

Appeal Decision

Inquiry held on 14-17 February 2017

Accompanied site visits made on 16 February 2017

Unaccompanied site visits made on 13, 16 and 17 February 2017.

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 June 2017

Appeal Ref: APP/K5600/W/16/3149585

43/45 Notting Hill Gate, 39/41 Notting Hill Gate and 161-237 Kensington Church Street (odd), London W11 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CPA) against a refusal to grant planning permission.
 - The appeal is made by Notting Hill Gate KCS Limited against the decision of the Council of the Royal Borough of Kensington & Chelsea (RBKC).
 - The application Ref PP/15/07602, dated 30 November 2015, was refused by notice dated 29 April 2016.
 - The development proposed is: *Demolition of the 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), together with landscaping to provide a new public square, ancillary parking and associated works.*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A Deed of Agreement was submitted under section 106 of the T&CPA (s106) that would provide financial contributions towards: demolition/construction traffic management plan assessment fees, construction training, public art, travel plan monitoring, legible London signage, a cycle hire scheme, and off-site affordable housing (AH)¹. It includes provisions on: local procurement, highway works, step free access (SFA) to one of the platforms on the adjoining Underground station, preventing new residents applying for parking permits, public access and management of the new public square (including steps to be taken to encourage a farmers' market), a retail marketing strategy, offering to enter into a lease as soon as reasonably possible for floorspace reserved for a medical centre (with a fallback of an increased AH contribution), and free car club membership. Listed building consent has already been granted for SFA to the Underground.
3. Statements of Common Ground (SoCG) were agreed between the Council and the appellant. The Hillgate Village Residents Association (HVRA), which made representations but did not have Rule 6 status, did not agree with a number of matters in the SoCGs.

¹ Inquiry Document (ID) 27. A total of £2.5m in two stages.

4. On the final day of the Inquiry questions were asked regarding viability. Reference was then made to further documents not before me. Rather than prolong the event, I gave the main parties time to submit a further SoCG covering these. I then allowed the relevant interested parties a chance to comment and for the appellant to make any final observations².

Main Issues

5. From all the evidence before me, and my inspections of the site and the surrounding area, I consider that the main issues in this appeal are the effects of the proposals on:
 - a) the character and appearance of the area with particular regard to the relative height, scale and massing of the proposed tower and the architectural quality of its design;
 - b) the settings of nearby conservation areas and listed buildings;
 - c) the availability of social rented floorspace within the Borough.

Reasons

Character and appearance

BACKGROUND

6. Notting Hill Gate (NHG) is part of the old Roman road into London from the west and was once the site of a turnpike. Its history includes a major redevelopment in the late 1950s and early 1960s following a scheme to widen the road and to develop a new Underground concourse. As a gateway to Portobello Road, the area was once considered bohemian but has more recently acquired less distinctive shops. The appeal site adjoins the south side of NHG and its Underground station, is within a District Shopping Centre³, has been identified as a development site⁴, and is at the most accessible location in the Borough with the highest possible Public Transport Accessibility Level of 6b.
7. The appeal site currently contains a number of linked blocks, a surface car park of 61 spaces, Newcombe Street and part of Uxbridge Street. The buildings comprise Newcombe House, a 12 storey office building set back from NHG behind a podium; a 1 to 2 storey linear block along Kensington Church Street (KCS) with shops and restaurants; and Royston Court, a 5 storey building with ground floor retail and 20 self-contained studio units on the upper floors owned and managed by Notting Hill Housing Trust (NHHT).
8. It was common ground that the slab form of Newcombe House, together with the large car park, undercroft and low-rise buildings are typical of a 1960s town centre design approach and that the site is now in need of regeneration. Newcombe House itself is set back from the road to avoid the Underground tunnel and has netting on the flank walls for safety reasons. The podium stands largely unused being overshadowed and subject to wind turbulence. There is a particularly tortuous undercroft/passage connecting NHG and the private car park to the rear which hosts a weekly farmers' market. Historic England (HE) described the existing tower block as shabby and visually 'tired'. Another tall building, Campden Hill Towers, is slightly further west along NHG.

² ID24-ID26

³ In the London Plan and the RBKC Consolidated Local Plan (CLP)

⁴ In the NHG Supplementary Planning Guidance (SPD)

PROPOSALS

9. The six proposed buildings would comprise a tower, set slightly back from NHG behind a lower frontage, two buildings along KCS, a cube-shaped block to the rear of the site, a building alongside the Underground station, and a lower structure alongside the tower. There would be a much easier and wider route between NHG and the square. The scheme would provide new offices to the lower floors of the tower and to the cube-shaped building, shops along KCS and both sides of the proposed square, a GPs' surgery adjoining the tower and a total of 46 residential flats at upper levels. There would be two levels of underground parking. The proposed public square, an elongated space within the site, would be flanked by shops. There would be changes to the pavement including removing the steps to the podium, reducing the width along NHG, but also increasing the width of KCS at the junction.
10. The buildings would be in three main styles intended to complement each other. The retail and residential buildings along KCS, and those facing into the long sides of the public square, would be constructed of brickwork, with inset windows, and have a regular pattern of fenestration in textured brick, responding to some extent to the materials of the adjacent townhouses. The cube building would be more sculptural with white cladding. The existing wall to the Underground station along the western side of the site would be raised to around the level of the parapet to the adjoining Underground sub-station in order to accommodate additional flats. The offices alongside NHG would be mostly glazed.
11. The tower would be roughly 50% taller than Newcombe House and adopt a 'slipped form' approach whereby it would be divided into two linked halves which would be offset both vertically and horizontally. This articulation would be emphasised by deep shadow lines against Portland stone and by fully glazed winter gardens on some of the upper corners. Suggested conditions could require the quality of the external materials to match the full size sample panels which I saw on site. Apart from the winter gardens on the corners, the balance of stone and glass, with deep reveals, would lend a much more residential feel to the majority of the tower while the offices at its base would be fully glazed.

DESIGN

12. There was no dispute that the existing buildings on the site are drab, of their time, and have a poor relationship with the public realm. Indeed, the RBKC Consolidated Local Plan (CLP), adopted in 2015, identifies Newcombe House as an eyesore⁵ and sees its redevelopment as a catalyst for the regeneration of the wider area. This designation remains even though the policy relating to this has been removed.
13. The Supplementary Planning Document (SPD) *Notting Hill Gate* was issued in May 2015. This explores the possibility of refurbishing the existing building but also considers that redevelopment with a less bulky profile might be acceptable. It expects the same quantity of business floorspace and AH. Figure 11 of the SPD: *Newcombe House Development Principles Plan (Option 1)* shows an indicative site layout with a landmark building at the junction, mixed use elsewhere and active residential frontages on either side of an open rectangle at the centre. The central square in the appeal proposals would be at least as

⁵ CLP ¶16.3.9

generous as that suggested in *Option 1* to the SPD and would provide the public space sought by SPD paragraph 2.39.

