

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
REPORT BY EXECUTIVE DIRECTOR,  
PLANNING AND BOROUGH DEVELOPMENT**

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**APP NO. PP/11/00107/Q06  
Major Planning Development Committee 14/02/2012  
AGENDA ITEM NO. STR2**

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**SITE ADDRESS**

<p><b>Site at 100 &amp; 100A West Cromwell Road &amp; Shaftesbury Place 135 Warwick Road LONDON W14</b></p>	<p><b><u>APPLICATION DATED</u></b>      <b>13/01/2011</b></p> <p><b><u>APPLICATION COMPLETE</u></b>      <b>20/01/2011</b></p> <p><b><u>APPLICATION REVISED</u></b>      <b>14/07/2011 20/01/2012</b></p>
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**APPLICANT/AGENT ADDRESS**

**Mr M Dodds  
Lambert Smith Hampton  
United Kingdom House  
180 Oxford Street  
LONDON  
W1D 1NN**

<b><u>LISTED BUILDING</u></b>	<b>N/A</b>	<b><u>CONS. AREA</u></b>	<b>N/A</b>	<b>WARD</b>	<b>Abingdon</b>
<b><u>CAPS</u></b>	<b>No</b>	<b><u>ENGLISH HERITAGE</u></b>	<b>No</b>	<b>ART '4'</b>	<b>No</b>

<b><u>CONSULTED</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>SUPPORT</u></b>	<b><u>PETITION</u></b>	<b><u>COMMENTS</u></b>
<b>1230</b>	<b>73</b>	<b>0</b>	<b>0</b>	<b>2</b>

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**Applicant**                      **Spen Hill Developments Ltd**

**PROPOSAL:**      **Erection of five buildings (up to a maximum of 13 storeys in height including basement level) to provide a maximum of 278 residential units, provision of an extension at ground floor level to existing retail store of 1722 sqm (NIA), community and leisure facilities (comprising 3880 sqm gross external area), creche facility and cafe, hard and soft landscaping, provision of parking and cycle spaces, provision of vehicular and pedestrian access, improvements to the existing public realm and all ancillary and associated works, servicing, storage, plant and equipment.**

**RBK&C Drawing No(s): PP/11/00107 and PP/11/00107/A  
PP/11/00107/B**

**Applicant's Drawing No(s): Plans - existing: 084\_M0\_A\_DR\_101,**

084\_M0\_A\_DR\_102, 084\_MB\_A\_DR\_103, 084\_M0\_A\_DR\_104,  
084\_M1\_A\_DR\_105, 084\_M2\_A\_DR\_106.  
Plans - proposed: 084\_M0\_A\_DR\_110, 084\_MB\_A\_DR\_113,  
084\_MB\_A\_DR\_113A, 084\_M0\_A\_DR\_114, 084\_M1\_A\_DR\_115,  
084\_M2\_A\_DR\_117, 084\_M3\_A\_DR\_118, 084\_M4\_A\_DR\_119,  
084\_M5\_A\_DR\_120, 084\_M6\_A\_DR\_121, 084\_M7\_A\_DR\_122,  
084\_M8\_A\_DR\_123, 084\_M9\_A\_DR\_124, 084\_M10\_A\_DR\_125,  
084\_M11\_A\_DR\_126, 084\_M12\_A\_DR\_127, 084\_MR\_A\_DR\_128,  
084\_MV\_A\_DR\_129.  
Sections & Elevations - existing: 084\_ME\_A\_DR\_201,  
084\_ME\_A\_DR\_202, 084\_ME\_A\_DR\_203, 084\_ME\_A\_DR\_204,  
084\_MS\_A\_DR\_205.  
Sections & Elevations - proposed: 084\_ME\_A\_DR\_210,  
084\_ME\_A\_DR\_211, 084\_ME\_A\_DR\_212, 084\_ME\_A\_DR\_213,  
084\_ME\_A\_DR\_214, 084\_ME\_A\_DR\_215, 084\_MS\_A\_DR\_301,  
084\_MS\_A\_DR\_302, 084\_MS\_A\_DR\_303, 084\_MS\_A\_DR\_304.  
Area & Mix Schedule: 084\_M\_A\_SK\_510.  
Illustrative Plans: 084\_M\_0\_A\_DR\_114CPLF,  
084\_M\_0\_A\_DR\_115CLF, 084\_M\_0\_A\_DR\_117CPLF,  
084\_M\_B\_A\_DR\_115CLF.

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**RECOMMENDED DECISION:**

**1: Subject to there being no Direction to the contrary by the Mayor of London , approve the grant of planning permission subject to the conditions and the prior completion of a planning obligation in accordance with S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in this report.**

**2: DELEGATE to the Executive Director, Planning and Borough Development the authority to negotiate the terms of the S106 (based on the obligations set out in this report or as may be amended at Committee) and issue the planning permission following completion of the S106 planning obligation.**

## **CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**

*Reason* - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans , Plans - existing:**

**084\_M0\_A\_DR\_101, 084\_M0\_A\_DR\_102,  
084\_MB\_A\_DR\_103, 084\_M0\_A\_DR\_104,  
084\_M1\_A\_DR\_105, 084\_M2\_A\_DR\_106.**

**Plans - proposed: 084\_M0\_A\_DR\_110,  
084\_MB\_A\_DR\_113, 084\_MB\_A\_DR\_113A,  
084\_M0\_A\_DR\_114, 084\_M1\_A\_DR\_115,  
084\_M2\_A\_DR\_117, 084\_M3\_A\_DR\_118,  
084\_M4\_A\_DR\_119, 084\_M5 A DR 120,  
084\_M6\_A\_DR\_121, 084\_M7\_A\_DR\_122,  
084\_M8\_A\_DR\_123, 084\_M9\_A\_DR\_124,  
084\_M10\_A\_DR\_125, 084\_M11\_A\_DR\_126,  
084\_M12\_A\_DR\_127, 084\_MR\_A\_DR\_128,  
084\_MV\_A\_DR\_129.**

**Sections & Elevations - existing:  
084\_ME\_A\_DR\_201, 084\_ME\_A\_DR\_202,  
084\_ME\_A\_DR\_203, 084\_ME\_A\_DR\_204,  
084\_MS\_A\_DR\_205.**

**Sections & Elevations - proposed:  
084\_ME\_A\_DR\_210, 084\_ME\_A\_DR\_211,  
084\_ME\_A\_DR\_212, 084\_ME\_A\_DR\_213,  
084\_ME\_A\_DR\_214, 084\_ME\_A\_DR\_215,  
084\_MS\_A\_DR\_301, 084\_MS\_A\_DR\_302,  
084\_MS\_A\_DR\_303, 084\_MS\_A\_DR\_304.**

**Area & Mix Schedule: 084\_M\_A\_SK\_510.**

**Illustrative Plans: 084\_M\_0\_A\_DR\_114CPLF,  
084\_M\_0\_A\_DR\_115CLF, 084\_M\_0\_A\_DR\_117CPLF,  
084\_M\_B\_A\_DR\_115CLF. (C068)**

*Reason* - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)

3. **Full particulars of the following in respect of each relevant part of the development shall be submitted to and agreed in writing by the Local Planning Authority before the relevant part of the development hereby permitted commences (save for demolition). The development shall not be carried out otherwise in accordance with the details so agreed.**

**(a) samples of materials to be used on the external**

**faces of each relevant block;**

**(b) samples of materials and detailed drawings of the fenestration, balustrades, panelling and framing to each relevant block (including any at roof level);**

**(c) details of all open land within the site, including hard or soft landscaping, details of the type and size of trees within the site showing the associated tree pits and any proposed exterior lighting;**

**(d) details of the pinnacle to the cylinder building.**

*Reason - The particulars are considered to be material to the acceptability of the development and the Local Planning Authority wishes to ensure the details of the development are satisfactory*

4. **Full particulars of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to the construction of the relevant part of the development and the development shall not be carried out otherwise in accordance with the details so agreed:**

**(a) details of the means of any external ventilation to basement car park or relevant block;**

**(b) details of the elevational treatment to the West Terrace;**

**(c) details of photovoltaic panels to the relevant block;**

**(d) details of green/brown roofs to the relevant block;**

**(e) detailed drawings (at scale 1:20) of the wheelchair units to the relevant block;**

**(f) details of the main entrance to the cylinder building;**

**(g) details of the main entrance to the community/leisure facility;**

**(h) details of the public entrance, internal layout, fenestration, doors and walkway to the Tail Building;**

**(i) residential servicing management plan;**

**(j) layout of 2 disabled bays at level 2;**

**(k) details of layout and detailed design of travelators.**

*Reason* - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)

5. **The whole of the car parking accommodation shown on the drawings hereby approved shall be provided before the occupation of any part of the development. (C029)**

*Reason* - To avoid adding to traffic congestion in the immediate area, to safeguard the amenity of the area, and to comply with the Council's Policies of traffic restraint. (R029)

6. **Details of electric charger points located in the basement car park shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant part of the development. The electric charger points shall be installed prior to the occupation of the relevant part of the development and retained as so approved.**

*Reason* - In order to encourage energy efficiency and sustainability in accordance with the Council's Transport SPD.

7. **The community facility, cafe and creche uses hereby permitted (within Class D1) shall not be carried out between 23:00 hours and 08:00 hours the following day. (C045)**

*Reason* - To safeguard the amenity of neighbouring property. (R042)

8. **Details of the cycle parking for both the residential and non residential uses together with associated shower and locker facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant part of the development. The cycle parking and facilities shall be installed prior to the occupation of the relevant part of the development and retained as so approved.**

*Reason* - To comply with Core Strategy Policy CT1.

9. **Notwithstanding the provisions of Article 3, Schedule 2, and Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no telecommunications equipment shall be erected on the roofs or facades of any of the buildings hereby approved without the prior approval of the Local Planning Authority. (C070)**

*Reason* - To safeguard the external appearance of the buildings and the surrounding area.

10. **Facade sound insulation shall be of a 'good' standard to achieve noise levels within bedrooms and living rooms of the residential dwellings as recommended in Table 5 of BS 8233:1999 (revised) 'Sound insulation and noise reduction for buildings'- Code of Practice'. Where achieving the recommended internal levels requires windows to be closed shut then alternative ventilation, as necessary shall be provided. Details of the facade construction, final glazing fabrication and acoustic specifications together with a noise survey and noise modelling report shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and shall be installed prior to occupation of the relevant part of the development and be so maintained.**

*Reason* - To safeguard levels of residential amenity.

11. **Noise emitted by all building services plant and equipment shall be -10dBA below the existing measured lowest LA90 (10 min) background noise level at any time when all plant is in use except where the plant noise source has a tonal spectrum, where it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained.**

*Reason* - To safeguard levels of residential amenity.

12. **The buildings shall not be occupied until a noise report has been submitted to and approved in writing by the Local Planning Authority. The report shall show how the noise emitted by the plant as finally installed will comply with Condition 11.**

*Reason* - To safeguard levels of residential amenity.

13. **Ventilation systems, should they be necessary in order to show compliance with Condition 14, shall comply with Document F1 of the Building Regulations and shall be of the passive stack type. All ventilation systems will have adequate sound attenuation properties that maintain the facade sound insulation as required by Condition 10.**

*Reason* - To safeguard levels of residential amenity.

14. **Prior to the construction of any floor to be occupied by residential dwellings a scheme of sound insulation designed to prevent the transmission of excessive airborne and impact noise between the commercial uses and the residential dwellings to the upper floors of the relevant part of the development shall be submitted to and agreed in writing by the Local Planning Authority. The sound insulation shall be installed and maintained in accordance with the details so agreed. The residential dwellings of the relevant blocks shall not be occupied until the agreed scheme has been fully implemented for the relevant block.**  
*Reason - To safeguard levels of residential amenity.*
15. **Prior to commencement a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by Local Planning Authority. The CEMP shall detail construction and demolition methodology and plant utilising the Best Practicable Means, to mitigate construction noise, vibration and dust affecting adjacent and adjoining occupied residential premises. The development shall only be carried out in accordance with the agreed document.**  
*Reason - To safeguard the amenities of neighbouring properties.*
16. **The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved. (C111)**  
*Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.*
17. **The non-residential floorspace hereby approved shall achieve a BREEAM rating of at least Very Good. None of the non-residential floorspace hereby approved shall be occupied until a post construction review certificate has been issued for it certifying that a BREEAM rating of at least Very Good has been achieved. (C112)**  
*Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.*
18. **No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so**

**that they can be easily read by members of the public. (C109)**

*Reason* - To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy and to comply with the Subterranean Development SPD and policy CL5.

19. **Prior to commencement (save for demolition) , an additional site investigation and a satisfactory risk assessment shall be undertaken and submitted to and agreed in writing by the Local Planning Authority relating the conditions found on site with appropriate standards (in respect of the part of the site which will be occupied by the Tail Building) The risk assessment shall assess the degree and nature of any contamination identified in the site investigation and assess the risk posed by any contamination to human health, controlled waters and the wider environment. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11'. The methodology and scope of the site investigation shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out as so agreed.**

*Reason* - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.

20. **Prior to commencement (save for demolition) if required, an appropriate remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall deal with any contamination and risks identified in the desk top study, site investigation and risk assessment reports. The strategy shall include all works to be undertaken, proposed remediation objectives and criteria, timetable of works and site management procedures. The development shall not be carried out otherwise in accordance with the details as so agreed.**

*Reason* - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.

21. **Prior to commencement a risk assessment based on the Mayor's Best Practice Guidance (the control of dust and emissions from construction and demolition) has been undertaken and a method statement for emissions control (including an inventory and timetable of dust generating activities, emission control methods and where appropriate air quality monitoring) has been submitted to and agreed in writing by the Local Planning Authority. These measures shall be**



**incorporated into the CEMP subject to Condition 17. The development shall be carried out in accordance with the details as so agreed.**

*Reason - To comply with Core Strategy Policy CE5.*

22. **Prior to commencement a further low emissions strategy shall be submitted to and agreed in writing by the Local Planning Authority. This strategy shall detail the measures that will be taken in order to achieve a reduction in NOx and PM10 emissions as a result of the development from both transport and stationary sources. The low emission strategy shall be undertaken in accordance with the Council's Air Quality SPD and Defra Good Practice Guidance (2010) Low Emissions Strategies. The development shall be carried out in accordance with the details as agreed.**

*Reason - To comply with Core Strategy Policy CE5.*

23. **Prior to commencement (save for demolition) emissions calculations for all relevant heating and energy options being proposed shall be submitted to and agreed in writing by the Local Planning Authority. All combustion plant must be exempt appliances under the Clean Air Act. To meet a minimum Code Level 4 , the Local Planning Authority requires that 3 pollution credits are obtained for NOx emissions i.e boilers and plant must meet emission standards of 40mg/kWh.**

*Reason - To comply with Core Strategy Policy CE5.*

24. **Prior to commencement (save for demolition) impact studies of the existing water supply infrastructure shall be submitted to and approved in writing by the Local Planning Authority. These studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.**

*Reason - To ensure that the existing water supply infrastructure has sufficient capacity to cope with the additional demand.*

25. **Prior to commencement of development (save for demolition) a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure and the programme for works) shall be submitted to and agreed in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the agreed method statement.**

*Reason* - The proposed works will be in close proximity to underground water and sewerage infrastructure. Piling can have potential impact on this infrastructure.

