pedestrianised with access from Uxbridge Street and Newcombe Street only for emergency vehicles. Condition 21 is recommended to ensure this is the case. The public square would not be adopted but in accordance with policy CT1(g) would provide a significantly improved pedestrian environment and connections through the site. 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.
- 7.60 The public square benefits from good orientation and the lower scale buildings along the western boundary 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 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 experiencing 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 public amenity space for outdoor use.

- 7.61 As there are new pedestrian routes proposed through the site TfL have requested a financial contribution of £3,017 to fund the required Legible London signage. This would form part of the Section 106 and is supported by policies CT1(g) and CR1 of the Consolidated Local Plan.
- 7.62 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. Condition 4 would suitably restrict the operating hours of activities in the square.
- 7.63 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.
- 7.64 Four new False Acacia trees are proposed within the public square and this is welcome. Despite, the size of the tree pits is such that their growth is likely to be constrained. With such a limited volume of soil the trees will require frequent 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 condition 38 is recommended to ensure that the trees are replaced if they die within 5 years of planting.

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

- 7.65 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

- 7.66 The application is accompanied by a Transport Assessment which assesses the existing and forecast trips from the site for each use. As the extent of commercial uses, including A1, A3 and B1 office, 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.
- 7.67 The number and mode of trips generated by the 46 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.
- 7.68 The trips associated with the medical facility would be new and additional. If this part of the site were to be used for D1 uses other than a medical facility, for example educational facilities, then the impact on local traffic and parking could be materially different. The use should therefore be restricted by condition 5 to prevent conversion to other uses within the same use class. Its conversion to additional office floorspace would be acceptable in transport terms.
- 7.69 TfL have requested further information in respect of the capacity of train services to accommodate extra movements as a result of the development. However in light of the information submitted and as the increase in floorspace on the site derives primarily from

46 residential units, the development would not be likely to cause significant adverse effects on the capacity of the underground network.

- 7.70 A draft Travel Plan has been submitted for the office use. This is acceptable and a good basis for a final Travel Plan, which should be secured by condition. A Travel Plan monitoring of £1,000 should also be secured by the Section 106 agreement.

Vehicle Access and Car Parking

- 7.71 In accordance with policy CT1(c) all additional residential units should be permit-free to prevent an increase in on-street parking pressure contrary to CT1(b). Parking permits for the additional 26 units on the site should therefore be secured by the legal agreement.
- 7.72 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 documentation 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 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 documents suggest 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% of Pay and Display bays are unoccupied.
- 7.73 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.
- 7.74 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 a build up of vehicles.
- 7.75 30 car parking spaces are proposed of which 25 would be allocated to the residential dwellings. As the site is within a 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 policy CT1(d) and the standards of the Transport SPD and draft Transport and Streets SPD.
- 7.76 Five car parking spaces are proposed for use in connection with the medical facility. This is acceptable. It would also be acceptable for these spaces to be used by the B1 use if the medical facility were to revert to office floorspace.
- 7.77 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. Condition 16 is recommended 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.

- 7.78 TfL has advised 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

- 7.79 A total of 219 bicycle parking spaces are proposed across the development split between different uses. This level of provision is policy compliant for the mix of uses proposed.
- 7.80 A new cycle hire docking station is proposed on Uxbridge Street. The current proposal is for 15 docking points and TfL has requested a minimum of 25. This would require a reduction in the number of standard cycle stands proposed on Uxbridge Street. This would be acceptable and reasonable to facilitate the provision of the new docking station. The docking station 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 Section 106 agreement. Condition 17 is recommended to secure the final details of bicycle parking across the site prior to first occupation.

Servicing

- 7.81 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 pay and display bays adjacent to the site's frontage. 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.
- 7.82 Policy CR7 of the Consolidated Local Plan requires that where servicing can be accommodated within a site it should be. 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 not be likely 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 is acceptable. Conditions 22 and 23 are recommended 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 emissions likely as a result of the development.

Pedestrian Environments

- 7.83 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 the submitted drawings. The works relate primarily to resurfacing of existing footways around the site and amending the layout of Newcombe Street and Kensington Place. These works are acceptable but would require a Stage 2 Road Safety Audit to be submitted for approval.
- 7.84 All works to the public highway would be undertaken by the Council's contractors at the applicant's expense. The Section 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 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.