14. The appeal scheme is therefore broadly in line with the thrust of the vision in the SPD subject to quality thresholds. In order that the redevelopment could finance offices and AH, and so meet policy requirements, it is likely that it would have to include a replacement residential tower and accommodation alongside the Underground. I therefore find that the quantum of development proposed is reasonable and, in principle, should not count against the scheme.

Tower

15. Due to its staggered form, the slenderness ratio of the tower would alter with the angle of view and so its elegance, or otherwise, would vary depending on its context. Indeed, it was explained to me how its form had developed in response to detailed consideration from different directions. I have therefore considered the impact of the bulk, overall proportions and silhouette of the tower from a series of viewpoints. The taller half of the two slipped forms alone is undoubtedly slender but, where this can be read together with the lower one, the combination would be stockier, albeit with a narrower top. The slipped form design of the tower, and its articulation, would also add considerable interest while allowing integrity of proportions and consistency of materials to permeate the design. The full size sample panels show that the external materials could result in a high quality surface appearance.
16. The arrangement of stone and glass within each façade of the tower would vary but follow a structured pattern. Although this is slightly subjective, I find that the proposed balance would create a pleasing rhythm which would be both interesting and cohesive. Consequently, I do not accept the criticisms that the tower would either be overly complex and fussy or too flat and lack sufficient relief. Rather, I consider it would be far more engaging to the eye than the dull repetition to the fenestration of Newcombe House while maintaining integrity.
17. The most recent report by the RBKB Architects Appraisal Panel (AAP) had mixed opinions about the tower while the Stage 1 statement by the Greater London Authority (GLA), on behalf of the Mayor, supported it as a more slender and elegant landmark than Newcombe House. In any event, architectural style is not usually a matter to be considered when assessing planning merits and overall I find that the design of the external treatment of the tower, rather than its height and massing, would be acceptable. I have also considered the effects of the tower from more distant viewpoints within the surrounding conservation areas and I deal with the specific effects on the various heritage assets under that issue below.

KCS/Newcombe Street

18. The flats along KCS would generally accord with Figure 11 of the SPD. However, instead of the rectilinear layout in that diagram, the midpoint access would be on the diagonal to roughly marry up with the entrance to Kensington Mall on the other side of KCS. This rather ingenious solution would improve the permeability of the area for pedestrians. At the south end of the site, and enclosed within it, the proposed Cube would provide additional high quality office space within a building faced with smooth white Corian which would provide a modern contrast to the adjacent Baptist Church while echoing its white exterior.

Public square

19. The proposed public square would be a relatively long thin space which would limit its hours of daylight albeit that it would receive full sun in the heat of the day. It is likely that the relatively narrow access passages would be windy on some occasions but the submitted wind study showed that most of the square would be pleasant enough for sitting out in for much of the year. Although the new access to the public space from NHG would not be directly overlooked, and would require artificial lighting, there was no evidence that it would be any less safe than the existing access, or that it would attract any more undesirable people or rubbish than at present. Indeed, the proposed link would essentially open up the current barrier between NHG and the area beyond and be a marked improvement on the existing situation.
20. The design of the public square would allow the farmers' market to resume, after a break, and the s106 Agreement would offer added security for this to continue. While the width of the pavement to NHG would be reduced, the extra space on the footway to KCS, where a pavement study shows it would be needed near the junction, would provide sufficient space for any increase in footfall.
21. Coupled with the active frontages from the shops and restaurants on both sides, I am persuaded that the public square could make an attractive and welcoming amenity space. The GLA found that the new public square would provide a welcome contribution towards public realm, have a strong sense of place and be well integrated while it praised the amount of active frontage and the dual aspect of the retail units. The AAP supported the masterplan with perimeter buildings enclosing a new central space which would be well-connected with un-gated routes and animated frontages.

Views

22. I have considered the appeal scheme, and the tower in particular, from all the viewpoints to which I was taken. Looking along NHG from the east, the current slab that is Newcombe House would be replaced by a much taller tower but one broken down and articulated through its twin forms and pattern of stone to glazing. Overall these would be wider than the end elevation of Newcombe House but the slipped form would provide a degree of elegance to each half of the tower. The stepped height and offset plan form, with a pleasing rhythm to its fenestration, would provide considerable articulation that would result in a bold and attractive appearance. In the context of the varied commercial streetscene, where the existing building is very unattractive, this would be a marked improvement.
23. From the south, in various views along KCS, the transformation from the full width of the ugly slab that is Newcombe House into the staggered elegant forms of the proposed tower would be even more favourable and a significant enhancement. In more distant public views from the south east the tower would either be screened by existing housing or not prominent on account of the distance and the more slender proportions of the slipped forms from this angle. As these views also contain a variety of building styles, and some tall structures, the effect from greater distances would be neutral.
24. Turning west to the streets in Hillgate Village the impact would be more varied. From the junctions of Hillgate Place with Jameson Street, and with Hillgate

Street, the tower would be significantly taller than Newcombe House but appear roughly as wide. It would stand above the mostly regular rows of houses, and so be at odds with its character. However, given the well-considered external appearance, unlike Newcombe House, the new building would not be unattractive in itself. Moreover, despite its increased height, it would be apparent in surprisingly few public views. Further west, from around Campden Hill Square, the tower would either be obscured by buildings or far from prominent in a more varied streetscene. Overall, from the south west, I find that the improvement in appearance, where Newcombe House can be seen, would offset the harm as a result of the proposed tower's increased height and bulk in these and other views.

25. To the west of the site, be that Uxbridge Street or NHG, the views would be of the side of the taller of the slipped forms compared with the existing view of the end of Newcombe House. Even disregarding the green netting currently covering this façade, the pattern of solid to glazing with the corner winter gardens, in a context of 20th century commercial buildings, would be a marked improvement. Along Ladbroke Road, where the proposed tower would be visible, views would be dominated by Campden Hill Towers and so the tower would not stand out.
26. Further to the north-west, on Kensington Park Road, the proposed tower would be more prominent and in some views would be at odds with the horizontal forms of the terraced housing. On the other hand, the potential harm from the narrow and more elegant face from this direction should be balanced against the variety of styles and heights of the terraces along the road and against the detrimental effect of the wide combination of north and west elevations to Newcombe House. On balance, I consider that the effect on this streetscene would be neutral.
27. Finally, from the north, there would be views of the tower from around Pembridge Square, along one side of Pembridge Gardens and from Linden Gardens. From the first of these, it would be barely discernible. From the west side of Pembridge Gardens there would be a clear view of the tower above the closely packed houses. This would be alien to their character and distract from their homogeneity. On the other hand, this would be one of the more elegant views of the taller part of the tower, replace views of the wide slab of Newcombe House, and only be visible from one side of the street. From Linden Gardens, Newcombe House currently fills the width of the view above the delightful arch at the corner between the rows of terraced houses. This would be replaced by a taller tower roughly filling the width. However, the stepped form would mean that its elements would be better articulated and receding and so more attractive than Newcombe House. While I acknowledge that there would be some less favourable impacts from the north, overall I find that the effect on the streetscenes from this direction would be neutral.