26. **Prior to commencement (save for demolition) a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details as to how the drainage system will be managed and maintained in perpetuity. The development shall be carried out in accordance with the approved details.**

*Reason* - To comply with Core Strategy Policy CE2 and to ensure future maintenance of the drainage network.

27. **If required, following completion of measures identified in the remediation strategy that has been approved by the Local Planning Authority, where it has been deemed necessary, a validation report (as referred to in PPS23) that demonstrates the effectiveness of the remediation carried out must be produced and should be submitted to and agreed in writing by the Local Planning Authority and the measures in the report shall be implemented in full.**

*Reason* - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.

28. **Prior to the commencement of development (save for demolition) a detailed Waste Strategy shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:**

- locations of bin storage areas and collection points;
- routes through development for collection vehicles;
- measures undertaken for on site management of waste.

**The development shall be carried out in accordance with the details as agreed implemented in full.**

*Reason* - The Council considers the details material to the acceptability of the proposal.

29. **No development shall take place until arrangements have been made for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the "watching brief" so approved. The "watching brief" shall be carried out by a suitable qualified**

**investigating body approved in writing by the Local Planning Authority. (C101)**

*Reason* - To minimise any damage to any archaeological remains that may exist on site and to ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Core Strategy Policy CL4. (R100)

30. **No water tank, lift motor room, or other roof structure, shall be erected on top of the roofs of the buildings hereby approved unless agreed in writing by the Local Planning Authority. (C077)**

*Reason* - To safeguard the appearance of the area. (R077)

31. **Vibration Dose Values (VDV's) as defined in BS 6472-1:2008 shall not exceed those of Table 1 in that code for 'low probability of adverse comment'.**

*Reason* - To safeguard levels of residential amenity.

32. **Details of the elastomeric bearings shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development (save for demolition). The bearings shall be installed as so agreed prior to the occupation of the development.**

*Reason* - To safeguard residential occupants from re-radiated noise as a result of vibration generated by road and rail traffic.

33. **No more than 32% of the net sales area of the retail store that will be formed as a result of the proposal shall be used for the sale of comparison goods.**

*Reason* - To comply with Policy CF1 of the Core Strategy and PPS4.

34. **The private leisure facilities shall not be available to the general public.**

*Reason* - In order to comply with the aims of Policy CA6 in respect of the provision of the community leisure facilities.

35. **The community leisure facility shall be retained for this use and for no other purpose including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**

*Reason* - In order to comply with Policy CA6

36. **The creche facility shall be retained for this use, and for no other purpose including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**

*Reason* - In order to comply with Policy CA6.

37. **Notwithstanding the details shown on the approved**

**drawings, the bicycle docking stations to Fenelon Place are not hereby approved.**

*Reason - In order that the Council can be satisfied of the details of the proposal.*

**INFORMATIVES**

- 1 I67A Construction Management
- 2 I08 Planning Obligations
- 3 I09 Variations due to Building Regs.
- 4 I10 Attention to Conditions
- 5 I21 Building Regs. - Separate Approval
- 6 I22 Building Regs. (Roof Apparatus etc.)
- 7 I24 Highways Act (General)
- 8 I69 Relevant Policies - TE Applications
- 9 I67 Controlling Noisy Works
- 10 I39 Naming and Numbering
- 11 I27A Highways Disruption
- 12 The Director of Transportation and Highways, Council Offices, Pembroke Road, London, W8 6PW (020-7341-5256) should be informed 28 days before any earth moving or abnormal use of highways adjoining the site commences so that arrangements for the routing of earth moving vehicles and cleansing the highway can be made. Contractors should be reminded that it is an offence to deposit mud on the public highway. If any spillage is not immediately cleared the Council will carry out the necessary cleansing and recharge the cost to the Contractor. (I27)
- 13 You are advised that the noise insulation condition above is likely to require a higher standard of sound insulation between the units hereby approved than would be required by the Building Act 1984 / Building Regulations 2000. (I29B)
- 14 I67A Construction Management
- 15 I68 TFL - Olympic Route Network

**1.0 SITE**

- 1.1 The site is located at the South West side of Warwick Road at its junction with West Cromwell Road and is bounded by Fenelon Place to the North and the West London Line to the West of the site. The terrace of properties 80-100 (evens) Warwick Road lie some 50 metres to the East of the site with the new apart hotel at 181 Warwick Road being situated some 20 metres to the North. The Clear Channel building lies some 90 metres to the South on the opposite side of West Cromwell Road. The site is located on a Red Route and has a PTAL level of 6.
- 1.2 The site presents a frontage of some 120 metres in width to both Warwick Road and West Cromwell Road and has a maximum depth of 125 metres where it abuts the railway to the rear of the site. The application site extends some 240 metres in length along the railway at the rear of the site where it incorporates part of Fenelon Place and land to the rear of both the apart hotel at 181 Warwick Road and the Warren/Atwood House at Beckford Close. The total site area is 1.16 hectares. The site is currently occupied by a Tesco retail store at ground floor level with associated car parking spaces at the rear at this level. There is an existing coach and lorry park at basement level providing 36 spaces. At the three upper levels fronting Warwick Road is Shaftsbury Place providing 75 affordable housing units managed by Notting Hill Housing Trust together with associated residential parking spaces and further car parking for Tesco at the rear of this level abutting the railway line. To the South West corner of the site, there is a podium deck of some 50 metres in length and 50 metres in width which is raised some 10 metres above grade. This was built in order to provide the base for the office building which comprised Phase II of the Fenelon Place development.
- 1.3 There are no listed buildings within the site or within its immediate vicinity. However, part of the boundary of the Edwardes Square, Scarsdale and Abingdon Conservation Area lies to the East of the site, Nevern Square, Philbeach Conservation Areas to the South and the Olympia and Avonmore Conservation Area is situated on the opposite side of the railway line in the London Borough of Hammersmith and Fulham.
- 1.4 The context of the site is mixed in nature with small Victorian terraces and the Council depot being sited directly opposite on Warwick Road and larger developments of 10/11 storeys in height of the apart hotel and Warren and Atwood House directly to the North. The four sites which lie further to the North (Homebase, Telephone Exchange, Former TA site and Charles House) have all received planning permissions within the last four years for residential led developments of over 1000 dwellings in total. The site is bounded by the heavily trafficked West Cromwell Road to the South which is a main arterial route from West London and the two way section of Warwick Road to the East with the West London Line to the West.

## 2.0 **PROPOSAL**

2.1 The application is for the following:

- a) the provision of 33,839 sq m (GEA) to provide **278 residential units** (within Class C3)
- b) the extension of the existing retail store (6485 sq m) by **2333 sq m (GEA)** to provide a total floorspace of 8818 sq m (GEA)
- c) the provision of **3880 sq m (GEA)** of community and private leisure facility areas
- d) a crèche facility of **480 sq m (GEA)**

## 2.2 **SCHEDULE OF ACCOMMODATION**

### **Overall residential provision (market/affordable)**

**TABLE 1**

<b>U n i t size</b>	<b>No of units</b>	<b>%</b>	<b>H a b rooms</b>	<b>%</b>	<b>Floorspace (GEA)</b>
1 bed	82	29%	164	20%	
2 bed	153	55%	465	58%	
3 bed	32	12%	120	15%	
4 bed	11	4%	55	7%	
<b>totals</b>	<b>278</b>		<b>804</b>		<b>33839</b>

### **MARKET HOUSING**

**TABLE 2**

<b>U n i t size</b>	<b>No of units</b>	<b>%</b>	<b>Hab rooms</b>	<b>Floorspace GEA</b>
<b>1 bed</b>	69	31%	138	
<b>2 bed</b>	135	60%	405	
<b>3 bed</b>	13	6%	52	
<b>4 bed</b>	7	3%	35	
<b>Totals</b>	<b>224</b>		<b>630</b>	<b>26959 sq m</b>

### **AFFORDABLE HOUSING**

**TABLE 3**

<b>Overall</b>		<b>Social Rented</b>	<b>Shared Ownership</b>	<b>Floorspace GEA</b>
<b>U n i t size</b>	<b>No of units:</b>	<b>No of units:</b>	<b>No of units:</b>	
<b>1 bed</b>	13	10	3	
<b>2 bed</b>	20	3	17	
<b>3 bed</b>	17	17		
<b>4 bed</b>	4	4		
<b>Total</b>	<b>54</b>	<b>34</b>	<b>20</b>	<b>6880 sq m</b>

**SUMMARY OF AFFORDABLE HOUSING PROVISION**

1: The proposal will provide affordable housing (as a percentage of the total residential provision) in the following measures:

19% measured by UNITS

22% measured by HABITABLE ROOMS

20% measured by FLOORSPACE

2: The tenure split between social rented/shared ownership is as follows:

63 %/37 % measured by UNITS

2.3 The proposal also provides non residential floorspace as set out in the following schedule:

TABLE 4

<b>LAND USE</b>	<b>FLOOR AREA GEA</b>
Community leisure facility	2890 sq m
Private leisure facility	990 sq m
Café area	230 sq m
Crèche	460 sq m
Additional retail area	2333 sq m
<b>Total</b>	<b>6903</b>

2.4 The residential accommodation and the non-residential uses detailed above will be provided by the erection of five buildings

on the application site together with the replacement of the existing coach and lorry park at basement level as follows:

- 2.4.1 The erection of a building above the existing car deck to the rear of the site where it abuts the railway line known as the 'West Terrace'. This building will span across the width of the car deck of some 140 metres and will rise to a maximum of eleven storeys (36 metres) in height from the existing deck level. The building will be a maximum of 18 metres in depth and incorporates a series of set backs from 7<sup>th</sup> floor level upwards to provide terraced areas which increase in size up to the top storey. The main roof of the building incorporates a green roof and photo voltaic panels. This building will provide 177 market units of which 25% will be dual aspect.
- 2.4.2 The erection of a building which will lie parallel to the building to the West Terrace and will be a maximum of 88 metres in length, 17 metres in depth and rises to a maximum of seven storeys (30 metres) above the existing car deck level. The building incorporates a series of set backs from fourth floor level upwards to provide terraced areas together with a green roof. This building is known as the East Terrace and will be sited some 23 metres from the West Terrace to provide an area of public open space referred to as Court 3. This building will be sited some 12 metres from the ends of the existing Shaftsbury Place residential building at deck level. The area between the two buildings will be provided as public open space and is referred to as Court 2. The East Terrace building will provide 24 market units and 34 social rented units. 59% of the units will be dual aspect.
- 2.4.3 The erection of an eleven storey building (the North Building) situated to the rear of the existing apart hotel building at 181 Warwick Road. This building presents a roughly triangular footprint and will be a maximum depth of 15 metres and a maximum width of 17 metres. The building will rise to a maximum of 35 metres in height to parapet level. The building will accommodate 20 shared ownership units, all of which will be dual aspect.
- 2.4.4 The erection of a cylindrical building of some 18 metres in diameter and will present as ten storeys in height above the existing podium level fronting West Cromwell Road. This building will be partially located on the podium with the lower levels of the building being built at the existing forecourt level to the retail store. The cylinder will be some 30 metres in height to the parapet level when taken from the podium level and 46 metres in height when taken from the forecourt area. The cylinder has a slim, free standing staircase element at the rear, which rises some six metres above the parapet height of the building. To the main roof of the building, there is an architectural feature of some 14 metres in height located in the centre of the building. This serves to finish the building and does not provide any



accommodation at this level. The building will provide 16 market units all of which are dual aspect.

2.4.5 The erection of a building located at the rear of Warren/Atwood House in Beckford Close which directly abuts the railway line known as the 'Tail Building'. This building will be four principal storeys in height (some 13 metres) and will be some 92 metres in length. The building gradually tapers towards the Northern edge from a depth of some 13 metres where it abuts the existing retail store car park area to a depth of 4 metres where it reaches the North West wing of Warren/Atwood House. The building will provide 19 parking spaces at lower ground floor level with 7 market units at ground and first floor levels all of which will be dual aspect. A crèche facility will be provided at third floor level with an outdoor play facility in the form of a sunken garden. The main roof will be laid out as a terrace providing part of the pedestrian access through the site to allow easy egress to grade.

2.4.6 The proposal incorporates the removal of the existing coach and lorry park at basement level. The existing retail car parking which is provided at ground floor level under the podium and car deck areas will be relocated to basement level which will allow the extension of the existing retail store. This reconfiguration of the parking arrangements allows the existing forecourt area to be redesigned to allow access to the cylinder from grade and a new space to be provided which can also be accessed from grade in the forecourt area where the new community health facility will be provided in the new double height space that will be formed at this point. The existing forecourt area will be reconfigured at this point together with the provision of a glazed screen fronting West Cromwell Road which effectively partially encloses this space which will be referred to as Court 1.

#### 2.4.7 Scheme Revisions

The scheme has been amended since originally submitted in that the proposed car parking has been removed from Court 2 to allow the improved layout of public open space. The community leisure facility has increased in size by 1160 sq m with a reduction of 410 sq metres in the private leisure facility. The revised scheme also included some alterations to the internal layout to some of the units in order that they provide the unit sizes in accordance with the Mayor's Housing guidance.

#### 2.4.8 Environmental Statement

The applicants have submitted an Environmental Statement (ES) to accompany the application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The content of the ES was agreed with the Royal Borough in its issuing of the Scoping Opinion in December 2010. The ES contains studies which include (inter

alia) the following topic areas:

- transport
- townscape and visual impact assessment
- noise and vibration
- microclimate
- air quality
- ground conditions/contamination
- water resources (including flood risk)
- sustainability

These studies also take into account other committed schemes in the vicinity in order to assess the possible cumulative impact of the proposals should they all be implemented. These developments included.

- Kingsgate House- Kings Road
- Holland Park School
- Iranian Embassy
- Sloane Building
- Kensington Park Hotel
- Lots Road Power Station
- Commonwealth Institute
- Odeon Cinema- Kensington High Street
- Charles House- Warwick Road
- Former TA site – Warwick Road
- Telephone Exchange- Warwick Road
- Homebase- Warwick Road
- G Gate site- Olympia
- Earl's Court site (no application was submitted at the time of preparation of the ES and the figure of 2000 homes identified in the draft London Plan was used in line with best practice)

#### 2.4.9 Mayor of London

As the proposal involves both the erection of buildings in central London which provide a development of more than 150 houses and comprise the erection of a building or buildings outside Central London with a total floorspace of over 15,000 square metres; under the provisions of the Town and Country Planning (Mayor of London) Order 2008, the application has been referred to the Mayor under categories 1A and 1B and 1 C . This allows the Mayor the opportunity, within 14 days of formally being notified of the Council's decision to direct the Council either to direct refusal, take the case over for his own determination or allow the Council to determine the case itself. The comments of the Mayor as contained in his Stage 1 letter are included and addressed in Section 6 of this report.