- 7.85 There is an existing 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 includes regrading 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 where the ground level increases. Any alterations to the substation building would require separate planning permission and an informative should advise 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. Details of a drainage channel would be secured by recommended condition 20.
- 7.86 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 of approximately £2,325,344 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.

Step Free Access to Notting Hill Gate Underground Station

- 7.87 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 policy CT1(k) of the Consolidated Local Plan and the Notting Hill Gate SPD.
- 7.88 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.
- 7.89 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.
- 7.90 The location of the site allows for a lift to be provided from the southbound Circle and District line platform to the existing ticket office within the basement of the development. The submitted drawings show this area is safeguarded for this purpose.

7.91 Following discussions between the applicant and TfL, at the suggestion of Officers it has instead been agreed that the development should contribute to the provision of step free access by providing two lifts: a lift from street level to the ticket hall, and a second lift from the ticket hall to the eastern (inner) Circle and District Line platform so that access to the southbound platform is fully step free, not just to the ticket office. Funding for this, to a cap of £3.75m, for this work will be secured by planning obligation in addition to the costs and works for the safeguarded area. The developer will have to enter into a separate Development Agreement with TfL which is an agreement outside planning legislation. The section 106 agreement will 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 policy on the Consolidated Local Plan and the aspirations of the Council as a whole.

Basement Development

7.92 The proposals entail the excavation of two storeys of basement underneath the full footprint of the site. In order to comply with 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 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."*

7.93 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.

7.94 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.

7.95 The site is a 'large site' for the benefit of policy CL7 and the depth of the basement is acceptable.

7.96 The application is accompanied by the thorough construction method statement which meets the requirements laid out in the Revised Draft 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.

7.97 Three draft Construction Traffic Management Plans (CTMPs) have been submitted in relation to three phases being: demolition, basement excavation and construction. These set out an overall acceptable methodology and a final CTMP would be secured by recommended conditions for the demolition, excavation and above ground construction phases. An assessment fee of £2,800 per CTMP would be secured through the section

106 agreement.

- 7.98 TfL has 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 CTMPs to be submitted under condition.
- 7.99 The site is within an area of archaeological importance. The Greater London Archaeological Advisory Service have reviewed the application and concluded that the proposal is unlikely to have a significant effect on heritage assets. 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 the living conditions of nearby buildings

Privacy

- 7.100 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 11 metres from the windows of 145 Kensington Church Street which is currently under construction. However, this 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 this proposed building configuration would result in a material loss of privacy to occupiers of existing surrounding properties or those of the proposed new development.
- 7.101 To the east, the proposed units fronting Kensington Church Street would be approximately 20.5 metres 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.
- 7.102 To the west, the new buildings proposed along the western site boundary are between approximately 16 metres and 18 metres 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 18 metres 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.
- 7.103 To the north, the residential units within the tall blocks are a minimum of 35 metres from the properties on the northern side of Notting Hill Gate which is also acceptable.
- 7.104 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

- 7.105 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.

7.106 The residential accommodation directly opposite the site on Kensington Church Street (known as 17- 25 Rabbit Row) has not been tested. Despite this, an indication of the impact can be established through the considering those adjacent buildings which have been tested.

7.107 To assess daylighting the Vertical Sky Component (VSC) test has been carried out. The VSC is a measure of the amount of visible sky available from a point on a vertical plane and is usually the centre of a window. VSC will be 0% where the point being measured has a completely obstructed view of the sky or just under 40% where the view is completely unobstructed. The BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is less than 27% and where the resultant amount is more than 20% less of its former value.

7.108 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 on the window. The no sky line is a line which separates area 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 adversely affected if the area that receives direct skylight is reduced by more than 20%.

7.109 The VSC results contained in the sunlight and daylight report demonstrate that properties that fail to achieve a BRE compliant standard following completion of the development, would be: one first floor windows 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).

7.110 As discussed above, 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.

7.111 Despite this, a significant reduction in VSC is not uncommon in urban environments and the results are 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' 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 which serves 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 occurs to this room, and similarly to the same rooms above it, as a result of deep room floorplates and an overhanging balcony which restricts visibility of the sky. The windows of these residential units experience varying degrees of daylight and overall the changes would not result in a significant worsening of the overall living conditions which would justify refusing planning permission.