CONCLUSIONS ON CHARACTER AND APPEARANCE, AND DESIGN

28. Taking these views together, I find that the extensive site analysis, and the way that this has been used to inform the details of the design, would result in a convincing ensemble. In most of these views, as the design has been carefully tailored to respond to its context from each direction, the angle of the proposed tower would be one where the positive aspects of the slipped form design would come into play and this would be reflected in the quality of the views.

Generally, the combination of the varied proportions of stone and glazing together with the unifying rhythm would make the tower appear much more attractive when compared with Newcombe House. In many more views it would be a small shape in the distance where it would not stand out. In closer views, the low rise parts of the proposals would be markedly better designed and more attractive than the buildings that they would replace.

29. This is consistent with the views of the GLA, at Stage 2, which again confirmed that the scheme would be of a high design quality with the tall building, public realm and urban setting all carefully considered and well-resolved resulting in a considerable improvement on the existing site. On balance, with regard to the overall effect on streetscenes, I find that the proposed tower would not be excessively tall or bulky but would have a positive impact and be a benefit to the character and appearance of the wider area.
30. For the above reasons, I find that the overall design of the scheme would accord with policies 7.4, 7.5, 7.6 and 7.7 of the London Plan, (consolidated with alterations) dated March 2016, which set criteria by which to judge local character, public realm, architecture and the location and design of tall and large buildings. These include a high quality design response and the highest standards of architecture. The proposals would satisfy policy in chapter 7 of the National Planning Policy Framework (NPPF) which requires good design.
31. The scheme would comply with CLP policy CV16 which sets an ambitious vision for NHG to be strengthened as a District Shopping Centre, and a major office location, requiring development of the most exceptional design and architectural quality; and Policy CP16 which seeks to strengthen NHG's role as a district centre and seek new high quality architecture and public realm. The proposals would satisfy CLP policies CL1, CL2, CL11 and CL12 which set criteria for context and character, design quality, views and building heights including: a comprehensive approach to site layout and design, that all development be of the highest architectural and urban design quality, protecting and enhancing views, and resisting 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.

Settings

32. Listed buildings and conservation areas (CAs) are defined in the NPPF as designated heritage assets. None of the appeal site itself has been designated as such an asset. Rather, it is surrounded by four CAs but sits in a gap between them. These are: Kensington CA; Kensington Palace CA; Pembridge CA and Ladbroke CA. There several listed buildings within close proximity, including: NHG Underground Station, the Coronet Cinema, the Gate Cinema, Mall Chambers, the terraces of houses in Pembridge Gardens, Nos.9 and 10 Pembridge Square and 19 and 20 Kensington Palace Gardens. All these buildings are listed at Grade II. Further away, Kensington Palace is a Grade I listed building standing within Kensington Gardens, which is a Grade I registered park and garden within the Royal Parks CA. The palace itself and the western side of the park are within the Kensington Palace CA while that to the east is within the Royal Parks CA.
33. The Kensington CA, to the south west of the site, has a very detailed CA appraisal which was adopted on 3 February 2017. This characterises the area as a whole as one of many solidly developed residential streets, with a highly

urban form and very little green space, which largely took on its current arrangement between the early and late Victorian periods. The area is one of high historic and architectural significance and is generally well maintained. Of 10 differing character areas within it, the speculative terraces laid out along the charming, low-rise streets of Hillgate Village in the mid-nineteenth century are described as small and built for the working classes. This area has a high degree of unity and its two and three storey brick and stucco terraces have a strong visual coherence.

34. The proposed tower would stand above the regular rows of houses, with vertical emphasis, so that each view of it would be at odds with both the character of Hillgate Village and most of the CA. Equally, given its potentially attractive appearance, the effect of the proposed tower on the setting of the CA would be an improvement compared with views where Newcombe House can currently be seen. On balance, the effect on the significance of the setting of the Kensington CA as a whole would be neutral.
35. Pembridge CA appraisal, adopted only slightly earlier on 30 January 2017, summarises its overall character as primarily a quiet residential area, whose properties form attractive and characterful late Georgian and Victorian streets, but with a distinct commercial character along NHG and its other boundaries. Within this CA, the closely packed but detached 4-5 storey stucco villas along Pembroke Gardens and the brick and stucco terraces of Linden Gardens are identified as mid- and late-Victorian respectively. A clear view of the tower above the houses on the west side of Pembridge Gardens would contrast unfavourably with their character and distract from their homogeneity. On the other hand, one of the more elegant angles of the taller part of the tower would replace views of the wider slab of Newcombe House. From Linden Gardens as well, the attractive aspect to the tower would simply fill the current view which is largely taken up by Newcombe House. Again, the balance of the effects would be neutral.
36. The Ladbroke CA appraisal, dated October 2015, summarises its character by reference to the speculative developments built between the 1820s and 1870s which make up a large part of the area. These terraces are mostly faced with stucco, with elaborate detailing, and many have rear elevations onto communal gardens. This CA is notable not only for its Victorian architecture but also the planned gardens in a set piece around Ladbroke Grove. There would be few views of the scheme from within the heart of the CA, but it would be apparent from Kensington Park Road, where in some views the impact would be negative, albeit tempered by the removal of Newcombe House. Overall, I find that the effect on the character and significance of the Ladbroke CA would be a small negative impact.
37. Kensington Palace CA does not have an appraisal and so I have relied on the evidence and my own assessment. The CA is dominated by Kensington Palace itself and the large villas to the west. It is mainly residential although there is greater variety than in other nearby CAs. For the reasons set out with regard to views, I find that the impact on its setting would be neutral.
38. The Royal Parks CA includes the part of Kensington Gardens to the east of the Palace. Its mini-guide⁶ identifies that, with limited exceptions, the Royal Parks are the creation of the essentially Picturesque landscaping tradition of the

⁶ CD4.25: Royal Parks Conservation Area Mini Guide (2004)

mid-18th to mid-19th century. While there are important vistas from Kensington Park Gardens, including those from between Kensington Palace and the Round Pond, as the proposed tower would be a distant spec amongst a mix of buildings, the effect would be no more than very slight harm.