## 2.5 **Section 106- Planning Obligations**

Policy C1 of the Core Strategy requires the negotiation of planning obligations in order to secure the provision of appropriate infrastructure to support the development (in the form of either a financial contribution or in kind). In addition, the site specific policy within the Core Strategy as set out in CA6 identifies a number of infrastructure requirements across all 5 Warwick Road sites.

The applicants have identified a sum of £5 million within the viability assessment to be used for S106 contributions. Of this amount £3.6 million has been identified as the cost of fitting out the community facility. It should be noted that this is in addition to the sum of £4.5 million for the shell and core of this facility. Therefore, the provision of the community leisure facility will be £8.1 million.

The remaining amount for other S106 contributions will be £1.4 million. However, this is in addition to the 54 units of affordable housing that is being proposed.

Negotiations are ongoing between the Council, the applicants and Transport for London regarding the apportionment of the S106 contributions and the agreed amounts and finalized draft Heads of Terms will be presented to the committee meeting. However, the items that will be included are set out below for information.

- a) the provision of affordable housing
- b) The provision of a community leisure facility (including full fit out costs) to be operated as a publicly accessible facility with any operator to be nominated by the Council.
- c) A financial contribution for streetscape improvements to the A4
- d) A financial contribution for pedestrian improvements to Warwick Road
- e) A financial contribution for TfL pedestrian improvements to the Warwick Road junction
- f) A financial contribution towards education
- g) A financial contribution towards health facilities
- h) A financial contribution of £110,000 towards the provision of coach mapping leaflets produced by TfL
- i) Submission of Residential and Staff travel plans for the development
- j) Development to be permit free
- k) Provision of highway works to Beckford Close
- l) A financial contribution of £25,000 to improve existing community facilities at Shaftsbury Place
- m) Costs of assessing Construction Traffic Management Plans at relevant phases of the development
- n) Provision of public access through the development (north-south route)

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The site has a lengthy and complex history which can be summarised as follows:
- 3.2 In May 1996, outline planning permission was granted on the signing of a planning obligation, and a development agreement between the various landowners, including the Royal Borough of Kensington & Chelsea. That agreement divided the development into three phases, these being:

PHASE ONE: The provision of a retail store, 75 affordable housing units (Shaftsbury Place), a car park, Coach and lorry park and leisure use

PHASE TWO: Office Building of 14,684 sq m of floorspace

PHASE THREE: the remainder of the residential accommodation
- 3.3 Approval of details concerning Phase One only was subsequently granted on 3rd March 1999. It was expected that applications for approval of details for Phases Two and Three would be submitted in due course, although these were not received within the specified time period.
- 3.4 Various minor amendments to the details of Phase One have been approved over the years following detailed approval, including the deferral of the provision of the 778 sq.m of leisure facility to Phase Two of the development.
- 3.5 On 23rd December 1998 planning permission was granted for the redevelopment of the Phase Three part of the above site to provide a large residential block comprising 272 flats with basement parking. This was later varied to provide 296 flats with 60 affordable housing units, and has now been constructed and occupied and is called Warren House and Atwood House
- 3.6 On 9 November 2001 planning permission was refused for the erection of a 24 storey residential tower on the existing podium deck in the south west corner of the site. The proposal comprised 296 flats including 48 affordable units, 593 sq m of leisure provision, 200 sq m of community facilities and 249 parking spaces. The reasons for refusal related to the height of the building and its effect on surrounding townscape, the architectural quality together with the level of affordable housing provided in the scheme.
- 3.7 In 2004 planning permission was granted under section 73 of the 1990 Act for a time extension for an additional three year period for the reserved matters to be submitted and approved as part of the 1996 outline planning permission. This permission has the effect of extending the time for the submission for approval of the reserved matters for the Phase 2 development, i.e. the office proposal. This was subsequently extended for a further period in 2007. It should be noted that this permission

has now lapsed.

- 3.8 Planning permission was refused in 2007 for the erection of a 27 storey building to provide 433 residential units. The reasons for refusal related to the height and architectural quality of the building together with the quality and amenity of the accommodation being provided.
- 3.9 A further planning application for a tall building on the site was submitted in 2008. However, this was not determined and was withdrawn by the applicants in 2010.
- 3.10 Given the previous history of refusals for the residential buildings on this part of the site, (which effectively is Phase Two of the original outline planning permission granted in 1996), the Council produced a draft planning brief in 2008 which set out the guidelines for a preferred development on the site. The draft brief provided the basis for informing a design competition for the developing the site. This consisted of drawing up a shortlist of six architectural teams who would submit proposals which would be judged by a panel including representatives of RBKC and CABE. The winning scheme was submitted by Benson and Forsyth which now forms the current planning application submission.

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main considerations in this case are:
  - 4.1.1 The principle of the extension of the existing retail store together with the provision of additional residential accommodation and community and leisure facilities in light of this Council's current planning policies;
  - 4.1.2 The bulk, massing, layout and detailed design of the proposed buildings and their attendant effect on the appearance of the surrounding area including views from surrounding conservation areas;
  - 4.1.3 The effect of the proposal on on-street parking and pressure on the surrounding road and public transport networks including the loss of the existing coach and lorry park facility;
  - 4.1.4 The effect of the proposal on the amenities of occupiers of surrounding properties, particularly in terms of privacy, sunlight, daylight, enclosure, noise and vibration;
  - 4.1.5 The environmental aspects of the scheme such as air quality, sustainability, micro climate and contaminated land.
- 4.2 For the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004, the 'Development plan' now comprises the

London Plan 2011, The Core Strategy and relevant 'saved' policies from the Unitary Development Plan 2002 (as amended 2007).

4.3 The relevant Core Strategy Policies are:

CP1 (Core Policy- Quanta of development)  
CP3 (Places)  
CP10 (Earl's Court)  
CA6 (Warwick Road)  
C1 (Infrastructure delivery and planning obligations)  
CK1 (Social and community uses)  
CK2 (local shopping facilities)  
CK3 (walkable neighbourhoods)  
CF1 (location of new shop uses)  
CT1 (improving alternatives to car use)  
CR1 (street network)  
CR2 (three dimensional street form)  
CR4 (streetscape)  
CR5 (outdoor space)  
CR6 (trees and landscape)  
CR7 (servicing)  
CL1 (context and character)  
CL2 (new buildings)  
CL3 (heritage assets- Conservation Areas)  
CL4 (heritage assets- Listed buildings)  
CL5 (amenity)  
CH1 (housing targets)  
CH2 (housing diversity)  
CE1 (climate change)  
CE2 (flooding)  
CE3 (waste)  
CE4 (biodiversity)  
CE5 (air quality)  
CE6 (noise and vibration)

4.4 The relevant 'saved' Unitary Development Plan policies are:

CD63 (views in/out of conservation areas)  
CD14 (setting of Kensington Gardens)  
CD15 (setting of Holland Park)  
CD16 (setting of Brompton Cemetery)  
CD17 (strategic views)  
H8 (social and community facilities)  
LR15 (amenity space for family housing)  
PU3 (contaminated land)  
PU4 (contaminated land measures)  
TR20 (to resist the loss of off street coach parking)

4.5 The relevant London Plan (2011) policies are as follows:

Policy 3.3 (increasing housing supply)  
Policy 3.4 (optimizing housing potential)  
Policy 3.5 (quality and design of housing developments)  
Policy 3.6 (play/informal recreation )  
Policy 3.8 (housing choice)  
Policy 3.9 (mixed and balanced communities)  
Policy 3.11 (affordable housing targets)  
Policy 3.12 (negotiating affordable housing)  
Policy 3.16 (protection and enhancement of social infrastructure)  
Policy 5.1 (climate change mitigation)  
Policy 5.2 (minimizing carbon dioxide emissions)  
Policy 5.3 (sustainable design and construction)  
Policy 5.7 (renewable energy)  
Policy 7.4 (local character)  
Policy 7.6 (architecture)  
Policy 7.14 (improving air quality)  
Policy 7.18 (protecting local open space)  
Policy 8.2 (planning obligations)  
Policy 2.15 (town centres)  
Policy 6.2 (land for transport)  
Policy 6.8 (coach parking)

4.6 The following documents have been given weight as Supplementary Planning Guidance

Planning Obligations SPD  
Air Quality SPD  
Noise SPD  
Transport SPD  
Access SPD  
Trees and Development SPD  
Designing Out Crime SPD

4.7 The existing site comprises Phase One of the original outline planning permission granted in 1996 and provides the retail store and affordable housing elements. The site also includes the coach and lorry park that was a requirement of the planning obligation that was associated with the original planning permission. The remaining requirements that formed part of Phase Two of the original outline permission are the provision of 778 sq metres of leisure use and the office provision.

The site has been identified in the Core Strategy as one of the 5 Warwick Road. The strategic land use allocation as expressed in Policy CA6 is for the provision of a minimum of 350 residential units together with community uses including the provision of a swimming pool. The provision of the additional residential accommodation together with community uses complies with the planning policies specific to this site.

4.8 The residential element of the proposal, consists of 278 residential units (including 54 units of affordable housing) which

is supported by London Plan (2011) policies 3.3 and 3.4 together with Core Strategy Policy CH1 and the site specific policy contained in CA6. London Plan Policy 3.4 states that (inter alia) development should optimize housing output for different types of location within the relevant density range in Table 3.2 (density matrix). The site is considered to have a PTAL of 6a and is included within a Central setting. This would indicate that the appropriate density of development of the site would be within the range of 650-1100 hra (habitable rooms per hectare). The proposal has a density of 618 hra which is marginally below the appropriate range identified in Table 3A.2. It should be noted that this has been calculated on the basis of the area of the proposed residential development of 1.3 hectares and does not include the existing dwellings on the site. However, Policy 3A.4 also states that context and character and public transport capacity are important considerations when realizing the optimum potential of sites. These aspects of the proposal are considered in the Design Considerations section of this report.

- 4.9 The proposed development will provide a range of unit sizes from one bedroom to four bedrooms in the proportions set out in Table 1 of this report. Within the market housing element of the scheme (as set out in Table 2 of this report), 14% of the homes will be 3 bedroom housing suitable for families and the remainder of the market units will be one or two bedroom units. The amount of smaller (one/two bedroom) units is higher than stated in the Strategic Housing Market Assessment (2009) which identifies a requirement of 20% for this size of accommodation. However, Core Strategy Policy CH2 states that (inter alia) new residential developments should include a mix of types, tenures and sizes and the characteristics of the site would also need to be taken into account. In this case, it is considered that given the large scale, high density nature of the development it would not be appropriate to incorporate very high proportions of the larger unit sizes which are suitable for family housing. Given that the proposed development does provide a range of unit sizes and that 14% would be suitable for family housing, this mix is considered to comply with the aims of Policy CH2 which is to provide a diversity of housing.
- 4.10 All of the units would exceed the internal space standards (including floor to ceiling heights) set out in the London Housing Design Guide which incorporates Lifetime Homes Standards, and 10% of the units will be wheelchair accessible. The Council's Access Officer has considered the proposals and is satisfied they meet the guidance in the Access SPD. Nearly half (44%) of the units will be dual aspect and most will have access to their own private amenity space in the form of balconies. This is considered to satisfy the aims of requirements of Policy CH2.
- 4.11 As the proposal would provide over 800 sq m GEA of floorspace, Policy CH2 requires that these developments should involve the



provision of affordable housing and that this should be assessed on the basis of the 'maximum reasonable amount' through the provision of a viability assessment. This is reaffirmed in London Plan policy 3.12 where it states that (inter alia) the maximum reasonable amount of affordable housing should be negotiated on individual private and mixed use schemes having regard to current and future requirements at local and regional levels and the need to encourage rather than restrain residential developments. The policy also states that negotiations should take into account individual circumstances including development viability and the availability of public subsidy.

- 4.12 The proposal will provide 54 units of affordable housing in the tenure split and units sizes as set out in Table 3 of this report. The level of affordable housing provided represents the following proportions of the overall residential provision using the relevant measures as set out below:

19% measured by UNITS

22% measured by HABITABLE ROOMS

20% measured by FLOORSPACE

The tenure split is 63 %/37 % measured by UNITS

- 4.13 In order to demonstrate this provision of affordable housing is the maximum reasonable amount that can be provided the applicants submitted a viability assessment which has been independently scrutinized by DVS on behalf of the Council. This confirms that the assessment is robust and the proposed amount of affordable housing provision is appropriate. It should be noted that this scheme would not attract any grant provision from the Homes and Communities Agency. Therefore, it is considered that the provision of the 54 units in the amount and tenure split as shown in Table 3 complies with the provisions of policy CH2 in that it is the 'maximum reasonable amount' when considered with the other scheme costs including S106. Furthermore, the provision of the community leisure facility together with the fit out costs represents a significant financial outlay to the scheme. With regard to the proposed tenure split, as the site is located within the Abingdon Ward, Core Strategy Policy CH2 requires the affordable housing tenure split to be 85% social rented /15% intermediate. However, given that the largest proportion of the provision would be social rented housing and the issues of scheme viability, the proposed tenure split is considered acceptable in this case.

- 4.14 The affordable housing provision includes 61% of the social rented provision being larger (3 + bedrooms) units suitable for

family accommodation. The distribution of unit sizes in the social rented provision accords with the housing needs identified in the SHMA and stated in para 35.3.10 of the Core Strategy. The intermediate provision of all 1 bed and 2 bed units (located within the North building) also accords with the housing need requirements for this type of accommodation as included within the SHMA. All of the social rented units will be located within the East Terrace building. The mix and standard of provision of affordable accommodation is considered to comply with policies CH2 and CL2 of the Core Strategy. Overall, the proposed residential provision within the scheme, including on site affordable housing is considered acceptable and complies with the requirements of Core Strategy policies CH1 and CH2 and London Plan policies 3.5 and, in particular 3.9 where it seeks (inter alia) a more balanced mix of tenures within developments.

4.15 With regard to the provision of open space, London Plan policy 7.18 states (inter alia) that the Mayor supports the creation of new open space. Core Strategy policy CR5 requires all major developments to make provision for new open space. This is reaffirmed in Saved UDP policy LR15 which requires that amenity space is provided for new family housing. The principal areas for open space within the development are provided in the 'Courts' with the ground floor court area (Court 1) and the garden court areas at levels 2 and 3 (Courts 2 and 3 respectively), all of these areas are publicly accessible. The development proposes the total provision of 6282 sq metres of communal open space which is accessible to all residents and the provision of 2347 sq metres of private amenity provision in the form of gardens, balconies and terraces. The total amount of green space across the site will be 3659 sq metres. This level of provision is considered acceptable and would provide sufficient private amenity space and open space for future residents of the development. Furthermore, the development proposes a significant amount of publicly accessible open space including the provision of a route through the development which would be retained by planning obligation.

4.16 With regard to play space, Policy CR5 (e) states that this should be included in all major developments and should be based on child yield occupancy. The formula for this calculation is included within the S106 Planning Obligations SPD and allowing for 10 sq metres per child should be 570 square metres. There are two areas of dedicated playspace within the development, the first being 100 sq metres at level 3 in the sunken garden on the Tail building together (for under 5's provision) with 340 sq metres at Level 12 for 6-11 year old provision. Although the proposed amount of dedicated playspace falls short of the guidance in this area, it is considered that the scheme is nonetheless acceptable given the constraints of the site, the amount of open space that is being proposed in the site as a whole and the proximity of open space such as Holland Park (for the over 12 year provision).