7.112 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.

- 7.113 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.
- 7.114 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.
- 7.115 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.
- 7.116 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.
- 7.117 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.
- 7.118 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.
- 7.119 In conclusion, the proposed development would not result in a material worsening of sunlight or daylight to neighbouring properties which would cause a loss of amenity to occupiers of these properties. This is compliant with policy CL5.

Overshadowing

- 7.120 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

- 7.121 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

- 7.122 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.
- 7.123 The other 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 including air quality, sustainability, microclimate and contaminated land

Air Quality

- 7.124 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.
- 7.125 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.
- 7.126 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.

- 7.127 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 and a construction environmental management plan, and; details of all mechanical ventilation.

Flooding and drainage

- 7.128 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.
- 7.129 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.
- 7.130 Thames Water has raised no objection to the proposals and has recommended informatives 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.
- 7.131 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 fully installed within the development.
- 7.132 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

- 7.133 An arboricultural report has been submitted with the planning application and its contents are acceptable in many respects. It is not agreed that the large plane tree at the corner of Notting Hill Gate and Kensington Church Street achieves only a grade B in the categories provided by the British Standard. 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 is contrary to policy CR6. However this harm is outweighed by the benefit of reinstating the retail frontage on Notting Hill Gate.
- 7.134 The arboricultural report states that four new plane trees could be planted in the footpath of Notting Hill Gate in front of the development. However it is questioned whether this would be possible in light of the services which are likely to exist below the footpath. This may be why planters are currently in place here. 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 section 106 agreement.

- 7.135 The applicant intends to retain all existing trees on Kensington Church Street with the exception of one which requires replacement. Condition 36 is recommended to secure details of the retained tree's protection throughout the demolition and construction process.

Ecology

- 7.136 The site does not fall within any of the Borough's ecological sensitive areas. The applicant has carried out a bat survey and condition 29 is recommended 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, are an improvement to the existing situation in terms of ecological benefits and is compliant with the aims of policies CR5, CR6 and CE4.

Contaminated Land

- 7.137 The proposed uses would be particularly vulnerable to the presence of contamination. A number of conditions, 30 to 34 are recommended 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 policy CE7 of the Consolidated Local Plan and to ensure the development is safe for future occupiers.

Acceptability of proposed associated changes to the listed structure of the underground station

- 7.138 An application for listed building consent has been submitted alongside the planning application for works required to the eastern wall of the grade II listed circle and district line underground station. The planning permission and listed building consent works are reliant upon each other.
- 7.139 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 is acceptable subject to appropriate works to ensure stability of the adjacent wall. Condition 3 of the listed building consent is recommended to secure a detailed methodology of the excavation adjacent to the listed structure. Condition 4 is recommended to secure 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.
- 7.140 Part of the proposals include the safeguarding of areas to facilitate step free access from the south-bound circle and district line platforms. This entails 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 it is recommended that 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

- 7.141 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.

- 7.142 The proposed development gives rise to less than substantial harm to the setting of some heritage assets, including the backdrop of Kensington Palace in views from the Round Pond. It causes substantial harm to the setting of other heritage assets including the grade II listed terrace of Pembridge Gardens and the grade II and grade II* listed buildings on Kensington Palace Gardens. Where this arises, 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..
- 7.143 In addition to the harms identified above, the disadvantages of the overall scheme include the loss of Royston Court which contains 20 bedsit units for use by the Notting Hill Housing Trust and loss of an established London Plane tree on Notting Hill Gate.
- 7.144 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 location of the site is such that it 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 a significant contribution towards affordable housing of some £7m (or over £9m 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.
- 7.145 Overall, the public benefits which could be secured by conditions and a section 106 agreement would sufficiently outweigh the less than substantial and substantial harms identified to heritage assets in this case.

Planning Obligations and CIL

CIL

- 7.146 The development would be required to make a Borough CIL payment of £2,325,344 (index linked at the time of implementation) which would be used for provision of infrastructure in the Borough. The development would make a Mayoral CIL payment of £531,750 to be used to fund Crossrail.