39. On account of the height of the proposed tower, I consider that the scheme would also be within the settings of a number of listed buildings including Kensington Palace, those at 19 and 20 Kensington Palace Gardens, Pembridge Gardens (of which 1-5 are those where the settings would be most affected) and some of the houses in Linden Gardens. It would also stand within the setting of Kensington Gardens which is a heritage asset. With regard to the settings of the listed buildings, the test in the Planning (Listed Buildings & Conservation Areas) Act (the LB&CA Act) is one of preserving not enhancing. For similar reasons to those for the various CAs, I find that for the majority of these listed buildings any harm would generally be offset by the removal of Newcombe House. With reference to Judgments in *South Lakeland*⁷ and *Palmer*⁸, on balance there would then be no harm to the settings of these listed buildings and their significance would therefore be preserved. In the few settings where Newcombe House is not easily visible, including those of Kensington Palace and Kensington Gardens, there would be some minor or very slight harm to the settings of the heritage assets.
40. As well as making my own assessments, I noted the comments of HE, an organisation which the appellant characterised as other than mad keen on tall buildings. Although it found that the tower would be seen in a further 11 views compared with Newcombe House, and identified some modest harm to assets, overall its recommendation was that the Council should decide whether the evident benefits of the scheme as a whole would outweigh the clearly less than substantial harm, that they could be secured and delivered, and that it should not set a precedent for other intrusions into the setting of the Grade I listed Kensington Palace and the registered Park and Garden.

CONCLUSIONS ON SETTINGS

41. For the above reasons, I find that there would be some harm in some views within the settings of both some of the CAs, a listed building and a heritage asset. However, there would also be a high degree of enhancement while in several instances the effect would be neutral. In none of the cases where there would be any harm to a heritage asset would this amount to substantial harm under paragraphs 132-134 of the NPPF. As the scheme would replace one tower block with another, I give limited weight to the concern that allowing the appeal would set a precedent for other tower blocks which might be harmful.
42. I have considered the way that the balance between harm and enhancement should be struck, including the possibility that less than substantial harm to many heritage assets could, cumulatively, amount to substantial harm. Looking at each CA in turn, I find that the greatest harm to any setting would be as a result of impact on views from Hillgate Village in the Kensington CA, Kensington Park Road in the Ladbroke CA, and from Pembridge Gardens in the Pembridge CA. However, even where the impact would not be neutral or an enhancement, the overall effect would be only minor harm. The same applies to Kensington Palace and Kensington Gardens. Nevertheless, even combining

⁷ *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141

⁸ CD 11.2: *Palmer v Herefordshire Council* [2016] EWCA Civ 106. See ¶29 in particular.

the minor harm to all the heritage assets, I find that the impact would be well below the hurdle for substantial harm. I have therefore considered the potential public benefits before reaching my conclusion on this issue.

Social housing

43. The Notting Hill Housing Trust (NHHT) acquired a 125 year lease over Royston Court in 1994. It currently provides 20 self-contained studio dwellings occupied by former rough sleepers, in accordance with the grant conditions for its acquisition and refurbishment from the Rough Sleepers Initiative, and nominated through the Clearing House⁹. The NHHT has conditionally contracted to sell the leasehold to the appellant (and is a signatory to the s106 Agreement). The sale is conditional on planning permission, re-housing the residents, and obtaining consent from the Homes and Communities Agency (HCA) which regulates social housing providers in England.
44. NHHT's position was that the permitted use under the lease is that of *residential flats*, that there is no obligation to use the properties as AH, or to let to tenants at reduced rents, and that the re-housing of the residents, and disposal of the property with vacant possession, would progress irrespective of the appeal. The NHHT plans to compensate the Borough for the loss of nominations to Royston Court through the provision of 10 two-bed homes outside the Borough. The proceeds of the sale would be invested in the provision of new family homes in lower value areas. In its letter, NHHT stated that the concentration of 20 studios at Royston Court is not ideal in management terms, believed that this would be beneficial to residents and advised that all the residents it had met with to date have expressed a positive desire to be re-housed. However, this was not the evidence of the occupant at the Inquiry¹⁰ who objected to the loss of his and others' homes and to being relocated to outside the Borough. NHHT was not represented at the Inquiry.
45. Regardless of the current planning Use Class for Royston Court, the evidence I heard was that the building comprised 20 social housing units designed to house former homeless people. The appeal scheme would result in Royston Court being demolished and its residents losing their current homes. Notwithstanding the promise to rehouse the occupiers, there would therefore be a loss of social rented housing floorspace within the Borough contrary to CLP policy CH3b which resists the net loss of both social rented and intermediate AH floorspace and units throughout the Borough. The report to committee also reached this finding although it found that the harm should be weighed against the overall benefits which at that time included an AH contribution of over £7m¹¹.
46. Moreover, the NHHT is unable to dispose of the building without the consent of the HCA and I was told¹² that no application had yet been made. It is therefore unclear to me that NHHT would be able to sell the property without planning permission for redevelopment. It follows that, regardless of NHHT's intentions, allowing the appeal would contribute towards the loss of individuals' homes. Notwithstanding the separate AH contribution and NHHT's commitment to re-

⁹ All as set out in a letter from Matthew Cornwall-Jones dated 9 January 2017 - see Rhodes appendix 1.

¹⁰ Terence Hutton - see ID22

¹¹ CD3.1: ¶¶ 7.11-7.12 and 7.22. The FVA states 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.

¹² Rhodes in cross-examination (XX)

provide AH in a lower value area, granting planning permission would be likely to lead to the loss of social rented housing floorspace within the Borough.

47. Following a query by the Council, the GLA advised that, providing off-site provision of replacement floorspace to ensure no net loss of social rented accommodation was secured through a legal agreement, this would meet the requirements of London Plan policy 3.14. However, while that may be NHHT's plan, it is not evident that the proceeds of the sale of Royston Court, and the reduced AH contribution, would necessarily provide the equivalent of 20 bed spaces anywhere in London, let alone within this Borough. In any event, this does not alter the conflict that would arise with CLP policy CH3b.