4.17 The proposal also includes the provision of a community leisure facility of some 2890 sq metres in area. This would be provided to an operator (who would be agreed by the Council as the 'named leisure operator') and the facility would operate as a publicly accessible and affordable leisure facility with a gym and swimming pool. It should be noted that this facility will not be run by the Council. The provision of this operation would be secured by planning obligation. This proposed social and community use forms part of the site specific allocation in Core Strategy Policy CA6 and is also supported by Policy CK1 which supports the provision of additional social and community facilities. In addition, this would also address the requirement to provide 778 square metres of leisure use which formed part of the original planning permission granted in 1996. The proposal also includes a private leisure area which would be only be available to the residents of the proposed development. The proposal also includes a crèche facility that would be provided in the Tail building, this would be a publicly available facility and not exclusive to residents of the development. The provision of these uses is considered in accordance with Policies CA6 and Policy CK1.

4.18 The proposal also includes an extension to the existing retail store by 2333 sq metres (GEA) /1722 metres (NIA) . This would result in a total retail floorspace being 8818 sq metres GEA/5400 sq metres NIA. The provision of additional retail floorspace at this location is not included within the site specific land allocation as expressed in Policy CA6 and will need to be assessed against the requirements of Policy CF1 which relates to proposals for the location of new retail uses. Given the amount of additional retail floorspace that is sought by the proposal (in that it is over 400 square metres) this must meet the national planning policy guidance as contained in PPS4 and demonstrate that it would meet the requirements of the sequential test (in that the floorspace could not be provided in other locations at existing centres), and that it would not have an unacceptable impact of the vitality and viability of existing centres . To demonstrate these requirements, the applicants included a retail impact assessment as part of the application submission. This was independently assessed by retail consultants on behalf of the Council in order to ensure that the assumptions, methodology and conclusions were robust. The retail consultants sought further additional areas of clarification from the applicants in this regard and issued their final report which contained the following conclusions:

1: They were satisfied that the sequential approach had been met as set out in PPS4.

2: There is evidence that the proposals may have a marginal impact on the Earl's Court Road local centre. However, this impact would not be significantly adverse under the terms of

## EC17.1B in PPS4

3: The next test as included in EC17.2 in terms of cumulative effects and applying the balance of other gains from the application has been met in that the cumulative effect from other committed developments is limited and that the expanded store would help meet the needs of the increasing population on and within the vicinity of the application site. Furthermore, the increased comparison goods offer would improve consumer choice.

4: They conclude that the extension to the existing retail store meets the retail policy tests set out in PPS4 and Core Strategy policy CF1.

They recommend that a condition be attached to any permission granted so that the net sales floorspace in the store is limited to the convenience and comparison split as included in the needs assessment. This would ensure the net sales floorspace is provided as 68% convenience/32% comparison.

For the reasons detailed above, it is considered that this element of the proposal complies with requirements of Policy CF1 and London Plan (2011) Policy 2.15.

### 4.19 **DESIGN CONSIDERATIONS**

The strategic planning policy as contained in London Plan policy 7.4 is that development should have regard to the form, function and structure of an area, and within policy 7.6 it states (inter alia) that architecture should make a positive contribution to a coherent public realm and streetscape and should incorporate the highest quality materials and design appropriate to its context. These policies are reaffirmed in Core Strategy Policy CL1 which requires all development to respect existing context and character and Policy CL2 where new buildings are required to be of the highest architectural and design quality.

4.20 The site does not lie within a conservation area, but there are conservation areas in the vicinity of the site and heritage assets including St Cuthbert's church to the South of the site in Philbeach Gardens. Saved UDP policy CD63 states (inter alia) that the effect of proposals on views generally within, into and out of conservation areas and the effect of development on sites adjacent to such areas has to be considered. The public open spaces of Holland Park, Kensington Gardens and Brompton Cemetery are within the vicinity of the site, and Saved UDP policies CD14, CD15 and CD16 seek to resist developments which would adversely affect the setting of these spaces. Furthermore, policy CL4 is considered particularly relevant with regard to any potential effect of the development on the setting of St Cuthbert's Church in Philbeach Gardens.

4.21 The detailed design comments on the scheme are as follows:

4.22 **Context**

The proposed development site is the unused podium deck and existing off-street car park for the Tesco superstore on Warwick Road, close to its junction with West Cromwell Road and backing onto the West London Railway line and the borough boundary with Hammersmith and Fulham. This is a prominent location along the A4, with its elevated road bridge over the railway line, connecting West Cromwell Road and Talgarth Road, though the podium itself presents a blank inactive frontage onto the arterial road.

The existing retail superstore is primarily a double-storey structure finished in white render and glass, though the 4-storey Shaftesbury Place housing estate makes use of its airspace, forming a 'U' shaped block that opens westwards onto a public courtyard. The superstore is one of a varied collection of mid-scale commercial, municipal and residential buildings that run northwards along Warwick Road, the scale of which typify major transport corridors in the borough. The buildings include the 11-storey apart hotel in Fenelon Place; the 11-storey 'H' shaped Warren/Atwood House; the bulky Homebase retail warehouse, where permission has recently been granted for its replacement by 6 predominantly residential buildings of between 7 and 11 storeys (23-34m in height, excl. plant); and opposite, on the east side of Warwick Road, remnants of traditional low-rise terraced housing interspersed by the Council's large Pembroke Road depot buildings with residential units above. Further to the north, permissions have been granted for large scale, residential-led mixed use developments on the Former Telephone Exchange, the Former TA site and Charles House. The Former Telephone Exchange and Charles House schemes each include a 17-storey residential towers (55m above grade), conceived as a matching pair of campaniles. The Charles House development is currently under construction.

4.23 **Layout**

The proposal responds well to this challenging site, skilfully incorporating the varied structures and levels of the existing superstore, redundant podium, car park and Shaftesbury Place and integrating the development into the surrounding neighbourhood. The layout is conceived as a series of connected 'hillside' buildings and public spaces, defined by the thoughtful adaptation of the existing structures and placement of new buildings, and linked by new public routes. At ground level the existing plaza (court 1) is retained and addressed by a new cylindrical tower; a re-fronted superstore; whilst the existing podium and car park are adapted to create a new community building, entered from the plaza. A wide public staircase and two public lifts at the northwest corner of the square give access to the upper levels of the development.

New large linear blocks are positioned above the podium and incorporate the upper car park levels, forming two terraces configured on a north-south axis. The terrace to the east is dual-fronted: It addresses to one side an elevated street at level 2 and the open-ended Shaftsbury Place, creating in effect an elevated garden square (court 2). To the other side it addresses a new elongated public open space (court 3) at level 3, which is itself screened from the railway beyond and addressed by the western terrace. Court 3 is connected to the elevated street by two wide staircases located towards its southeast corner and at its north end.

The cylindrical tower is positioned in the southeast corner of court 3, with the public staircase emerging into court 3 between the tower and the eastern terrace: the resultant gap between the two buildings frames a high-level distant view towards South Kensington's museums and Brompton Oratory.

A new slender building positioned at the north end of the car park physically defines the street at level 2, as well as visually enclosing the public space at level 3. This building internalises an access route down from level 2 to Fenelon Place (subject to condition, see below). Court 3 remains open to the south, offering a high-level public view of St Cuthbert's Church in Philbeach Gardens.

Adjacent to the north end building is a third terrace block that forms the 'tail end' of the development. The terrace is at low level and fronts onto Beckford Close, screening out the railway. The block contains townhouses and a crèche facility, whilst a rooftop public space provides a high-level pedestrian route that connects level 2 and the neighbouring street via a new public staircase and lifts at the far end of Beckford Close.

The public spaces and routes through the development; the activation of building frontages with windows and doors (see below); and the visual connections beyond make for a relatively fine urban grain that belies the scale of buildings and the infrastructure beneath.

### **Scale (height and massing)**

The built form is relatively straight forward with the tower, two main terraced blocks, north building and the tail-end terrace beyond. The scale and architecture are more complex; made so by the difficult challenges of integrating the varied existing levels and infrastructure and achieving a high quality built environment. The design response is skilful and accomplished. The residential tower is reviewed in a separate section below.

Beginning with the west terrace, the proposed residential block is constructed upon the open car deck at level 3 and incorporates level 2 below, generally setting the new building at 10m above grade in Warwick Road. The block is 10 storeys in

height (35m), but steps up as a structure towards its southern end, resulting in an overall height of 47m above grade at its highest roof level. Whilst this is a considerable height, the terrace is set adjacent to the railway corridor and is largely obscured in near views by the existing superstore and proposed east terrace and tower. However, because of the alignment of West Cromwell Road the terrace is visible in the middle distance view (M3). The terrace does not sit uncomfortably in this view, echoing the terraces in the foreground, whilst the eye is drawn more to the taller pinnacle structure. The building's north flank pops into view from Holland Park (M11), though it remains largely screened by the buildings and tree cover in the foreground, resulting in only a marginal impact. The main effects are in the near-by streets of LB Hammersmith and Fulham, where the final 2 storeys are visible above the roofline in Stanwick Road (M9). In this view the calmness of the elevational design ensures the impact is marginal. The neighbouring borough has raised no objection.

The west terrace comprises double-banked accommodation, producing a building depth of 18m, which potentially makes for a bulky form. However, the perceived massing is greatly reduced by the provision of set-backs on the courtyards at 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> storey, the articulated elevational treatment (see below) and the visual breaks created by the fully glazed cores. The visual breaks running the full height of the block are especially important, giving the impression of a series of smaller, well-proportioned buildings, and should be secured by planning condition.

The eastern terrace shares the same architectural approach, though is reduced in height in response to integrating with Shaftesbury Place and the nearby apart hotel. The block is constructed on the open car deck at level 2, the same 'ground' level as the existing Shaftesbury Place, and comprises 4 principal storeys with a shoulder height of 15m (where it faces Shaftesbury Place), a set-back 5<sup>th</sup> storey (18½m) and two further set-back storeys (25m) at the southern end stepping upwards towards the residential tower. Whilst the number of principal floors matches the number of storeys of Shaftesbury Place, the generous floor to ceiling heights and parapet result in some 3m difference between the two blocks, though this difference will not appear uncomfortable. The 5<sup>th</sup> floor level is stepped back by some 4m, considerably reducing its visual impact at 'ground' level within the development. At 18½m above level 2, the building's height at this point is similar to the shoulder height of the adjacent apart hotel (29m), allowing the development's integration within the wider townscape. The further penthouse storeys towards the southern end are largely obscured by Shaftesbury Place when viewed from street level. The additional two storeys are mostly seen from West Cromwell Road itself, where they become cantilevered and step towards

the tower. The visual impact of the additional height is positive, adding drama to the plaza.

As with the west terrace, the east comprises double-banked accommodation, producing a deep plan and potentially a bulky form. The massing, however, is reasonable, being arranged on 4 principal floors with the final floors well recessed. The articulated elevational treatment and the glazed cores bring a secondary scale to the building and alleviate the perceived bulk, ensuring the block appears well-proportioned and easy on the eye.

By elevating the gardens at level 3, the terraces' lowest level effectively forms basement accommodation where the units face onto court 3. Those units are arranged as duplexes over basement and new ground level. Importantly the effect is to lower the perceived height of the two terraces by a single storey when viewed from within court 3. This ensures a comfortable scale to the built form, where the open space width/building height ratio is a generous 1:2 for the east terrace (shoulder height) and a reasonable 1:1 for the west terrace (shoulder height). The additional rooftop storeys are sufficiently set back and articulated to relieve any sense of over-enclosure, as does the open aspect southwards towards St Cuthbert's Church. For comparison, the ratio of the east terrace to court 2 (Shaftesbury Place) indicates 1:2½, ensuring its open space has a coherent form and comfortable scale. These dimensions are not untypical of historic garden squares within the borough.

Turning to the north block, this is a relatively tall building, rising 11 storeys (35m) above street level in Beckford Close, which itself ramps down some 3m from Warwick Road. Though tall, the building is similar in height to the neighbouring apart hotel and Atwood/Warren House, which largely obscure the north building from general view. The building itself masks the car park ramp that currently dominates the junction of Fenelon Place/Beckford Close. Within the development, it is primarily experienced as a 7-storey building accessed at level 2 that screens views northwards and focuses public views from court 3 southwards. The building is regarded as a slender structure, with a typical floor area of about 190sqm and wedge-shaped plan form. The elevational treatment enhances its slender appearance, producing an engaging built form.

The tail-end terrace is distinctly low-key in its scale and visual impact. Whilst being some 90m in length, the block tapers in depth from 12m adjacent to the main development to 6m at its northern point, and is 4-storeys in height (14m). This is similar in scale to the remaining townhouses within Warwick Road (eastside), but is made to feel secondary to the neighbouring large scale residential apartment blocks. This gives them something of a pleasant mews quality, which is picked up in the architectural appearance.



#### 4.24 **Architectural Appearance**

The architecture is contextual but has a strong contemporary language that adds to the distinctive character and sense of place. The designs for the main residential blocks draw from the terraced building typology in the Royal Block in both their form and material quality. The western elevation onto the railway is expressed as a series of horizontal layers, beginning with the car decks on the lower floors, which become screened by aluminium louvers. The residential accommodation begins at levels 2 and 3, which are expressed as an inserted double-storey glazed layer behind planting. Above this the main residential accommodation is arranged over 5 storeys, with glass walls that contrast with the solid brick finish of Whiteley's depository building opposite, and articulated with masonry frames. A further inserted glazed storey at level 9 visually separates the main body of the terrace block from the final penthouse levels above, which are again faced in glass with masonry frames but are read as an attic storey. The layering reflects the classical visual order of expressing a base, middle and top, which is typical of historic residential architecture in the borough and is welcome.

The strong linearity is contrasted with the vertical expression of the elevational detailing, with the single and double storey louvres at car deck levels, vertical emphasis given to the glass frames for the base and masonry frames for the middle, the introduction of full height glazed cores and the solid framing of the building itself. The expressed secondary scale supports the language of terraced 'houses' organised around individual cores, as well defines individual apartments within each 'house'.

A modified architectural approach is taken on the courtside elevation and on the eastern terrace, where more pre-cast stone is used, giving greater solidity to the structures, though the visual ordering and expressed secondary scales remain. Recessed glazed balconies are introduced, providing residential amenity, as well as expressing individual apartments within each 'house' and adding a further layer of articulation to the facades. Planting at entrance and rooftop levels add greenery and soften the buildings' appearance.

Other important features of the terraced blocks are the architectural flourishes brought by the distinctive high-level rooflights, masonry screens and canopies that give a sculptural quality to the rooflines; the high-level walkways and communal roof gardens; and the cantilevered block ends. These elements add considerable design interest and drama to the townscape, and together with the tower's pinnacle, bring a strong identity and coherence to the scheme. It is important that these features are executed well and therefore their detailed designs and implementation should be secured by condition.