Planning Obligations

- 7.147 Following the assessment above, the following heads of terms should be secured in the legal agreement as part of the planning permission:
- Affordable Housing Contribution of £7,060,549 (if a medical facility is provided) or £9,601,685 (if the medical facility reverts to office use). This sum is further increased if the funding to secure Step Free Access is less than the costs secured.
 - If within a specified period of time the 904sqm designated for use as a health facility is not secured by the NHS that it revert to B1 office use and:
 - An additional payment of £2.54m be made to the Council for the provision of affordable housing
 - The five basement car parking spaces allocated for the medical use be used in association with the B1 office uses.

- Public Art Contribution: £100,000
- Construction Training Contribution: £261,500 (£2,500 for each £1m of construction costs- in line with Planning Obligations SPD)
- Legible London (signage) Contribution: £3,017
- Demolition/ Construction Traffic Management Plan Contribution: £2,800 per plan
- Office Travel Plan Monitoring Fee: £1,000
- Section 106 Monitoring Fee: £9,113 (2.5% of value of contributions excluding affordable housing, docking station and step free access)
- Obligation for the developer to enter into a Development Agreement with TfL for step free access (excluding safeguarding works) , capped to a sum to of £3.75m
 - The definition of step free access provided by TfL is: *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.*
 - 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.
- Works to public realm and highways adjacent to the development site, delivered and funded through a section 278 agreement to include:
 - 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.
- Delivery 25 cycle hire docks on Uxbridge Street, to be delivered with TfL, estimated to be £170,000.
- Public square to be dedicated as public highway
- Requirement for deed to dedication to secure public access over new areas of footway around the site
- Permit free agreements for 26 units (to be provided on plan)
- One free car club membership for each residential unit
- Employment initiatives relating to construction, including:
 - 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.

8.0 Consultations carried out

Mayor of London- Stage 1 Referral

8.1 The Mayor of London has been consulted on the planning application in accordance with the Town and Country (Mayor of London) Order 2008. His Stage 1 report is attached to this report as Appendix 1 and outstanding strategic concerns relate to affordable housing; housing; urban design, climate change and transport. The applicant has since provided clarifications to the Mayor on these matters but the scheme has not been amended. The main points within the Stage 1 response can be summarised as follows:

- The principle of the mixed use development is supported.
- Affordable Housing- at this stage it was not possible to determine whether the proposal provides the maximum reasonable contribution to affordable housing to best address priority local need.
Response- Officers are satisfied that, following viability testing, the proposals would provide the maximum reasonable amount of affordable housing.
- Housing- the Council should confirm that the housing mix meets local requirements and the applicant should confirm that London Plan standards on residential quality have been met. The applicant should provide further explanation regarding the loss of existing housing.
- *Response- Officers acknowledge the loss of existing housing and have considered this acceptable only through weighing up the overall planning balance. The proposed housing mix is appropriate for the needs of the Borough.*
- Urban Design- The applicant should address concerns relating to servicing and the public realm. The Council should impose conditions to ensure that high quality materials and detailing are secured.
Response- Officers are satisfied with the proposed servicing arrangements and fully detailed plans would be secured by conditions 22 and 23.
- Climate Change Mitigation- the energy strategy does not accord with London Plan policies and further information is required regarding sustainable drainage, overheating and contribution to off-set carbon dioxide emissions should be secured through the section 106 agreement.
- *Response- Officers are satisfied that the proposed sustainable urban drainage systems are appropriate and achieve a welcome deduction in surface water run-off. Information provided in respect of overheating is acceptable and the Council does not have a carbon off-setting fund.*
- Transport- the applicant should reduce car parking on the site, cycle parking should be increase and shower and changing facilities should be provided. Additional information on trip generation should be provided and contribution made to Legible London signage. Agreement with TfL is required to address potential impacts on bus serviced during construction. Conditions are required to address car park management, servicing, construction and infrastructure protection. Travel plans and step free access should be secured through the section 106.
Response- the level of car parking is compliant with the maximum standards laid out in the development plan. Officers are satisfied with the level of information provided and conditions are recommended to secure a CTMP for construction which will give information on any bus stop closures as well as an office travel plan. The step free access and the contribution to signage would be secured by condition.