VIABILITY

Site Value

48. The appellant argued that retaining the existing social housing, or providing new AH on site, would render the scheme unviable. The application was submitted with a Financial Viability Assessment (FVA)¹³ to inform the Council with regard to the maximum reasonable quantum of AH, or payment in lieu, that the scheme could support. The SoCG on viability¹⁴ includes a brief agreed position, including site value and gross development value and cost, from which a maximum reasonable off-site AH contribution was calculated.
49. To justify the market value the FVA exercise considered an alternative use value (AUV) from a scenario of an office led development, using the same massing and building envelope as the proposed scheme, which would replace the majority of the proposed residential accommodation with office uses so that the quantum of housing would not trigger any AH requirement. It also looked at the local housing market conditions, to support a pricing schedule for the actual appeal scheme¹⁵, and at market sales of 4 similar development opportunities. It made use of a cost plan which was not included but could be made available to the Council's adviser. The FVA assumed that, as a site with potential, it would not be released for development at current/existing use value (EUV). It adopted a benchmark land value (BLV) based on the market value of the site having regard to planning policy. The FVA included options for on-site AH or a contribution towards off-site AH and these, and the AUV, were independently assessed and agreed for the Council at that time¹⁶.
50. The appellant gave evidence that the agreement on the BLV was based on information not before the Inquiry. As above, I gave the opportunity for a further SoCG to be submitted with the relevant viability documents on which the FVA was based. The SoCG Further Addendum does not include any earlier documents but goes beyond the previous information to set out a wider basis for the BLV. First it explains the need for a BLV as a hurdle which a proposed scheme would need to reach in order to incentivise a land owner to release its land for development. It expands on the earlier reference to the RICS guidance to include the NPPF, PPG and GLA guidance on viability and adds to the previous approaches of AUV and comparable market-based evidence with a EUV. It also expands the number of similar market sales from 4 to 10.

¹³ CD2.3 By Bilfinger GVA dated 4 February 2016, following an inspection on 11 May 2015, and prepared in accordance with the RICS Valuation – Professional Standards January 2014 (revised April 2015).

¹⁴ SoCG Appendix 7, dated 26 January 2017, on Viability. Agreed by Gerald Eve as adviser to the Council.

¹⁵ Provided by Savills – *ibid* ¶8.4.1

¹⁶ See CD3.1: Committee Report dated 17 March 2016 ¶7.22 onwards

51. The basis for the BLV now includes 3 strands. First, as before, it considers a theoretical AUV for what would essentially be an office scheme but acknowledges that this is now a matter of dispute¹⁷ and might not be capable of securing planning permission. It explains that this was produced as an indication of the value that a landowner would aspire to achieve through exploiting the apparent development potential of the site. The Council's adviser considered some of the inputs to the AUV were 'optimistic' and that limited weight should be placed on this in isolation. As well as concerns over inputs, I note that the AUV would have neither the advantages of residential development nor all the other public benefits. Given that, the proposals before me were rejected by the Council, rather than being found policy compliant, the chances of a scheme without the associated benefits receiving permission would seem remote. I therefore agree with the Council's adviser and give the AUV, by itself, limited weight.
52. Second, the SoCG Further Addendum now compares the site with 10 other market transactions where it suggests that there were similar development opportunities. Of these, five were rejected by the Council's adviser as not relevant, including 3 of the original 4. Of the other sites, 3 already had planning permission. The 2 remaining comparators were valued on the basis of office extensions on sites which, unlike NHG, are barely 1km from the City of London. While the Further Addendum SoCG concludes that this supports the BLV as reasonable, I find that the market-based evidence simply shows that there are very few useful comparators. Consequently, I find that this method offers little to support the AUV.
53. Third, thought was given to an EUV. This was not originally considered a suitable method, and so not before the Inquiry. It was worked up in the SoCG Further Addendum on the basis of a series of assumptions, including short-term refurbishment to maintain or enhance rents, so as to capitalise the income stream. The Council's adviser did not comment on this in any detail but simply stated that, after review of the EUV evidence and subsequent dialogue to which I have not been privy, he was satisfied that the BLV of £33m reflects a competitive return to a willing land owner. Given that EUV was not the preferred method, relies on unverified assumptions, and was not tested at the Inquiry, I also give it limited weight. Moreover, if refurbishment would be a viable alternative, there would no longer be such a clear justification for redevelopment as a benefit.
54. Finally, as above and following relevant guidance, the BLV was agreed on the basis of reflecting a competitive return to a willing land owner, described in the FVA as that which a landowner would aspire to achieve. Even if I disregarded the inadequacies of the 3 methods employed, as the appellant has already bought the land, apart from Royston Court for which terms have been agreed, it must now be under pressure to find a profitable use for it. Consequently, the usual onus to provide an incentive for the land to be released for development no longer fully applies. For the above reasons, I find none of the 3 methods for a BLV persuasive and that, even taken together, they should be given no more than limited weight. Having seen the condition of the buildings, noting the date of the original FVA, and the appellant's unwillingness to reveal the sale price of the site, I am not persuaded that there is a sound basis for asserting a site value of £33m. Indeed, in the absence of any planning permission, I consider

¹⁷ Although agreed at pre-application stage

that there is little sound evidence to show that the site is more of an asset than a liability. I therefore give limited weight to the BLV used in the FVA.

Development Cost/Value

55. The figures used in the FVA and SoCG Further Addendum also make a series of assumptions with regard to the development costs and values. These include higher figures than might be expected for profit margin¹⁸, professional fees¹⁹, and investment, letting and agents' fees²⁰. Local residents who, while not experts, have closely studied recent developments in the housing market in their area and queried whether the likely residential values (considered at the time of the FVA) are now understated.

CONCLUSIONS ON SOCIAL HOUSING

56. For the above reasons, I find it highly likely that the site value is now too high and there was also some evidence that the development value is now too low and that the anticipated build costs were too great. If any of these are significantly incorrect then the viability of the scheme has been understated. It follows that I am not persuaded by the FVA that at least some AH could not be provided on site or, more importantly, that there needs to be a loss of all the existing 20 social housing bed spaces on the site or a net loss in the Borough.
57. While I accept that the Council was willing to go along with the FVA, and the BLV now in the SoCG, the original purpose of these assessments was to calculate a reasonable AH contribution, and the instructions to its valuers were in relation to a policy compliant on-site AH provision or in-lieu payment. This did not assessing what I consider to be the more onerous test of justifying a loss of social rented accommodation, be that for existing or new AH tenants. For all these reasons, I find that doubts over viability do not amount to a sound justification for the loss of social housing or the conflict with CLP policy CH3b.