The architecture facing onto the plaza (court 1) has a modern, civic aesthetic with large scale predominantly glazed facades

providing visual connectivity between the sports centre/community uses and the refurbished open space, as well as providing welcome animation to West Cromwell Road. The removal of the negative visual impacts of the existing car park and podium bring distinct improvement to the streetscape. The proposals also include the demolition of the mezzanine level within the superstore, removing the visual clutter and allowing a more open, civic quality to be expressed. The architecture of the tower brings visual interest and drama to the piazza, with its over-sailing base supported on slender pilotti and hanging louvred screens. The positive visual impact should be supported by crisp detailing of the tower entrance, which should be reserved by condition, along with the sports centre's main facade and entrance.

By contrast, the north building has a relatively restrained but nonetheless contemporary appearance, being a more functional building that works well to mask the car park ramp. It has a distinctly solid appearance with its window openings arranged into vertical strips, emphasising the building's slender proportions. The base of the building is cleverly stepped in, highlighting the street entrance and providing additional public realm; though more could be made to visually enlarge the lobby, which has a rather compressed feel. Similarly, further details should be reserved for the communal/ public entrance at level 2 and staircase that should animate the elevations.

The tail-end terrace has something of a mews appearance, with the modern architecture expressing the timber garage doors and accommodation above in a simple functional form and pattern that articulates the individual units. An insert above third floor level visually separates the residential units from the crèche above. The facility is organised across the fourth floor with the horizontal window openings reinforcing its separate identity. The entrance to the crèche is provided within the public access core at the far end of the terrace. The core also gives access to the public roof gardens and walkway to the main development. The core is mainly glazed to assist informal surveillance. Details of the new doors, fenestration (including recessed openings), insert, public entrance and core, and walkway gardens should be reserved by condition.

Turning briefly to the material finish, it comprises predominantly a pre-cast 'Portland' stone for the main elevations on all blocks. This choice of material is supported, adding solidity and robustness. It gives a visual coherence to the development and helps its integration with the existing superstore and rendered Shaftesbury Place and superstore. It also reflects the traditional rendered appearance of the historic terraced housing in the surrounding area. It is important that the stonework is carefully detailed to ensure a suitable quality of finish (including jointing and weathering) and regularly cleaned. It is notable that lower levels towards West Cromwell Road and the railway are finished

in glazing and aluminium, which should avoid problems of excessive staining caused by pollution. Additional thought needs to be given to the material finish of the mews, which may prove vulnerable to staining and graffiti, particularly on its rear elevation adjoining the railway. Given its secondary location away from the main development, this could be a brick finish that may prove more resilient and domestic in character. All materials, including timber, metal and glazing, should be reserved by condition.

#### 4.25 **Tall Building (cylinder)**

The most prominent feature of the scheme is the cylindrical residential tower. The proposed building rises to a shoulder height of 48m above the plaza, and is finished by a pinnacle structure that takes the overall height to 60m. The main floors are arranged as a mix of large duplex apartments, two 3-bedroom apartments or 4 1-bedroom apartments. The lower floors provide a double-height café/reception space at level 3 and a foyer at level 2. Below this the tower merges with the podium structure, which contains the leisure centre and private health facility, but steps forward on pilotti to highlight the main residential entrance. The pinnacle provides a roof garden and high-level platform for views across West London, with access controlled by the building's concierge service. The sculptured form of the pinnacle gives the building a distinctive finish and silhouette.

The tower terminates the vista along the West Cromwell Road, a location that is identified in the Council's guidelines on tall buildings as a suitable location for a tall building. Its circular form cleverly responds to the shift in alignment of the A4, which deviates slightly at its junction with Warwick Road; and the drum and pinnacle are proportioned well. The tower's height takes its cue from major public buildings in the borough along the A4, including the museums, Brompton Oratory and Harrods, which are of similar height. The overall scale, form and proportioning is pleasing to the eye, and creates an attractive termination to the identified vista.

Importantly, the main body of the tower is generally twice the height of the immediate context of the superstore, apart hotel and Warren/Atwood House to the north and 4 times the wider historic context of 3-storey Victorian terraced housing towards Nevern and Edwardes Squares. This accords with the height for a district scale tall building. The height is also sufficient to form an effective urban marker within the townscape: For many the tower will mark a sense of arrival into central London, and for the borough it will function to draw district-wide attention to the plaza and its important public leisure facility.

The location of the tower is outside the strategic view that crosses the borough from Richmond to St Pauls, and the townscape analysis submitted indicates that it is not visible in

important borough views from Kensington Gardens or Holland Park. The main impacts are more localised to Nevern Square, Edwardes Square/Scarsdale and Philbeach conservation areas. Here the 60m structure is shown to be visible above the rooflines of terraced housing in Nevern Square and Nevern Road and are likely to have a similar visual impact in Edwardes Square to the north. In these views it is only the pinnacle that is visible and not the main body of the tower. As such the tower does not form anything more than an incidental feature above relatively strong rooflines, though design details should be reserved to ensure the pinnacle achieves its sculptural quality.

Of potentially greater concern is the impact on the setting of the grade II\* listed St Cuthbert's Church and Philbeach Conservation Area, located to the south of the tower. The rendered view in the Townscape and Visual Amenity addendum shows the tower emerging to the right of the church, though it remains obscured by the townscape and church for much of the approach along the crescent of Philbeach Gardens. When the tower does appear its shoulder is about level with the church's eaves and the pinnacle is below the roofline, ensuring the tower remains subservient in the view. Its impacts upon the setting of the church and conservation area are therefore considered relatively minor. Further South, it is considered that given the distance from Brompton Cemetery, it would not have a harmful impact when viewed from the cemetery and would appear in some views as a distant feature on the horizon. In addition, it will be obscured in most views by the existing Earl's Court Exhibition Centre building.

The elevational treatment of the tower is a combination of pre-cast stone panels, double-height window openings and louvres that provide changing sense of solidity and transparency, adding design interest to different sides to the circular structure, as well as cleverly responding to the surrounding views, environmental and amenity conditions. The proposed stonework, glazing, balconies and screens are crisply detailed and effective, though these matters should be reserved by conditions to ensure the design quality is realised. Overall, the architecture of the proposed tower could prove to be of exceptional design quality and a distinctive skyline feature on the western edge of central London.

#### 4.26 **Entrances and Connectivity**

The residential tower and new leisure centre replace the car park at the rear of the plaza (court 1), defining and activating the edge of the plaza rather than allowing it to 'leak' as the car park currently does. The double-height glazed frontage highlights the centre's legibility. The public staircase and lifts to level 2 are obvious and well-placed to the rear of the plaza, whilst views are glimpsed of the elevated street and entrance to court 3 above, providing sufficient sense of connectedness. The re-fronted superstore entrance is welcome and the travelators to the lower

level car park are sufficiently discreet. The residential tower entrance adds activity and interest to the plaza.

The staircase from the plaza to level 2 is generously wide and leads directly to court 2, but offers a switchback access to overlook the plaza and onward to access court 3. The elevated street and courts are open and fully accessible to the public. The sense is of a continuous public realm that flows into courts 2 and 3 and onwards towards the tail end, which is vital to the holistic and integrated approach.

The residential apartments at the base of the west and east terraces have individual entrances directly onto the elevated street and courts, providing good residential amenity, as well as activating the public realm. Clear thresholds are defined by small front garden spaces and sunken private courtyard spaces, ensuring good amenity. Further animation of the public space is provided by the regularly placed communal entrances and glazed cores that access the upper floor apartments from street/court level. The cores serve limited numbers of apartments per entrance and per floor, encouraging good security and neighbourliness.

The cafes/community rooms and residential tower entrances contribute to the public realm at levels 2 and 3, whilst the north building provides some activity and informal surveillance at the rear. The north building has a particularly important role in securing public access through to Beckford Close, with its upper floor apartments overlooking the new rooftop walk. The design officer, however, remains concerned that supervision from the north building and existing Atwood House may prove insufficient to ensure public safety and deter anti-social behaviour, especially during the night time. Planning conditions should be attached to control the detailed design of the walkway (including stair and lifts) and to secure the provision of an additional public route down to street level close to or within the north building. The building is intended to have a concierge service and is already designed with lobbies at street and level 2. The condition would secure a long-term through-route should the rooftop access prove necessary to close at dusk.

A further matter for improvement is the legibility of the crèche, a public facility that seems tucked away within the tail end of the development. Its low-key presence and entrance are not easily read within the street scene and would benefit from further architectural treatment. This is sought by condition.

There are deck access arrangements within the west terrace for 9 one-bedroom apartments at level 2 and a further 6 apartments on level 3. Deck access can prove inconvenient at times where decks are long, whilst the need to walk past neighbours' windows can affect privacy. However, in this instance, relatively few units are affected; the walkways are

fairly wide; and the elevation is articulated, providing set-back entrances and bedrooms. The layout is not ideal and thought could be given to providing lobbied entrances to the decks and a clearer definition of the set-back thresholds to individual apartments. Subject to a condition seeking these adjustments and given the high levels of residential amenity achieved across the scheme as a whole, the inclusion of some deck access is considered acceptable on balance.

#### 4.27 **Landscaping**

The proposals make provision for the comprehensive use of quality hard and soft landscaping that aims to create a consistent streetscape treatment across the scheme. Areas of pedestrian flow will be kept clutter-free and more restful areas furnished with occasional seating. Wherever possible lighting will be building mounted and directional signage integrated into the streetscape. Semi-mature trees are provided within the plaza and elevated gardens, helping to enclose the spaces and in the instance of the plaza screen out the West Cromwell Road. Planting within the gardens and roof terraces is referred to as 'luxuriant', which should greatly soften the built form. A glass wall on the plaza's southern boundary should help cut down on noise and wind disturbance, improving the amenity of the plaza. Conditions should ensure that the travelators are not visually intrusive and that the plaza remains clutter-free. They should also ensure that the trees are indeed planted at grade and in sunken tree pits where necessary, with the exception of court 2, where floor structures necessitate planters. Likewise, grassed areas should be at or close to grade level, and offer 1m soil depth. Details of the planting and streetscape proposals should be reserved to ensure their high quality, including use of natural stone.

The proposals also make provision for upgrading the streetscapes within Fenelon Place and Beckford Close and contributing to TfL's Street Improvement Scheme for creating a tree-lined boulevard within West Cromwell Road. These contributions are welcome and should be secured by S.106 agreements. The re-landscaping of Beckford Close at the base of the north building is highlighted for closer design attention, given the requirement for a new public entrance (see earlier) and the need to accommodate the proposed servicing at its rear. Further thought is recommended on re-configuring the building's ground floor to provide dedicated off-street servicing bays and better screening of this part of the development, improving the local residential amenity.

#### 4.28 **Conclusion on design matters**

The proposals are a well-thought through response to a challenging site. The redundant podium and existing car park have a negative and overbearing impact on the townscape and present a significant visual and physical challenge to creating an attractive, seamless urban form that integrates into its

surroundings.

The layout, form and scale of development are well-reasoned and contextual (Policy CL1). The scheme provides a sequence of high quality spaces and routes that extends the public realm into the site, overcoming the varied levels and connecting through to the adjoining streets without feeling contrived (Policy CR1). The high level framed public views southwards towards St Cuthbert's Church and westwards towards South Kensington add to the sense of connectedness.

The built form reflects typologies found within the borough, with its terraces, garden squares and mews (Policy CL1,2). Whilst large and located at podium-level the buildings nonetheless possess a comfortable scale and provide a coherent and comfortable form to the new public spaces they contain (Policy CR2). The proposed tower responds especially well to the axial view along West Cromwell Road, providing a highly distinctive urban marker. Its district scale is appropriate, drawing attention to the proposed community/leisure centre without harmfully disrupting the setting of St Cuthbert's Church and the surrounding conservation areas (Policies CD13-17, and CD 63). Its architecture has the potential to be outstanding (Policy CR2).

The modern but contextual architectural language used throughout the scheme offers a rich contemporary finish that adds distinction and an attractive sense of place. The elevational detailing brings quality and a richness that works well to provide a secondary, human scale and strong visual interest. The cantilevered structures, portals and screens add further layers of visual interest, as well as moments of drama to the townscape. The material quality is appropriate, providing a sense of quality and coherence (Policy CL2). The residential accommodation appears spacious, well-designed and generally has good amenity, and the public realm engaging with activated building edges (Policy CR2).

Whilst there are a number of single aspect apartments and elements of deck access, these features do not detract from the overall quality of the architecture and urban design. The proposals nonetheless represent an accomplished scheme that accords with the Council's design policies.

- 4.29 The proposal has been considered with how it relates to its existing context, urban design quality and use of materials. In addition, it has been considered with particular regard to its effect on neighbouring conservation areas and setting of nearby listed buildings and Holland Park, Kensington Gardens and Brompton Cemetery. In this case, the proposal is considered to comply with the requirements of London Plan policies 7.4 and 7.6, Core Strategy Policies CR1, CR2, CR5, CL3, CL4, CL1 and CL2, Saved UDP policies CD14, CD15, CD16, CD17 and CD63.

#### 4.30 **Transportation and Highways considerations**

4.31 Core Strategy policy CT1 states the Council will ensure better alternatives to car use, making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking. This policy includes a number of criteria as to how this could be achieved in development proposals. The Director of Highways and Transportation has considered the proposals and the comments are as set out below.

#### 4.32 **Location of the site**

The site is situated 500 metres from Earl's Court Underground station. Three bus routes serve the site directly, 328, C1 and C3. Further bus routes are within walking distance of the site (9, 10, 27, 28, 49, 74 and 391). The Overland rail station at Kensington Olympia is also within walking distance. The site has excellent public transport accessibility (PTAL= 6) and is suited to a high trip generating development. The proposal would adhere to Core Strategy Policy CT1 (a).

#### 4.33 **Coach Parking**

The proposal involves the loss of the existing 36 space coach parking facility. This area would instead be used as a two level car park. Structural columns required to support the building above (within a reasonable cost) would make the basement unsuitable for coach parking - coaches have a significantly wider turning circle than cars.

The existing coach parking facility operates in much the same way as a public car park. It is available for all coach operators to use and provides a convenient holding and waiting area for coaches visiting nearby hotels, museums and other destinations. The facility on the site is situated directly off the red route strategic road network just at the point where the A4 enters Central London.

The saved UDP Policy TR20 protects coach parking facilities in the Royal Borough. Saved policy TR19 is also relevant. This policy encourages "the provision of coach parking at off-street locations sufficiently convenient for major hotels and public attractions".

Coach parking is also protected under policy 6.2C (a) of the London Plan 2011. This policy is related to transport infrastructure which encompass coach parking.

Coach parking is covered by the 'Land for Transport Functions' London Plan SPG (Paragraphs 3.11 – 3.16). These identify that additional coach parking is required. At paragraph 3.16 (3rd bullet) it states "if a site currently being used for permanent



coach parking facilities is to be redeveloped, a suitable alternative site should be provided”.

The London Plan includes a specific policy on coaches, Policy 6.8:

*The Mayor will work with all relevant partners to investigate the feasibility of developing a series of coach hubs or the potential for alternative locations for coach station facilities to provide easier access to the coach network, while retaining good access to central London for coach operators.*

At present the facility at 100 Cromwell Road is designed as a holding area for coaches and not as a boarding location for coach passengers. It could be argued that it already provides a ‘coach hub’.