Architects Appraisal Panel (AAP)

8.2 The current planning application was presented to the AAP in January 2016. A copy of the minutes of the meeting is attached to this report as Appendix 2. 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.

Officer's response and comments on the height, massing and site layout are contained above from paragraph 7.27.

Comments from interested parties

- 8.3 1816 nearby owners/occupiers were notified directly of the application. The application was advertised in the Kensington & Chelsea Gazette on 18 December 2015. A statutory notice advertising the application was posted near the site on 18 December 2015.

At the time of finalising this report, 15 letters were received supporting the application, summarised as

	Comment	Response
1	The existing tower and retail buildings have been an eye sore for a long time.	Noted.
2	The rejuvenation of the site is welcome.	Noted.
3	The retail space away from Notting Hill Gate is safe and attractive.	Noted.
4	Notting Hill Gate is a suitable location for a landmark tall building	In light of the existing high building and high PTAL this is agreed.
5	The tower has a reduced bulk	Noted. This is discussed in the main body of the report in paragraphs 7.43 to 7.57.
6	The architecture is an improvement on the existing Newcombe House	This is discussed in the main body of the report in paragraphs 7.43 to 7.57.
7	The materials and exterior colours sit well within the locality	Noted. Further details of materials would be secured by condition.
8	At night the building will look inviting	Noted although night-views have not been provided with the application.
9	The square and shops are of a good design	Noted

10	The scheme presents benefits for locals as a meeting destination and shopping location	Noted. The proposals will support the vitality of the Notting Hill Gate centre.
11	The site for new farmers market is welcome. Some issues are raised with logistics.	The details of the operation of the farmers market would require consideration under a separate planning application (as for the existing market). The potential for the market is this location is welcome.
12	The proposals could act like a catalyst for wider improvements at Notting Hill Gate	Noted.
13	A package of benefits are proposed including the square, doctors surgery, step free access, high quality offices, good housing mix and permit free development.	Noted and discussed in the main body of the report. The section 106 agreement would secure the benefits.

80 letters were received objecting to the application, summarised as:

	Comment	Response
1	The development is overbearing and inappropriate	This is discussed in detail in the report above and the impacts of the height and massing of the development is positive and negative from different aspects. The height and massing is one aspect of the proposals to be considered as a whole.
2	The development is inappropriate in a low rise area/ would change the nature of the neighbourhood	The report considers the impact of the development on views from the surrounding conservation areas and other heritage assets and the harms weighed against the other benefits of the scheme.
3	The existing building is too high and should not set a precedent for a tall building. It is a mistake of the past.	Noted, nonetheless the existing building provides the existing situation and the proposed tall building is different in its form, profile and architecture.
4	The location of the tall building, closer to Notting Hill Gate, accentuates the height	This is the case in some views, but lessens the impact of the development on other views as discussed in the report.
5	Allowing additional floors will set an unwelcome precedent for tall buildings	The site has unique circumstances arising from the existing tall building on the site. Other sites around Notting Hill Gate are subject to different circumstances.
6	The tall building is not part of a cluster.	In light of the existing tall building and the high PTAL, the location is acceptable.

7	The tall building causes harm to the conservation area and will be seen from parks	As identified in the report, in some cases there would be significant and less than significant harm. These are balanced against the benefits of the proposals.
8	The architecture is not relevant to the historic character of the area and could be located anywhere.	This is discussed above and balanced against the benefits of the application is accepted. Conditions are recommended to ensure the colour of materials to the Kensington Church Street blocks is contextual.
9	The architecture is inappropriate/ uninteresting/ ugly and alienating.	This is discussed above and balanced against the benefits of the application is accepted.
10	The materials are not contextual / attractive	Conditions are recommended to secure samples and details to ensure a contextual response.
11	The landscaping leaves a lot to be desired.	The quality of the public square is discussed in the main body of the report and conditions are recommended in respect of landscaping details.
12	The access from Notting Hill Gate to the public square should be wider and more noticeable from the road.	The width is considered adequate and compliant with required standards.
13	Loss of 20 bed sit units in Royston Court on the site. This should be replaced on site.	Para 7.12 of the report acknowledges this loss and conflict with policy CH3. This is addresses in the balancing section of the report and the scheme as a whole is recommended for approval.
14	The proposals fail to incorporate affordable housing	In this case, given the small number of units which could be delivered on site, a financial contribution is more appropriate.
15	At least 8 affordable units should be included	9 on site affordable units were tested as part of the viability assessment by Gerald Eve and this was found not to be viable.
16	The residential flats should not be buy-to-leave and should not be offered in the first instance to foreign buyers.	There are not planning policies to address these issues at this time.
17	The proposal is for luxury flats	The proposals include an appropriate range of unit sizes, with predominantly 1 and 2 bedroom units.