Benefits

58. The NHG SPD emphasises the importance of securing additional benefits through redevelopment in the centre, including step free access (SFA) to the Underground station, relocation of the Notting Hill Farmers' Market, provision of a new primary healthcare centre, and enhanced public realm. Of these, the SFA would be to one platform only and the farmers' market would be displaced for 3 years. The appeal scheme would include a new square, and wider access to it from NHG. There would be new market housing, at the most accessible location in the Borough, and an AH contribution, albeit reduced from the original suggestion. Upgraded offices would be a further benefit as would cycle hire facilities. Good quality retail development, with a marketing strategy to help to protect the small independent high-quality local shops and restaurants, would improve the vitality of NHG which currently lacks a clear function and identity. The s106 Agreement includes further contributions but, in order to satisfy the Regulations²¹, other than for AH these would be little more than mitigation. As I am dismissing this appeal I have taken these no further.

¹⁸ Of 21% rather than 17.5%: increased by agreement after the 5% contingency over and above developer's profit in the original FVA was dropped

¹⁹ Of 12.5% rather than less than 10% as indicated for a scheme of this size by the appellant's architect to IQs

²⁰ Where one might also expect economies of scale

²¹ Under Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 and NPPF 204

59. As a whole the benefits of redevelopment would be substantial and be supported by a raft of development plan policies²². In particular, Chapter 16 of the CLP sets out a Vision for NHG. Policy CV16 includes strengthening it as a District Shopping Centre, continuing it as a major office location, making it more pedestrian friendly, and making all development of the most exceptional design and architectural quality, creating a 'wow factor' that would excite and delight residents and visitors. Policy CP16 supports high trip generating uses, improving retail and restaurant provision and new distinctive identity through high quality architecture and design of the public realm.

Other matters

AMENITY

60. Amongst other concerns, residents of Hillgate Village and to the east of KCS in particular raised objections with regard to loss of privacy, and light, and from an unacceptable sense of enclosure for the occupants of the houses along Jameson Street. The new buildings along the western side of the site would stand higher than the existing wall to the Underground. I saw from the rear of one of the houses in Jameson Street that this would result in an unwelcome outlook from the small first floor terrace. On the other hand, many of the houses on the east side of the street have roof terraces at a higher level where the outlook would continue to be favourable even with the new development. An unchallenged study shows that there would be no demonstrable loss of daylight. Moreover, the improved appearance of the buildings as a whole would offset some of the ill-effects of the taller tower and higher flats alongside KCS and the Underground. Subject to conditions controlling the new elevations, there would be no significantly greater loss of privacy than exists at present from Newcombe House.

61. For these reasons I find that the impact on neighbouring residents would not be unacceptable and I note that this was also the view in the report to committee. The proposals would therefore comply with the criteria in CLP policy CL5 on living conditions.

Conclusions

62. As set out above, the scheme would be acceptable and accord with the development plan with regard to character and appearance, and design.

63. There would be some less than substantial harm to some designated heritage assets, including the Ladbroke CA and Royal Parks CA, for which there would be a small negative impact. In other CAs, the effects on some of the different views would pull in different directions so that there would be no overall harm to the settings or an enhancement. However, in each instance of harm, or even taken together, the substantial benefits of the scheme would clearly outweigh this. On balance, on the issue of settings, the proposals would be supported by NPPF134. It would comply with London Plan policy 7.8 which expects development affecting heritage assets to conserve their significance. The scheme would accord with CLP policies CL3a, and CL4 which require development to preserve or enhance the character or appearance of a CA and its setting; and protect the heritage significance of listed buildings and their settings.

²² See those listed at Rhodes appendix 7

64. On the other hand, the redevelopment would result in the loss of social housing and fail to deliver any AH on site. On the evidence at the Inquiry, including the limited further submissions, this loss could not be justified on the grounds of viability. Ordinarily, the balance to be made from the above findings would be between the harm through the loss of social housing and the long list of benefits. However, I consider that a scheme along the same lines as that proposed, but which either retained social housing on-site or made a more substantial contribution to off-site AH within the Borough, or both, and used a realistic EUV probably would be viable and have most or all of the same advantages. Consequently, I give little weight to benefits that could and should be realised in any event.
65. Given that it should therefore be possible to deliver most of the positive effects of the scheme without the total loss of on-site social housing, I find that this issue is determinative. Since dismissing the appeal for this reason should not necessarily prevent the development going ahead in its current form, but would only delay it slightly, I give little weight to the concern that the benefits of redevelopment of the site would be lost. While the proposed contribution might technically satisfy London Plan Policy 3.14, the proposals would be clearly at odds with CLP policy CH3b and, as other policies could be met by an otherwise identical scheme which retained some on-site social housing, contrary to the development plan as a whole.

Conclusions

66. For the reasons given above, and having regard to all other matters raised including parking, highway safety and the extent of lorry movements, noise and lack of play space, and the concern over Bethesda Chapel, I conclude that on balance the appeal should be dismissed.

David Nicholson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmoreland Smith of Counsel	instructed by Lindsey Le Masurier, Tri-Borough Legal Services, RBKC
They called	
Jo Parker BA MSc DipUD	RBKC
Alison Long BA MRTPI	RBKC

FOR THE APPELLANT:

Russell Harris QC	instructed by Herbert Smith Freehills LLP
He called	
Vesna Bostandzic DipArch MA PGDipUD	Urban Sense Consultant Architects
Prof. Robert Tavernor BA DipArch PhD RIBA	Professor Robert Tavernor Consultancy
John Rhodes OBE BSc MRTPI	Quod Planning Services Ltd.

INTERESTED PERSONS:

Donald Cameron	Hillgate Street
Richard Payne	Pembridge Association
Christine Thompson	Jamieson St
Anthony Coyle	Local resident
Howard Berger	De Winter Ltd
Tim Tinker	Campden Hill Residents Association
Peter Crawford	Hillgate Village Residents Association (HVRA)
John Learmonth	HVRA
Tanya Alfille	HVRA
Dr Simon Ramsden	Pembridge Villas
Dr Pearl Chin	Westbourne Grove
Adam Nixon	Bethesda Baptist Church, Kensington Place
Sonia Davies	HVRA
Terence Hutton	Royston Court
Peter Mishcon	Kensington Society and Ladbroke Society
Michael Bach	Chair Planning Committee Kensington Society
Thomas Blauberg	Kensington Society
Jenny Cook	Local resident
Gerard Smith	Local resident