The applicants have submitted two reports to demonstrate that the coach parking facility is not required given the supply of coach parking facilities in London.

Data from parking surveys of the Warwick Road coach parking facility was included in the first report of December 2010. The surveys found that the coach park was fully occupied at peak times during the busier periods of 2010 (summer, pre-Christmas). The coach park was generally used by coaches on day trips or longer weekend trips to the capital. During less busy periods of the year, the facility was two thirds full at peak times.

The Director of Transportation and Highways considered that the utilisation report highlighted the paucity of coach parking facilities in London. The closest alternative facilities are at Bayswater Road and Seagrave Road. The former is close to capacity while the latter is provided to accommodate coaches from Earl’s Court Exhibition Centre and in any case an application has been submitted to the LBHF for its conversion to residential. The future of the well used facility at New Covent Garden is also uncertain. Other sites, at Wembley Stadium, Heathrow, Perivale, London Zoo, the London Wetland Centre, The O2, Tower Hill, and Richmond and Windsor were not considered by the Director of Transportation and Highways, for various reasons, to provide an adequate alternative to the site.

In early 2011, the cost of using the Warwick Road coach park was greatly increased in order to displace coach parking from the facility and to demonstrate that the displaced demand for coach parking could be accommodated elsewhere without an undue impact on the highway network. The price change has led to the coach parking facility being little used. No measures have been identified by the applicants to replace the coach parking facility.

A second report was then submitted based on surveys undertaken in March 2011. From the survey, it appears that the coaches that would have used the Warwick Road facility were displaced to New Covent Garden Market, Seagrave Road, Bayswater Road and Wembley. The Director of Transportation and Highways considers that this change has added to the volume of coach traffic on London's roads. He objects to the application proposal which would result in the loss of the coach parking facilities on the site.

Transport for London have suggested that the impact of the loss of the coach parking facility could be mitigated by an obligation to fund the production of an information pamphlet for distribution to coach drivers to advise them of the coach parking facilities in London.

#### 4.34 **Car Parking Provision**

##### Tesco

The existing supermarket has 360 car parking spaces including eight disabled spaces and 12 parent and toddler spaces. Under the application proposal, the extended store would be provided with 300 car parking spaces comprising 270 general use spaces and 30 disabled spaces. A number of the general use spaces will be designated as parent and child spaces. Therefore the size of the supermarket car park would reduce by 60 spaces.

Originally 335 retail parking spaces were proposed but a need for more than 300 spaces could not be demonstrated.

The Transport Assessment includes details of a car park occupancy survey at the existing Tesco Car park carried out on two days (Friday, Saturday) in September 2010. The survey found that the maximum number of parked vehicles was 186 (52% occupancy). The applicants estimate that the 36% increase in floor area would generate approximately 20% additional vehicular trips (see trip generation below). On this basis they estimate that the maximum parking demand for the extended store on the survey date would have been for 221 spaces. This figure is accepted.

According to the TA, a 3% operational efficiency factor increase needs to be applied to take account that newly vacated spaces may be overlooked by cars searching for spaces. This is accepted. The TA also states that, based on research, a 21% daily variation factor increase needs to be applied.

Applying the operational efficiency factor and the daily variation factor to the demand figure for the extended store on a typical Saturday produces a total maximum demand figure of 277 for the busiest days of the year.

The figure of 300 spaces now proposed is reasonable as it takes account of the fact that disabled bays will not be available to the general public and there will be times when the proportionate demand for these bays is less than average. The proposed level of car parking provision for the supermarket satisfies CT1 (b), (e).

#### 4.35 Residential

The proposed 293 residential units would be provided with 116 car parking spaces or just under 0.4 per unit. This figure includes four car club spaces and 12 disabled spaces. This level of provision satisfies the requirements of Policy CT1 (d) and the Transport SPD and is acceptable. Traffic modelling has demonstrated that this level of parking provision would not result in any significant traffic impacts on the highway (see below). There is no conflict with Policy CT1 (b).

Excluding the disabled spaces and the car club spaces, the market units proposed would have 0.35 spaces per unit while the affordable units proposed would be provided with 0.24 spaces per unit. However, if account is taken of the existing 75 affordable residential units on the site and their 59 car parking spaces, the proposed distribution of residential parking spaces is considered acceptable.

Under Policy CT1(c), all new additional residential units are required to be permit free. This requirement has been acknowledged by the applicants. A Permit Free heading is required in the S106 agreement.

#### 4.36 D1 Uses

It is proposed to introduce several new non-residential uses on to the site including a crèche, a community use, and a leisure use. Under CT1 (e) off street parking for non residential units should be restricted to essential need only. A very small number of parking spaces suitable for use by those with disabilities would satisfy the essential need for parking arising from these uses.

No parking is specifically allocated for the D1 uses. Those using the D1 uses will not be prevented from using the Tesco car park however they must adhere to the conditions of using the car park. Two hours free parking is available. A £70 charge applies to those staying for more than two hours. The risk of incurring the £70 charge will discourage many from driving to the D1 uses. Therefore, the proposal is not considered to conflict with Policy CT1 (e).

#### 4.37 Disabled Parking

At least 10% of parking spaces provided would be suitable for use by persons with disabilities. This satisfies the Council's requirements.

Two disabled parking spaces would be provided externally at second floor level adjacent to the entrance to the NHHT flats. The provision of these two bays acceptable but their use will need to be controlled to ensure that they are not used informally for overflow resident parking or visitor parking.

The configuration of the spaces can be secured by condition.

#### 4.38 Electric Charging Points

Twenty two residential parking spaces (20%) would be provided with electric charging points. A further 20% would have 'passive' charging available. This satisfies the requirements of the London Plan.

Under the London Plan, 10% of spaces within the supermarket car park should be provided with charging points with a further 10% of spaces have passive provision allowing additional spaces to be provided easily in the future. Thirty 'active' electric charging points would be provided in the Tesco Car Park. A further 30 'passive' spaces would also be provided. This satisfies the requirements of the London Plan.

Given the poor air quality in the Borough, the Council aims to secure electric charging points for all new parking spaces in the Borough. In new build developments we normally require that all new parking spaces be provided with electric charging points. In this case a large proportion of the future car parking on to the site is already there, such that it would be difficult to insist charging points are provided on every bay. In this case the application of the London Plan standards is considered appropriate.

The Electric Charging Points can be secured by an appropriately worded condition (recommended condition 6).

#### 4.39 **Motorcycle Parking**

Under the Transport SPD, one motorcycle bay should be provided for every ten car parking spaces. Seventeen spaces on level two are proposed for the residential use. This satisfies the requirements of the Transport SPD. The Tesco car parking area would provide 14 spaces for motorcycles. While this is well below the figure that is sought under the Transport SPD, it is acknowledged that food retail is likely to attract a lower proportion of motorcycle users than other uses. In the event that the motorcycle spaces are fully occupied, car parking spaces could be used for motorcycle parking instead. The proposed level of provision is acceptable.

#### 4.40 **Vehicular Access and Car Park Layout**

There would only be modest changes to the current vehicular access arrangements to the site. The existing access to the coach and lorry park would become the access to a two level basement car park for Tesco. Further car parking for Tesco would be provided at level one. The proposed residential units would be provided with spaces on levels one and two. The existing NHHT residential units would be provided with parking on level two to fully replace their existing spaces. The replacement spaces are situated relatively close to the NHHT flats, about one minutes walk away. Two disabled spaces would be provided adjacent to the entrance of the NHHT flats.

Residential parking would also be provided in the lower ground floor level of the tail building in 19 garages. These spaces would be accessed from Beckford Close.

All car parking is located internally save for the two disabled spaces adjacent to the entrance to the NHHT flats at level two.

The proposed layout would retain the portion of the Earl's Court Link Road which passes through the site.

The layout of the proposed car park is acceptable.

#### 4.41 **Bicycle parking**

Under the Council's bicycle parking standards one bicycle parking space should be provided for every residential unit and for every 100m<sup>2</sup> of non residential floor-space. The London Plan 2011 requires a greater level of provision. Under the London Plan, two cycle parking spaces are required for residential units with three or more bedrooms.

As set out in Section 2.2 of the Transport SPD, the quality of the bicycle parking accommodation is very important. It must be conveniently located, secure and be easy to use in order to adhere to CT1 (f), (g).

It is proposed to provide 88 bicycle parking spaces in the Tesco car park, which satisfies the Council's bicycle parking standards for this use. There would be 319 bicycle parking spaces for the 293 residential units. This level of provision satisfies the requirements of the London Plan and exceeds the Council's bicycle parking standards. The residential bicycle parking would be provided in two dedicated bicycle parking rooms, one at Level -1, the other at Level 2. The leisure and community uses would not be provided with any bicycle parking, but visitors to these facilities could use Tesco's bicycle parking. Further details of

bicycle parking are sought by condition (condition 8)

The applicants have suggested that a docking station could be provided on a spare piece of land just off the public highway on the south side of Fenelon Place. However, the proposed site is not a suitable location for a Bicycle Hire Scheme docking station site because of its proximity to a blind corner and the nature and volume of traffic on Fenelon Place. A docking station should not therefore be provided here, and a condition is required to explicitly state that consent for a docking station is not given.

#### 4.42 Beckford Close

At present Beckford Close is quite heavily trafficked with significant flows, including articulated lorries from Homebase. There is no footway on the west side of Beckford Close adjacent to the property boundary. There would be a number of pedestrian accesses from the scheme to Beckford Close. The entrances would all be situated directly off the roadway. The north south pedestrian route through the site would also terminate immediately off the roadway. A scheme is therefore required to provide footways on the West side of Beckford Close, in accordance with the Council's Streetscape Standards.

An obligation should be included in the S106 that would prevent implementation of a significant part of the scheme until agreements are in place to allow delivery of the Beckford Close scheme.

A drawing of a potential layout for Beckford Close has been submitted by the applicants. This scheme is broadly acceptable and could form the basis of a S278 agreement once cooperation with the landowner has been secured.

#### 4.43 Highways Surrounding the Site

The Transport Assessment includes a pedestrian audit of routes to and from the site. Many of the potential improvements identified are covered by the Warwick Road improvements to which the applicants are obliged to contribute under Policy CA6 (m). An appropriate financial contribution should be secured to satisfy CA6 (m).

Pedestrian facilities at the Warwick Road/ West Cromwell Road junction are relatively poor and need to be significantly improved. The development will significantly increase the number of pedestrians passing through the junction. Many prospective residents will use Earl's Court Underground Station regularly. A significant contribution should be sought from the applicants to greatly improve pedestrian facilities at the junction.

The proposed junction improvements should be consistent with the A4 streetscape scheme currently being developed by TfL. It

is important that highway improvement contributions are secured on implementation to ensure that the streetscape improvements are delivered at the earliest possible date.

### Streetscape

Contributions are required for streetscape improvements in the vicinity of the scheme. Such funds should be directed towards the A4 streetscape improvement scheme as required under CA6 (I). The A4 streetscape is provisionally costed at £5 million. Therefore a significant financial contribution will be required to advance the scheme.

#### **4.44 Trip generation**

Trip generation estimates are provided for each of the proposed land uses. These figures were agreed with TfL.

The estimated number of vehicular trips for the extended Tesco store is based on an ARUP study of 12 stores that were surveyed before and after store extensions. These surveys found that the increase in vehicular traffic resulting from a store extension is proportionately less than the increase in floor space. Based on this study, the TA estimates that the proposed 36% increase in GFA should generate a 19.8% increase in traffic during the Saturday peak (12:00 – 13:00) producing 63 additional two way trips. This estimate is considered to be reasonable.

The estimated increase in total person trips is calculated by applying the estimated proportional increase in vehicular traffic to all trips to the store. The total number of existing trips to the store is derived by combining modal share information from customer surveys carried out in September last year and the vehicle count. It is estimated that the extension would generate 155 additional two way person trips in the Saturday peak hour.

Residential trip rates have been estimated using the TRAVL survey database. Average trip rates from four residential schemes in Inner London have been used. This approach is acceptable.

Trip rates for the leisure use have been calculated using TRICS. Applying these rates the leisure use would generate 32 additional two way vehicular trips in the peak hour. The TA indicates that, given the excellent public transport accessibility of the site the estimate from TRICS is likely to overstate the likely level of vehicular trip generation and accordingly TA applies only half the estimated number of trips to the network. The TA also indicates that, a proportion of trips to the leisure use would be linked to supermarket trips. The scale of the leisure use is such that it would have no significant bearing on any modelling outputs.

The TA considers that the crèche and the community use would generate few if any additional vehicle trips. This is considered reasonable.

#### 4.45 **Impact on Public Transport**

Given the good range of public transport services within walking distance of the site including two underground lines, several bus routes and a London Overground station, the public transport trips generated by the development would be well distributed. Earl's Court Underground Station is likely to attract most public transport trips. The scale of the development is such that the estimated number of public transport trips could be accommodated on existing capacity without any significant impacts.

#### **Highway impact**

A highway impact assessment was submitted in June 2011. This included the outputs of a Transyt model built by Transport for London and run by the applicants. Transport for London have accepted the outputs of the modelling.

The modelling found that there are already saturated conditions on the highway network surrounding the site and that the additional traffic generated by the development would not be significant. Flows on Warwick Road, north of West Cromwell Road would increase by 2%. This is within the daily range of variation. No conflict with CT1 (b).

#### **Servicing**

A retail servicing management plan has not been included with the application. The existing servicing area would be retained without significant modification. The TA states that although the frequency of retail service vehicle trip on completion of the proposed extension is 'uncertain', store extensions generally do not lead to additional trip generation as existing delivery vehicle carry greater quantities of goods to that store. A servicing management plan will be secured as part of the Section 106. This plan should demonstrate that the additional servicing trips can be accommodated within on-site servicing facilities in order to adhere to CR7.

A servicing management plan covering the residential element of the scheme should also be prepared. This should clearly set out how waste on the site would be managed and under what conditions vehicles services the residential units can use the car park or hard landscaped areas within the development.

It is intended that refuse would be pulled by a tug to a collection point off Beckford Close. While this arrangement is acceptable in



principle further details are required. These should be submitted as part of a residential Service Management Plan.

### **Travel Plans**

Travel Plans have been prepared for the extended Tesco supermarket and the residential scheme. These should be secured through the S106 agreement.

### **Construction**

A Construction Plan and Programme is appended to the Transport Assessment. This plan provides information on the proposed phasing to ensure that the store remains open and some parking remains available at all times. A Construction Traffic Management Plan must be agreed before the development commences. The cost of assessing the CTMP should be secured through the S106.

#### **4.46 Sustainability**

London Plan policy 5.1 seeks to achieve a 60% reduction in carbon dioxide levels (as at 1990) by 2025. The Mayor expects this to be achieved by development proposals in London Plan policy 5.2 making the fullest contribution to minimizing carbon dioxide emissions using the following energy hierarchy:

Be lean: use less energy  
Be clean: supply energy efficiently  
Be green: use renewable energy

London Plan policy 5.3 identifies a number of sustainable design measures that should be incorporated in the detailed design of proposals such as making efficient use of natural resources, minimizing pollution (including air, noise and urban run off).