18	There is no guarantee that the community benefits will be secured- eg doctors surgery, farmers market or step free access	The section 106 agreement would ensure first refusal of the doctors surgery to the NHS. The step free access is also secured. It is understood that the position on the relocation of farmer's market is not secured at this time.
19	The medical facility should be on the ground/ first floors and closer to the street	To date this has not been commented on by the NHS. The section 106 agreement includes a mechanism for the space to revert to office if not occupied.
20	The basement should be used as a community/ cultural facility	The proposals should be considered as submitted by the applicant at this time.
21	The north bound circle and district line would remain without step free access.	The development would facilitate access from street level to the ticket hall then from the ticket hall to the south bound platform. The other platform would need to be addressed by TfL or another developer.
22	The development will deter tourists from Notting Hill Gate	On the contrary, the proposals would support the vitality of the centre.
23	The level of parking is excessive for this highly accessible location	The level of car parking is compliant with the Council's, and London Plan's, maximum standards.
24	There may not be enough tenants for the new shops	There is an increase of retail units which would support the retail function of Notting Hill Gate.
25	The square should be publically accessible and include public art	The section 106 agreement would ensure the square is designated as highway and secure a financial contribution for public art which could be used in the square.
26	The temporary loss of the farmers market, during construction, is unwelcome	This is noted and unpreventable if the site were to be redeveloped. The proposals could provide appropriate location for the market in the future.
27	Step free access should be secured	This would be secured through the section 106 agreement.
28	The closing of one of the stair cases to the underground station will increase congestion	This would be a matter for TfL who would ensure that any step free access to the station would not have any undue impact on capacity at this very busy station.
29	The development should contribute to wider public realm at Notting Hill Gate.	This is discussed above and in line with CIL regulations the section 106 agreement will secure improvements to the vicinity of the site. CIL could be used to fund the wider townscape improvements.

30	The footways on Kensington Church Street and Notting Hill Gate should be wider to accommodate high footfall, especially at bus stops	The width of the proposed footpaths are compliant with the Council's standards for this location.
31	Loss of privacy arising from new windows in the tower and doctors surgery	The relationships between the proposed and existing windows would be at a sufficient distance so as not to result in a material loss of privacy. The proposed new windows would cause a significant worsening of the living conditions of adjoining properties, as discussed in the report.
32	Glare and reflections from new windows	It is not considered that these aspects would result a worsening of the living conditions of the adjacent properties.
33	Loss of light to neighbouring properties	This is discussed in the report above. Properties on Jameson Street would continue to receive sunlight and daylight levels compliant with BRE guidance. Properties on Kensington Church Street/ Rabbit row will experience a worsening of conditions due to their outlook over the existing low rise buildings but not so significant to materially worsen overall living conditions of those properties.
34	The tall building will create winds more than the existing.	This is discussed above
35	Refuse collection and deliveries should not be made from Uxbridge Street	Refuse collection is proposed from Uxbridge Street, similar to the existing situation. A waste and servicing delivery plan is secured by condition to finalise the details and make enforceable.
36	Servicing should be clarified	Servicing for the commercial uses would occur from the street. This is addressed in the main body of the report and conditions are recommended securing final servicing plans.
37	Noise and disturbance during construction	Appropriate conditions are recommended to help mitigate the impact of the development on the living conditions of nearby properties. The development complies with policy CL7 in respect of the basement.
38	Potential for structure harm to nearby cottages in Hillgate Village	The application is accompanied by a construction method statement which demonstrates that the stability of nearby properties could be safeguarded. This is compliant with CL7.