INQUIRY DOCUMENTS

- 1 Appellant's opening
- 2 Council's opening
- 3 Signed Statement of Common Ground
- 4 Statement by Anthony Coyle
- 5 Statement by Chegworth Valley Farm Shop
- 6 Statement by Howard Berger, De Winter Ltd
- 7 Statement by Sinai and Sons
- 8 Statement by Kensington Society and Ladbroke Society
- 9 Representations by Peter Crawford, HVRA
- 10 Statement by Tanya Alfille, HVRA
- 11 Statement by John Learmonth, HVRA
- 12 Introductory words by Peter Crawford, HVRA
- 13 Statement by Tim Tinker
- 14 Statement by Donald Cameron
- 15 Note from appellant on matters raised by interested parties
- 16 Route of accompanied site visits
- 17 Statement by Jenny Cook
- 18 Letter from Peter Crawford, HVRA
- 19 Supporting report by the Kensington Society
- 20 Photographs of Westbourne Grove Medical Centre
- 21 Further letter from Peter Crawford, HVRA
- 22 Statement by Terence Hutton, Royston Court
- 23 Statement by the Kensington Society
- 24 SoCG on Viability
- 25 Comments on ID16 from HVRA and Cook
- 26 Appellant's final comments on ID17
- 27 Deed of Agreement under s106 dated 3 March 2017

CORE DOCUMENTS

- CD 1.1 Application Form
- CD 1.2 Schedule of Interests
- CD 1.3 CIL Information Form
- CD 1.4 Covering Letter
- CD 1.5 Planning Statement
- CD 1.6 Design and Access Statement
- CD 1.7 Design and Access Statement – Appendices
- CD 1.8 Drawings - Demolition
- CD 1.9 Drawings - Existing
- CD 1.10 Drawings - Proposed
- CD 1.11 Drawings - Landscaping
- CD 1.12 Drawings - Concept Views
- CD 1.13 Visual Impact Assessment
- CD 1.14 Visual Impact Assessment - Appendices
- CD 1.15 Historic Buildings, Environment and Townscape Assessment
- CD 1.16 Historic Buildings, Environment and Townscape Assessment – Appendices
- CD 1.17 Air Quality Assessment
- CD 1.18 Air Quality Assessment – Appendices
- CD 1.19 Arboricultural Report
- CD 1.20 Arboricultural Report – Appendices
- CD 1.21 Archaeological Desk Based Assessment
- CD 1.22 Archaeological Desk Based Assessment – Appendices

CD 1.23 Archaeological Evaluation Report
CD 1.24 Basement Construction Method Statement
CD 1.25 Basement Construction Method Statement – Appendices
CD 1.26 Bat Survey Report
CD 1.27 Bat Survey Report – Appendices
CD 1.28 Construction Traffic Management Plan
CD 1.29 Construction Traffic Management Plan – Appendices
CD 1.30 Cumulative Effects Report
CD 1.31 Daylight and Sunlight Report
CD 1.32 Daylight and Sunlight Report – Appendices
CD 1.33 Drainage Statement
CD 1.34 Drainage Statement – Appendices
CD 1.35 Energy Strategy
CD 1.36 Energy Strategy – Appendices
CD 1.37 Environmental Noise and Vibration Strategy
CD 1.38 Environmental Noise and Vibration Strategy – Appendices
CD 1.39 Flood Risk Assessment
CD 1.40 Interim Office Travel Plan
CD 1.41 Overheating Report
CD 1.42 Overheating Report – Appendices
CD 1.43 Pedestrian Level Wind Microclimate Report
CD 1.44 Pedestrian Level Wind Microclimate Report – Appendices
CD 1.45 Statement of Community Involvement
CD 1.46 Sustainability Statement
CD 1.47 Sustainability Statement – Appendices
CD 1.48 Transport Assessment
CD 1.49 Transport Assessment – Appendices
CD 1.50 Drawing Issue Sheets
CD 1.51 environmental Impact Assessment (EIA) Screening 2013
CD 1.52 EIA Screening 2015
CD 1.53 Visual Townscape Assessment - map of the photo locations
CD 2.1 Validation Letter
CD 2.2 Site Notice
CD 2.3 Financial Viability Appraisal Executive Summary
CD 2.4 Financial Viability Appraisal Executive Summary - Appendices
CD 2.5 Overshadowing Report
CD 2.6 Overshadowing Report - Appendices
CD 2.7 Herbert Smith Freehills (HSF) Letter to RBKC dated 19 October 2015
CD 2.8 HSF Letter to RBKC dated 17 February 2016
CD 2.9 HSF Letter to Nick Ray dated 17 February 2016
CD 2.10 HSF Letter to RBKC dated 15 March 2016
CD 2.11 GLA Stage I Report
CD 2.12 GLA Stage II Report
CD 2.13 GLA Stage II Addendum Report
CD 2.14 Listed Building Consent (LBC)
CD 2.15 Refusal Letter
CD 2.16 Westminster City Council consultation comments dated 16 March 16
CD 2.17 Quod letter to Westminster City Council dated 10 November 2016
CD 2.18 Historic England application consultation comments dated 19 Jan 16
CD 2.19 RBKC Design and Cons. officer consultation comments dated 15 February 16
CD 3.1 Officer's Report
CD 3.2 Pre-Committee Memorandum
CD 3.3 Post-Committee Memorandum
CD 3.4 Planning Committee Minutes
CD 3.5 LBC Officer's Report
CD 3.6 Leaflet to Members
CD 4.1 Consolidated Local Plan (2015) [Only NHG of the Place & site allocation chapters]
CD 4.2 Extant Policies of the UDP (2007) [Policies H8 and H1]