#### **4.47** These strategic aims are reaffirmed in Core Strategy policy CE1 where it requires an assessment to demonstrate that all new buildings and extensions of 800m<sup>2</sup> or more residential development achieve Code Level 4 (up to 2012) and BREEAM 'excellent' rating in non residential development of 1000 sq metres or more.

The Code for Sustainable Homes pre-assessment report indicates that the development can meet Code Level 4, which satisfies the requirement of Policy CE1. However, the BREEAM assessment report for the non residential floorspace indicates a VERY GOOD rating and not EXCELLENT as required by policy CE1. However, the extension of the retail store will involve the reuse of the existing structure which would limit the opportunities to achieve sufficient credits for an EXCELLENT rating. The erection of a new building to accommodate the retail

store and parking would offer increased opportunities to achieve the EXCELLENT rating. However, it is considered that the reuse of the existing structure offers a more suitable solution given the disturbance removal would cause to the existing residents in Shaftsbury Place and the customers of the existing store and would offer a more sustainable development than the complete redevelopment of the car park. Therefore, on balance the proposal is considered acceptable in terms of the aims of Policy CE1.

#### 4.48 **Flooding**

Core Strategy Policy CE2 requires development to adapt will require development to adapt to fluvial flooding and mitigate the effects of, and adapt to, surface water and sewer flooding. As the site area of the development exceeds 1 hectare, the Environment Agency have been consulted regarding the proposal.

The Environment Agency flood zone map of the area identifies that the Site is located within Flood Zone 1 where it has a low probability (0.1% or less) risk of flooding from rivers or seas. However, in accordance with PPS25 a Flood Risk Assessment (FRA) has been prepared and submitted with the proposals. The FRA indicates that the site is at low risk from flooding from fluvial, tidal and groundwater flooding but is at a high risk from sewer flooding. Although measures to reduce foul water entering the sewer are proposed, Thames Water will need to be satisfied that Counters Creek will be able to cope with the potential increase of foul and surface water entering the combined sewer. This is achieved by a suitably worded condition.

4.49 Although greenfield run off rates will not be achieved, the development should reduce water run off to 50% of the existing site run off conditions at peak for all storm events up to 1 in 100 year storm. In this case, the Environment Agency will need to agree the proposed mitigation measures as set out in the document which will provide a storage volume of 425m<sup>3</sup> and other mitigation measures for groundwater and sewer flooding to basement levels. However, the more 'vulnerable' uses such as habitable accommodation are not proposed at basement level. At present, the Environment Agency are seeking further clarification from the applicants in relation to sustainable urban drainage systems (SUDS) and the achievement of greenfield run off rates. An update on this matter will be provided at Committee.

#### 4.50 **Amenity Considerations**

The proposal has to be considered with regard to its effect on the amenities of occupiers of properties surrounding the site in terms of loss of daylight/sunlight, privacy or increased sense of enclosure and microclimate. The proposed development should

also be considered with regard to the standards of amenity afforded to future occupiers of the development. Core Strategy Policy CL5 requires (inter alia) that new buildings should achieve high standards of amenity and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of conditions.

#### 4.51 Sunlight/daylight

Within the explanatory text for Core Strategy Policy CL5 contained in para 34.3.47 it states (inter alia) that in considering development proposals, the Council will not be seeking to ensure that they meet any particular minimum or maximum standard. It goes on to state that 'where proposals affect the light conditions in and around adjoining property, the extent of which involves a significant and unreasonable worsening of light conditions for those properties will be assessed, taking into account of the prevailing general standard of light in that local environment.

With particular regard to the relationship between existing buildings and proposed developments, it states that 'the good neighbourliness of an existing property will also be relevant. For example, some buildings are situated very close to the property boundary and would impose significant and unreasonable constraints on adjoining properties if standards were rigidly applied'.

A sunlight/daylight assessment was included within the Environmental Statement which compared the existing and proposed light levels to properties surrounding the development using the methodology in the BRE report 'Site layout planning for daylight and sunlight' 1991 which was the relevant guidance at the time of preparation of the Environmental Statement.

The following properties were assessed:

##### Shaftsbury Place

All windows to the existing courtyard elevation and gable ends were tested for any impacts in terms of loss of sunlight and daylight. The modelling indicates that using the Daylight Distribution analysis all rooms will continue to experience direct skylight to at least 50% of the room areas with the proposed development in place. This concludes that there would be no impacts that would result in a material loss of amenity by virtue of loss of daylight to these properties. With regard to sunlight, the windows which would experience the most reduced levels of sunlight are located at the gable ends which face due west. However, these are dual aspect units and it is not considered that this reduction in the level of sunlight would be so significant so as to result in a material loss of amenity to occupiers of these

properties.

#### Warren/Atwood House

The existing building incorporates a number of design features such as overhanging balconies and heavy columns which impact on the existing levels of daylight to the residential units. However, despite the inherent design issues, the modelling indicates that using the daylight distribution test, only 7 out of the 171 rooms that were tested would receive direct skylight to less than 50% of the room areas after the development was in place. These rooms are all located at the lower levels of the building and face directly onto the development site. It should also be noted that 6 out of 7 of these windows afford light onto bedrooms. It is considered that the levels of reduction of daylight to these windows would not result in any material loss of amenity to occupiers of these properties.

With regard to sunlight, the modeling indicates that there will be some losses to those windows at the lower levels which directly face the development (and face due South). However, the levels of reduction are not considered so significant so as to result in a material loss of amenity to occupiers of these properties.

#### 181 Warwick Road

Similarly to Warren House, the existing building incorporates some design features such as balconies which will affect the existing levels of daylight received by the rooms which are hotel bedrooms. Furthermore, this building is built up to its site boundary. However, using the daylight distribution test, of all the windows that were tested only one would fail to receive less than 50% direct skylight to the rooms. Therefore, this level of reduction is not considered to result in any material loss of amenity to the patrons of the hotel. With regard to sunlight, the most significant losses would be located at lower levels near the proposed North building. However, the available remaining levels of sunlight to the building, (which is in commercial use) are considered to provide an acceptable level of amenity to the future patrons of the apart hotel.

The proposal has also been assessed with regard to the levels of light which will be afforded to occupiers of the proposed accommodation. This concluded that a good proportion of the rooms would achieve ADF (average daylight factor) levels above that contained in the BRE guidelines 1991. It is considered that the proposed layout of the units offers a good standard of accommodation in terms of levels of light and is considered to comply with Core Strategy Policy CL5.

The BRE guidelines (1991) state that in assessing the likely effect of shadowing, if an area of amenity space has less than two fifths (40%) of its area in permanent shadow on March 21<sup>st</sup> (Spring Equinox) then it will be well sunlit and be capable of providing suitable levels of amenity for users of those spaces. It should be noted that this guidance was in force at the time of preparation of the Environmental Statement and the modelling was done in accordance with this guidance.

The modelling concludes that each proposed amenity area and the existing amenity area at the rear of Shaftsbury Place would receive a good level of direct sunlight in accordance with this guidance.

#### 4.53 Privacy

Within the explanatory text for Core Strategy policy CL5 contained in para 34.3.48 it states that (inter alia) that with regard to privacy, the Council will not be seeking to ensure that development proposals meet any particular minimum or maximum standard. The guidance in Para 34.3.49 goes on to state that (inter alia) with new development, the Council will take into account the general levels of privacy for future occupants; and that a distance of about 18 metres between opposite habitable rooms reduced inter visibility to a degree acceptable to most people and that this distance may be reduced if windows are at an angle to one another.

With regard to the existing residential accommodation at Shaftsbury Place, the East Terrace building will be sited some 13 metres from the gable ends of this building which incorporate a series of windows to this elevation. These windows serve dual aspect units at this point. Given that Shaftsbury Place presents as a 'U' shape building to the new development at East Terrace, the windows which face directly onto the development will be sited over 40 metres from the proposed building. The remainder of the windows to Shaftsbury Place face inwards into the existing courtyard area.

Given this building configuration, it is not considered that there would be a material loss of privacy to the existing occupiers at Shaftsbury Place.

The existing apart hotel on the opposite side of Fenelon Place is sited at least 30 metres from the proposed buildings at East and West Terrace. This distance is considered sufficient to avoid any loss of amenity to the patrons of the apart hotel by reason of overlooking. However, the North building will be sited some 3 metres at its closest point which, given the triangular shape of the North building and the raked edge of the apart hotel at this point, increases the distance to some 16 metres. As the apart

hotel is a commercial use, it is considered as such that it does not need to enjoy the same levels of amenity as occupiers of permanent residential accommodation. Therefore, although there will be opportunities for overlooking between windows (and from the terrace at roof level) at this point, it is not considered that this matter should carry significant weight.

The proposed North building would also be sited some 12 metres from the corner of Warren House (at its closest point). However, given this distance together with the building configuration at this point in Fenelon Place, this element of the proposal is not considered to result in a material loss of amenity to occupiers of the existing building.

The proposed layout of the site affords sufficient space between the main blocks so as to provide sufficient levels of privacy to the potential occupiers of the development. Although the North Building is in close proximity to the apart hotel at 181 Warwick Road, it is considered that as all of these units will be dual aspect, there will be satisfactory levels of amenity to potential occupiers of this building.

#### 4.54 Enclosure

Given the proposed layout and the distance of the proposed development from the surrounding buildings in Shaftsbury Place and Warren/Atwood House, it is considered that there would no increase in sense of enclosure which would result in any material loss of amenity to occupiers of these surrounding properties. With regard to 181 Warwick Road, this will be in close proximity to a section of the proposed North building. However, given the proposed building configuration at this point it is not considered that the proposal would result in any increase in sense of enclosure which would result in a material loss of amenity to the patrons of this apart hotel.

#### 4.55 Microclimate

Core Strategy Policy CL5 requires that there is no significant impact on buildings or spaces due to (inter alia) microclimatic effects. The Environmental Statement submitted with the application includes a microclimatic assessment with regard to wind effects on comfort and safety for pedestrians (Lawsons Comfort Criteria). The existing (baseline) position was modelled together with the cumulative effect of nearby development proposals. This modelling indicated that the wind microclimate of the development is relatively calm throughout the year and the wind microclimate in most locations is suitable for the intended pedestrian use.

#### 4.56 Noise/Vibration

Core Strategy policy CE6 states (inter alia) that the Council will carefully control the impact of noise and vibration generating sources which affect amenity.

The proposed development of 278 residential units, an extension to the existing retail store and the provision of the new social and community facilities will generate a level of pedestrian and vehicular activity on and around the site. However, given the existing uses on the site together with the ambient noise levels to this part of Warwick Road at its junction with the heavily trafficked West Cromwell Road, it is not considered that this would be so significant so as to result in a material loss of amenity for residents of surrounding properties, particularly those in Shaftsbury Place.

An assessment of the proposal with regard to the proposed noise and vibration levels to potential occupiers was included within the Environmental Statement that was submitted with the application and this has been assessed by the Council's Director of Environmental Health. It is identified that the two existing sources of noise and vibration are road and rail traffic and special mitigation measures will need to be imposed including the provision of elastomeric bearings at foundation level to ensure that the re-radiated noise as a result of vibration is reduced to all new structures. It is recommended that a number of conditions are imposed including those relating to sound insulation, ventilation systems and the bearings to the foundations in order that the proposal complies with Policy CE5 and the Noise SPD

#### 4.57 Air Quality

Core Strategy Policy CE5 states (inter alia) that the Council will carefully control the impact of development on air quality including the consideration of pollution from vehicles, construction and the heating and cooling of buildings. The Council will require development to be carried out in a way that minimises the impact on air quality and mitigates exceedances of air pollutants.

The proposal has been assessed by the Council's Director of Environmental Health who considers that further clarification is required on the details of the low emissions strategy. It is recommended that a number of conditions be imposed regarding a further low emissions strategy, CHP plant and the submission of a Construction Management Plan to include mitigation measures for dust and emissions, in order that the proposal would comply with policy CE5, London Plan policy 7.14 and the Air Quality SPD.

#### 4.58 Contaminated Land

A study was included within the Environmental Statement which has been assessed by the Director of Environmental Health. Given that a large part of the site has been already developed, there is limited potential for land contamination and this would largely be confined to the area in Beckford Close where the Tail building is proposed. The proposal is considered acceptable subject to the imposition of conditions requiring an additional site investigation prior to the commencement of the tail building together with any suitable mitigation measures if contamination is found. It is recommended that these be imposed in order that the proposal will comply with Saved UDP policies PU3 and PU4.

#### 4.59 Ecology

The application was assessed by the Council's Ecology Officer who raises a number of concerns regarding the proposal and suggests the imposition of a number of conditions regarding green roofs, bat and bird boxes, lighting strategy and a suitable Construction Environmental Management Plan prepared in line with best practice in order that the proposal complies with policy CE4.

### **5.0 PUBLIC CONSULTATION**

5.1 1281 letters of notification of the proposal were sent to occupiers of properties in Warwick Road and West Cromwell Road to date, 73 letters of objection have been received including those from the following amenity societies and residents groups:

Kensington Society  
Edwardes Square, Scarsdale and Abingdon Association  
Shaftsbury Place Focus Group  
Warren House Residents Association  
Earl's Court Society

The comments can be summarised as follows:

#### 5.2 **The proposal will result in the loss of the coach and lorry park**

This element of the proposal is contrary to both Saved UDP and London Plan policies. However, the site has a land allocation for a minimum of 300 residential units in Policy CA6 of the Core Strategy there is no site specific requirement to retain the coach park in this location. Any substantial development above the car deck would require strengthening measures in the coach park which would result in restrictions of manoeuvrability for the coaches. Therefore, on balance, the provision of the additional residential accommodation in accordance with the site specific land allocation is considered to outweigh the policy requirement to retain coach parking facilities



5.3 **The proposed leisure facility should fulfil the requirements of a public use as in the original planning permission in 1996**

The proposed community leisure facility will provide a publicly accessible and affordable leisure centre including swimming pool. The facility will be operated by a named leisure operator (who would be nominated by the Council) in order to ensure that the facility is operated on this basis.

5.4 **There is no need to expand the existing Tesco store and it is contrary to policy**

The extension of the retail floorspace has to be assessed with regard to the requirements of PPS4 and Policy CF1. There is no longer any requirement to justify 'need' as part of a retail proposal. The submitted study has demonstrated that the scheme would satisfy the sequential test and would be acceptable in terms of its potential impact on existing centres, and this has been independently assessed on behalf of the Council, which confirms the assessment is robust. There is therefore no objection to the extension of the existing store.

5.5 **The proposed amenity space will not be used**

The layout of the proposals provides areas of amenity space some of which will be publicly accessible, some of which will be limited to use by the residents of the development. The principle of the layout is supported and subject to satisfactory details regarding the route through the site together with any proposed hard and soft landscaping details, the proposals are considered to offer a good quality of proposed amenity space.