39	The western wall of the western block should be reduced in height or treated with noise reducing materials to improve noise disturbance from the underground station to properties on Jameson Street.	This disturbance arises from an adjacent existing use and there is not evidence to suggest the proposals would result in a material worsening of the living conditions of those adjacent properties as a result of the height of the western block.
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Statutory Consultees

Consultee	Comment	Where in the report this is considered
Greater London Authority	Comments attached to this report.	8.1
Historic England	Identify some harms to heritage assets arising from the proposals. Recommend that public benefits are robustly secured.	7.52
Greater London Archeological Advisory Service (GLAAS)	The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Archaeology	7.96
Thames Water	No objection, subject to imposition of conditions and informatives.	7.137
Lead Local Flood Authority	No objection subject to imposition of conditions.	7.137
Transport for London	<ul style="list-style-type: none"> - The size of the cycle hire docking station should be increased to 25 - Cycle parking should be increased - In impact of the development on the capacity of the underground station should be explored - Car parking should be reduced - Agreement with TfL is required for the construction arrangements affecting adjacent bus stops. 	7.65 to 7.88

Other Consultees

Economic Development (RBKC)	Heads of terms recommended relating to employment of local labour during the construction process.	7.153
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London and Middlesex Archaeological Service (LAMAS)	<ul style="list-style-type: none"> - No objections in terms of heritage assets - subject to detailed design of hard landscaping and materials; - Concern for character and appearance of conservation areas 	7.27 to 7.65
RBKC Ecology Service	No objection subject to the recommendations contained in the bat survey being adhered to.	7.143
RBKC Arboricultural Team	<ul style="list-style-type: none"> - Objection to the loss of the Plane tree at the junction of Kensington Church Street and Notting Hill Gate - Tree pits within the square will limit growth - The proposed new trees on Notting Hill Gate could not be guaranteed as it is likely that services run beneath the footpath. 	7.140 to 7.142
RBKC Conservation and Design Team	<p>Objection raised to the architectural treatment of the tall building. The height, massing is acceptable.</p> <p>The lower rise buildings are acceptable and conditions recommended in relation primarily to materials.</p> <p>No objection to the associated listed building works.</p>	7.27 to 7.65
RBKC Transportation Team	No objection subject to conditions and obligations within the legal agreement.	7.65 to 7.88
RBKC Land Contamination	No objection subject to conditions.	7.144
RBKC Noise and Nuisance Team	No objection subject to conditions.	7.20, 7.119
RBKC Air Quality Team	Conditions recommended.	7.121

9. 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 and 66, the development shall not be carried out except in complete accordance with the details shown on submitted plans *Existing Drawings*:

P-SITE-XX(0-)001, P-SITE-XX(0-)002, P-SITE-XX(0-)100.1, P-SITE-XX(0-)011, P-SITE-XX(0-)100.2, P-SITE-XX(0-)101, P-SITE-XX(0-)102, P-SITE-XX(0-)103, P-SITE-XX(0-)104, P-SITE-XX(0-)105, P-SITE-XX(0-)106, P-SITE-XX(0-)201, P-SITE-XX(0-)202, P-SITE-XX(0-)203, P-SITE-XX(0-)204, P-SITE-XX(0-)205, P-SITE-XX(0-)301, P-SITE-XX(0-)302, P-SITE-XX(0-)303, P-SITE-XX(0-)304.

Demolition Drawings:

*ARP-S-ZZ-ML-GA-8001/ PO, ARP-S-ZZ-ML-GA-8002/ PO,
ARP-S-ZZ-ML-GA-8003/ PO, ARP-S-ZZ-ML-GA-8004/ PO,
ARP-S-ZZ-ML-GA-8005/ PO, ARP-S-ZZ-ML-GA-8006/ PO,
ARP-S-ZZ-ML-GA-8007/ PO, ARP-S-ZZ-ML-GA-8009/ PO.*

Proposed Floor Plans:

SKP533

*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-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-WPB2-AA(0-)100, P-WPB2-AA(0-)101,
P-WPB2-AA(0-)102, P-WPB1-AA(0-)100, P-WPB1-AA(0-)101,
P-KCS2-AA(0-)100, P-KCS2-AA(0-)101, P-KCS2-AA(0-)102,
P-KCS1-AA(0-)100, P-KCS1-AA(0-)101, P-KCS1-AA(0-)102.*