CD 4.3 London Plan: Spatial Development Strategy for Greater London (2016) [Relevant policies – agreed in SoCG]
CD 4.3A Community Infrastructure Levy (CIL) Charging Schedule (2015)
CD 4.4 CIL Instalments Policy (2015)
CD 4.5 Regulation 123 List (2015)
CD 4.6 Air Quality SPD (2009)
CD 4.7 Basements SPD (2016)
CD 4.8 Building Heights SPD (2010)
CD 4.9 Noise SPD (2009)
CD 4.10 Notting Hill Gate SPD (2015)
CD 4.11 Planning Obligations SPD (2010)
CD 4.12 Transport and Streets SPD (2016)
CD 4.13 Trees and Development SPD (2010)
CD 4.14 Streetscape Guide SPD (2012)
CD 4.15 Access Design Guide SPD (2010)
CD 4.16 Designing Out Crime SPD (2008)
CD 4.17 Kensington Conservation Area Map (2014)
CD 4.18 Kensington Conservation Area Proposals Statement (1995)
CD 4.19 Kensington Palace Conservation Area Map (2014)
CD 4.20 Kensington Palace Conservation Area Proposals Statement (1996)
CD 4.21 Ladbroke Conservation Area Map (2014)
CD 4.22 Ladbroke Conservation Area Appraisal (2015)
CD 4.23 [not used]
CD 4.24 Pembridge Conservation Area Policy Statement (1982)
CD 4.24A Pembridge Conservation Area Map (2014)
CD 4.25 Royal Parks Conservation Area Mini Guide (2004)
CD 4.26 Royal Parks Conservation Area Map (2004)
CD 4.27 Historic England – Conservation Principles Policies and Guidance (2008)
CD 4.28 Mayor’s Housing SPG (2016)
CD 4.29 Mayor’s Social Infrastructure SPG (2015)
CD 4.30 Mayor’s Accessible London: Achieving an Inclusive Environment SPG (2014)
CD 4.31 Mayor’s Town Centres SPG (2014)
CD 4.32 Mayor’s Sustainable Design and Construction SPG (2014)
CD 4.33 Mayor’s Character and Context (2014)
CD 4.34 Core Strategy Proposals Map (2010)
CD 4.35 Mayor’s Planning for Equality and Diversity in London (2007)
CD 4.36 Historic England (HE) – Seeing the View in History: A method for assessing heritage significance in views (2012)
CD 4.37 HE Advice Note 4 - Tall Buildings (2015)
CD 4.38 HE Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
CD 4.39 HE Advice Note 3: The Setting of Heritage Assets (2015)
CD 4.40 HE – Conservation Principles Policies and Guidance (2008)
CD 4.41 NPPF (2012)
CD 4.42A NPPG - Extracts on Design (2016)
CD 4.42B NPPG – Extracts on Conservation and Enhancing the Historic Environment (2016)
CD 4.43 Department of Culture Media and Sport – Principles of Selection for Listing Buildings (2010)
CD 4.44 RBKC Planning and Borough Development Monitoring Report (2016)
CD 4.45 Kensington Conservation Area Appraisal – 2017
CD 4.46 Pembridge Conservation Area Appraisal – 2017
CD 5.1 Online Appeal Form (Appellant)
CD 5.2 Certificate C details
CD 5.3 Appellant’s Statement of Case
CD 5.4 Draft Statement of Common Ground dated 16 December 2017
CD 5.5 Decision Notice
CD 5.6 Statement of Common Ground and Appendices dated 8 February 2017
CD 6.1 Questionnaire (RBKC)

- CD 6.2 Council's Statement of Case
- CD 7.1 Design and Access Statement (15 – 35 Notting Hill Gate)
- CD 7.2 Committee Report (15 – 35 Notting Hill Gate)
- CD 7.3 Design and Access Statement (47 – 69 Notting Hill Gate)
- CD 7.4 Committee Report (47 – 69 Notting Hill Gate)
- CD 7.5 Design and Access Statement (92 – 120 Notting Hill Gate)
- CD 7.6 Committee Report (92 – 120 Notting Hill Gate)
- CD 7.7 Committee Report (Temporary permission for Farmers' Market in Car Park)
- CD 7.8 Design and Access Statement (Book Warehouse, 66-74 NHG)
- CD 7.9 Committee Report (Book Warehouse, 66-74 NHG)
- CD 8.1 Local Plan Issues and Options– 2016 [Chapters 10, 29-35]
- CD 8.2 Mayor's Draft Affordable Housing and Viability SPG – November 2016
- CD 8.3 [not used]
- CD 8.4 Metropolitan Views Draft SPD – 2007 [View 12]
- CD 8.5 Draft Kensington Conservation Area Appraisal – 2016
- CD 8.6 Draft Pembridge Conservation Area Appraisal – 2016
- CD 8.7 Council Response to the consultation for Draft Kensington CA Appraisal – Jan 2016
- CD 8.8 Draft Historic Environment Good Practice Advice in Planning Note 3
- CD 8.9a Core Strategy Towards Preferred Options (2008) – Notting Hill Gate
- CD8.9b Core Strategy Towards Preferred Options (2008) – Renewing the Legacy
- CD 9.1 Westminster City Council (WCC) City Plan – Extracts (Policy S11 and Policy S26)
- CD 9.2 WCC Saved UDP Policies – 2010 (Policies DES3, DES15, ENV14 &DES12)
- CD 9.3 WCC Revision Booklet 15: Heritage, Views and Tall Buildings
- CD 9.4 Kensington Gardens Management Plan - The Royal Parks 2006-2016
- CD 9.5 Hallfield Estate Conservation Area Audit Consultation Draft
- CD 9.6 Royal Parks Conservation Area Mini Guide
- CD 9.7 Core Strategy 2010 (Chapter 34)
- CD 9.8 Landscape Institute and the Institute of Environmental Management and Assessment – Guidelines for Landscape and Visual Impact Assessment (3rd edition, 2013)
- CD 9.9 A City For All Londoners – October 2016
- CD 10.1 Architectural Appraisal Panel Minutes dated 11 Dec 13, 27 May 15 & 22 Jan 16
- CD 10.2 The Planning Inspectorate Report into the Partial Review of the Core Strategy for RBKC Conservation and Design Review – November 2014
- CD 10.3 Notting Hill Gate District Centre Framework 2009
- CD 10.4 Notting Hill Gate KCS Limited Response to NHG SPD Consultation – January 2014
- CD 10.5 GL Hearn: Notting Hill Gate Viability Report: Summary – July 2013
- CD 11.1 Bedford BC v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin)
- CD 11.2 Palmer v Herefordshire Council [2016] EWCA Civ 1061
- CD 11.3 Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] EWCA Civ 137
- CD 11.4 R (on the application of Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin)
- CD 11.5 South Lakeland DC v Secretary of State for the Environment [1992] 2 AC 141
- CD 11.5a R v Rochdale Metropolitan Borough Council, Ex p Milne (No 2) [2001] Env.L.R.22
- CD 11.5b Forest of Dean DC v Secretary of State CLG [2016] EWHC 421 (Admin)
- CD 11.5c R (Pugh) v SoS CLG [2015] EWHC 3
- CD 11.5d Jones v Mordue, SoS CLG, South Northamptonshire Council [2015] EWCA Civ 1243I
- CD 11.5e Whitby v Secretary of State for Transport and others [2016] EWCA Civ 444
- CD 11.6 Inspector's Report (Shards of Glass)
- CD 11.7 Inspector's Report (Kensington Palace)
- CD 11.8 Secretary of State Decision Letter and Inspector's Report (Shell Centre)
- CD 11.8a Secretary of State Decision Letter and Inspector's Report (Javelin Park)
- CD 11.8b Inspector's Report (Farringdon East)
- CD 11.8c Inspector's Report (Baltic Wharf)
- CD 11.8d Secretary of State Decision Letter and Inspector's Report (1 & 20 Blackfriars)
- CD 11.10 Sections 66 and 72 of the Planning (LB&CA) Act 1990