Proposed Site Elevations:

*P-SITE-AA(0-)301, P-SITE-AA(0-)302, P-SITE-AA(0-)303, P-SITE-AA(0-)304,
P-CB-AA(0-)301, P-CB-AA(0-)302, P-CB-AA(0-)303, P-CB-AA(0-)304,
P-WPB2-AA(0-)301, P-WPB2-AA(0-)301, P-WPB1-AA(0-)301,
P-WPB1-AA(0-)302, P-KCS2-AA(0-)301, P-KCS2-AA(0-)302,
P-KCS2-AA(0-)303, P-KCS1-AA(0-)301, P-KCS1-AA(0-)302,
P-KCS1-AA(0-)303.*

Proposed Sections:

*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-CB-AA(0-)201, P-CB-AA(0-)202, P-WPB2-AA(0-)200, P-WPB2-AA(0-)201,
P-KCS2-AA(0-)201, P-KCS1-AA(0-)201, P-KCS1-AA(0-)202.*

Proposed Details:

**P-CB-AA(4-)400, P-CB-AA(4-)401, P-CB-AA(4-)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.SK12D, 0586.SK13A,
0586.SK14B, 0586.SK15D, 0586.SK16A, 0586.SK17A, 0586.SK18B,
0586.SK19A, 0586.SK20D, 0586.SK21E, 0586.SK22A, 0586.SK23A.**

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.

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

The public square uses and all ground floor commercial uses 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-)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 in drawing SKP533) 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 or office 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 Corner building (as defined in drawing SKP533) 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 or office 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.

8. Sound insulation between uses- West Perimeter buildings

No development shall take place on the superstructure of the West Perimeter buildings (as defined in drawing SKP533) 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 or office 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.

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 in drawing SKP533) 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 in drawing SKP533) 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- Tower building

No development (save for demolition, below ground works and temporary works) shall commence on the Corner building (as defined in drawing SKP533) 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 (VDV's), as defined in BS6472-1:2008 shall not exceed those in Table 1 of BS 6472. The measured or calculated VDV's 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 have to 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 Level 4 of the Code for Sustainable Homes equivalent 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 Core Strategy

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 for it 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 Core Strategy

15. **BREEAM Rating - New build non-residential**

The non-residential floorspace shall achieve a BREEAM 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 approved drawings, prior to commencement of works on the superstructure, details shall be submitted to, and approved in writing by the Local Planning Authority, of all bicycle storage facilities across the site including the type of storage and the allocation of the spaces to the uses across the development. The revised drawing shall demonstrate the enlargement of the proposed cycle hire docking station to accommodate 25 spaces and 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 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 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, demolition work associated with the development;
- h) work programme and/or timescale for each phase of preparation, 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 Subterranean Development 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 Subterranean Development 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' November 2015 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, the recommendations contained in paragraphs 5.1 to 5.4 of 'Bat Survey Report' by Arup dated November 2015 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 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 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 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 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, shall be 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. 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.

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, no development shall commence until a Low Emission Strategy has 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 in drawing SKP533) (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 drawing SKP533) (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 in drawing SKP533) 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 green/blue roof
- 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 in drawing SKP533) (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 in drawing SKP533) (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 in drawing SKP533) 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 green/blue roofs
- 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 in drawing SKP533) (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 in drawing SKP533) (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 in drawing SKP533) 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 in drawing SKP533) (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 in drawing SKP533) (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 in drawing SKP533) 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 in drawing SKP533) (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 in drawing SKP533) (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 in drawing SKP533) 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 green/ blue roofs
- 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

No development shall commence (save for demolition, below ground works and temporary works) until 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 in drawing SKP533), 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 in drawing SKP533), 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 in drawing SKP533), 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 in drawing SKP533), 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 CL2.

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 Subterranean Development 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 Subterranean Development 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 until a detailed method statement which accommodates the location of the existing London Underground structures has 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.

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 30 November 2015 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.

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 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 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.
- 16 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/15/07602 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Mrs. C. Shearing

Telephone: 020 73612186