5.6 **The proposal would result in a loss of the private amenity space to Shaftsbury Place**

The proposal no longer includes any alteration to the existing amenity space to Shaftsbury Place

5.7 **The proposals will be visually dominant in the townscape and the local area including surrounding conservation areas**

The proposals have been assessed with regard to their effect on the surrounding area together with identified heritage assets. For reasons detailed in this report, the proposal is not considered to have any adverse affect on the surrounding townscape

5.8 **The height of the tower is a concern**

The height of the tower is considered appropriate for its location and function as a district landmark

**5.9 The density of the development is too high**

The density of the development is 618 hra which is marginally below that which is identified for the area in the London Plan.

**5.10 RBKC requires 50% affordable housing, too little is proposed**

Policy CH2 requires that where a scheme does not provide this amount, a viability assessment needs to be submitted to demonstrate that the provision is the 'maximum reasonable amount' in line with London Plan policy. This has been done and the amount of affordable housing that is proposed is the maximum reasonable amount that the scheme can support

**5.11 The proposal would result in a loss of security to the Shaftsbury Place residents**

The development is intended to create a new publicly accessible space which would function in the same manner as a typical street. Gated communities are not considered acceptable in terms of good urban design. It is readily acknowledged that the existing residents have enjoyed a private amenity space and there would be natural concerns regarding a new residential development in this location. However, it is considered that in practice the proposal would result in no material increase in security issues for the residents than would be experienced in a conventional housing layout- although the concerns of the residents are fully understood

**5.12 The segregation of the social and private housing would result in a ghetto**

The social rented accommodation will be provided in the same block as the market accommodation in East Terrace

**5.13 The proposal would result in a loss of sunlight and daylight to surrounding properties**

The proposal has been assessed with regard to its effect on existing properties. There will be some levels of reduction of both sunlight and daylight to neighbouring properties. However, none of these losses would result in a material loss of amenity to occupiers of these properties

**5.14 The proposal would result in a loss of privacy to**

## **neighbouring properties, particularly Shaftsbury Place**

For the reasons detailed in this report, given the proposed layout and building configuration, it is considered that there will be no increased opportunities of overlooking that were so significant that would result in a material loss of privacy to occupiers of neighbouring properties

### **5.15 Traffic on Fenelon Place would be severely affected**

The proposal has been assessed with regard to the levels of trips it would generate and it is not considered to have a material impact on the surrounding highway network.

### **5.16 Local health services and infrastructure in the area will be overstretched**

The development will provide appropriate contributions in line with the Council's Planning Obligations SPD in order to mitigate any impact it may have in this regard

### **5.17 The observation platform (pinnacle) to the tower has no value and is an odd feature which adds visual clutter**

The pinnacle is considered to add visual interest and is an architectural response to finish the tall building

### **5.18 The proposal would result in a sense of enclosure for the residents of Shaftsbury Place**

For the reasons detailed in this report, given the lower scale of the section of the East Terrace where it faces Shaftsbury Place together with the distance between the buildings at this point, the proposal is not considered to result in any increase in sense of enclosure that would result in a material loss of amenity to occupiers of these properties

### **5.19 The outdoor space to Shaftsbury Place will be in complete shadow**

This has been assessed in the Environmental Statement which concludes there would be no permanent overshadowing of this space

### **5.20 The level of car parking is too high**

The proposal has been amended to provide reduced levels of parking

### **5.21 Did CABI review the scheme?**

CABE reviewed the proposals and were supportive of the scheme. Their full comment is appended to this report

5.22 **The S106 planning obligation should include provisions for a NHS dental practice , citizens advice and facilities for young people**

The proposed community leisure facility is considered very suitable for use by young people. There is no policy requirement to provide a dentist or advice centre as part of the proposals

5.23 **The increased Tesco store would result in more noise and disturbance**

Given the nature of the existing use, the amount of floorspace proposed, together with the ambient noise levels in the vicinity of the site, it is not considered that the use would result in any increase in noise or disturbance either by vehicular or pedestrian movements that would result in a material loss of amenity to occupiers of surrounding residential properties.

5.24 **There would be noise and disruption during building works**

Although there would be inevitable disruption as a result of the proposals, there would be conditions to secure both a satisfactory Construction Traffic Management Plan and a Construction Environmental Management Plan to ensure that these impacts were minimised and controlled

5.25 **The proposal does not include the land uses as specified in the original planning permission**

The proposal has to be considered with regard to the policies of the development plan - this is a requirement of S38 of the Planning and Compulsory Purchase Act 2004. The site has a specific land use allocation set out in Policy CA6 of the Core Strategy. The proposal has to be assessed against this policy in respect of the land uses to be included in the development

5.26 **The proposal could make provision for sheltered or assisted living.**

There is no policy requirement for such provision on this site. Should this be included at a future date, it would have to be considered on its own merits against relevant planning policy at the time

5,27 The London Borough of Hammersmith and Fulham were consulted regarding the proposal and they raise no objection to the proposals.

CABE have commented on the proposals and a copy of their response is attached to this report

## **6.0 COMMENTS OF THE MAYOR OF LONDON**

6.1 The proposal as originally submitted was referred to the Mayor of London for comment. His Stage One report was issued on 30<sup>th</sup> March 2011 (a copy of which is attached to this report). The outstanding issues at the time of issue of the report were:

6.2 *The applicant should provide further details of alternative locations for the existing coach facility and the retail extension needs to be considered in respect of the cumulative impact on other town centres.*

The applicants have undertaken a detailed assessment of the need for the existing coach park and conclude that there is sufficient provision without its retention. The loss of the existing facility will have to be balanced against the other merits of the scheme. With regard to the effect on surrounding centres, the independent analysis of the retail impact assessment concludes that there would be no significant adverse affects on these centres even when considered cumulatively with other committed proposals.

6.3 *Further details are required to assess the impact of the development on the setting of St Cuthberts Church, the impact of the residents of Shaftsbury Place, public access strategy and materials for the tower building.*

This information has now been submitted by the applicants and addressed in the main body of this report.

6.4 *Further information is required on the space standards for the private units and reconsideration should be given to some of the internal layouts so that they do not exceed the guidance of more than 8 units per core.*

The applicants have submitted this information which demonstrates that the units will meet the guidelines as set out in the London Housing Design Guide. There are four core conditions in the proposed development (excluding the tail building) which have more than 8 units per core, these are located in the West Terrace. However, the internal layouts of these blocks are considered to provide a satisfactory standard of accommodation and it is not considered necessary to insist on the provision of an additional core in this case.

6.5 *Further detail is required on play space.*

The applicants have confirmed the location of the two dedicated play space areas which have been considered in the main body

of this report.

6.6 *The affordable housing offer needs to be independently verified.*

The applicants viability assessment has been assessed on behalf of the Council and it is concluded that the offer is the maximum reasonable amount that the scheme can support.

6.7 *Further technical clarification is required on the heat network and location of CHP.*

This information has been submitted by the applicants and has been considered in the main body of the report.

6.8 *The car parking for both the retail and residential elements should be reduced and financial contributions towards the streetscape scheme on the A4, Legible London Wayfinding scheme and the cycle hire docking station is required.*

The levels of car parking have now been reduced so that they are policy compliant. The scheme will provide financial contributions towards the A4 streetscape scheme. Given the limited amount available for S106 contributions, funding has not been sought for the Legible London scheme. The location of the cycle hire docking station as currently proposed by the applicants is considered unlikely to meet current safety requirements and this element of the proposal is still under discussion with the applicants and TfL.

## **7.0 ARCHITECTS APPRAISAL PANEL COMMENTS**

The scheme was presented to a meeting of the Panel on 9<sup>th</sup> December 2010 and the comments are attached to this report.

The Panel concluded that the proposal represented a great improvement to the existing condition of the site and an excellent piece of architecture and it was important that it be encouraged towards realization with sound construction and lasting materials

It should be noted that all materials used within the scheme will be secured by condition

## **8.0 CONCLUSION**

8.1 The principle of the provision of 278 residential units is supported by the site specific land allocation contained in Policy CA6 of the Core Strategy together with the policy for Earl's Court Place in CP10. The provision of additional residential accommodation is also supported by Core Strategy Policy CH1 and London Plan policies 3.3 and 3.4. The proposed mix and tenure type of affordable housing provided by the proposal are

supported by Core Strategy policies CA6 and CH2 together with London Plan policies 3.8 and 3.9. The level of affordable housing that is included within the proposal has been independently assessed and is considered to be the 'maximum reasonable amount'. Therefore, this complies with London Plan policies 3.11, 3.12 and 8.2 together with Core Strategy policies CH2 and C1

- 8.2 The provision of the community leisure use and crèche facility are supported by the site specific policy CA6 and CK1, saved UDP policy H8 and London Plan policy 3.16. It has been demonstrated that the additional retail floorspace that is proposed meets the sequential test and would not harm the vitality or viability of any local centres. Therefore, this element of the proposal is considered to comply with Core Strategy Policy CF1 and London Plan policy 2.15.
- 8.3 The layout, scale, massing and detailed design are considered to be of high quality and respect the surrounding context. The development is not considered to have any detrimental effect on the character or appearance of surrounding conservation areas or any harmful effect when viewed from within these areas, and therefore preserves their character and appearance. The proposal is also considered not to have any harmful effect on the setting of Kensington Gardens, Holland Park or Brompton Cemetery. In addition, the proposed development is not considered to result in harm to the setting of any listed buildings within the vicinity. Therefore, the proposal is considered to comply with London Plan policies 7.4 and 7.6, Core Strategy Policies CL1, CL2, CL3, CL4 and Saved UDP policies CD14, CD15, CD16, CD17 and CD63. Furthermore, the development will provide additional public open space including space for play provision and is considered to comply with London Plan policy 7.18, Core Strategy policy CR5 and Saved UDP policy LR15.
- 8.4 The transportation impacts of the proposal have been considered and the proposed residential use and retail use in themselves are not considered to result in an adverse impact on the surrounding highway network, pressure on on-street parking or public transport and are considered to comply with Core Strategy policies, CR1, CR2, CR4 and CR7 and Transportation SPD. However, the loss of the existing coach and lorry park is considered contrary to Saved UDP policy and London Plan policies 6.2 and 6.8. However, this has to be balanced against the other merits of the proposal which would preclude the retention of the coach and lorry park on the site.
- 8.5 The effect of the proposal on the occupiers of surrounding properties has been assessed with regard to loss of sunlight/daylight, privacy and increased sense of enclosure. These have been assessed in detail and the proposed development is not considered to result in any loss of amenity to neighbouring properties that was so significant so as to result in

a refusal of planning permission for this reason. Therefore, the proposal is considered to comply with Core Strategy policy CL5

8.6 The proposal has been considered with regard to a number of environmental effects as included in the ES. These include air quality, sustainability, flooding, land contamination, noise and vibration, microclimate and ecology. Subject to the imposition of a number of conditions, the proposal is not considered to have any harmful impacts on the levels of amenity to either existing residents in the surrounding area, particularly those existing residents in Shaftsbury Place or the future occupants and users of the development or any harmful effect on the environment. Therefore, the proposal is considered to comply with London Plan policies 7.14, 5.1, 5.7, Core Strategy policies CE1 (on balance) , CE2, CE3, CE4, CE5, CE6, Saved UDP policies PU3, PU4 and guidance in the Air Quality SPD, and Noise SPD

8.7 In conclusion, the proposal is considered to accord with the Development Plan policies as contained in London Plan, Core Strategy and Saved UDP

## **9.0 RECOMMENDATION**

**1: Subject to there being no Direction to the contrary by the Mayor of London, approve the grant of planning permission subject to the conditions and the prior completion of a planning obligation in accordance with S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in this report.**

**2: DELEGATE to the Executive Director, Planning and Borough Development the authority to negotiate the terms of the S106 (based on the obligations set out in this report or as may be amended at Committee) and issue the planning permission following completion of the S106 planning obligation**

**JONATHAN BORE**

**EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

### **List of Background Papers:**

**The contents of file PP/11/00107 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: AJF  
Report Approved By: GS/JB  
Date Report Approved: 02/02/2012**

**PSC02/12/AJF.REP**

03/02/2012 09:35:47

**Erection of five buildings (up to a maximum of 13 storeys in height**



**including basement level) to provide a maximum of 278 residential units, provision of an extension at ground floor level to existing retail store of 1722 sqm (NIA), community and leisure facilities (comprising 3880 sqm gross external area), creche facility and cafe, hard and soft landscaping, provision of parking and cycle spaces, provision of vehicular and pedestrian access, improvements to the existing public realm and all ancillary and associated works, servicing, storage, plant and equipment.**

### **SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

#### **Core Strategy adopted 8 December 2010**

C1	Infrastructure Delivery and Planning Obligations
CP01	Core Policy: Quanta of Development
CP02	Places
CP10	Earl's Court
CA6	Warwick Road
CK1	Social and Community Uses
CK2	Local Shopping Facilities
CK3	Walkable Neighbourhoods and Neighbourhood Facilities
CF1	Location of New Shop Uses
CT1	Improving alternatives to car use
CR1	Street Network
CR2	Three-dimensional Street Form
CR4	Streetscape
CR6	Trees and landscape
CR5	Parks, Gardens, Open Spaces and Waterways
CR7	Servicing
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL5	Amenity
CH1	Housing Targets
CH2	Housing Diversity
CE1	Climate Change
CE2	Flooding
CE3	Waste
CE4	Biodiversity
CE5	Air Quality
CE6	Noise and Vibration
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL3	Heritage Assets - Conservation Areas and Historic Spaces

#### **'Saved policies of the Unitary Development Plan adopted 25 May**

## **2002**

CD15	Holland Park
CD63	Conservation Area Views
H08	Social and Community Facilities
LR15	Amenity Space for New Family Housing
PU03	Contaminated Land Information
PU04	Protection from Contamination
CD14	Kensington Palace
CD16	Kensal Green and Brompton Cemeteries
CD17	View of St. Paul's
TR20	Resist the Loss of Off-Street Coach Parking

## **London Plan Spatial Development Strategy for Greater London adopted July 2011**

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.6	Children and young people's facilities
3.8	Housing choice
3.9	Mixed and balanced communities
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual schemes
3.16	Protection and enhancement of social infrastructure
5.1	Climate change mitigation
5.7	Renewable energy
7.4	Local character
7.6	Architecture
7.14	Improving air quality
8.2	Planning obligations
7.18	Protecting local open space and addressing local deficiency
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
2.15	Town centres
6.2	Public transport capacity and safeguarding for transport
6.8	Coaches

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The principle of the provision of 278 residential units is supported by the site specific land allocation contained in Policy CA6 of the Core Strategy together with the policy for Earl's Court Place in CP10. The provision of additional residential accommodation is also supported by Core Strategy Policy CH1 and London Plan policies 3.3 and 3.4. The proposed mix and tenure type of affordable housing provided by the proposal are supported by Core Strategy policies CA6 and CH2 together with London Plan policies 3.8 and 3.9. The level of affordable housing that is included within the proposal

has been independently assessed and is considered to be the 'maximum reasonable amount'. Therefore, this complies with London Plan policies 3.11, 3.12 and 8.2 together with Core Strategy policies CH2 and C1.

The provision of the community leisure use and crèche facility are supported by the site specific policy CA6 and CK1, saved UDP policy H8 and London Plan policy 3.16. It has been demonstrated that the additional retail floorspace that is proposed meets the sequential test and would not harm the vitality or viability of any local centres. Therefore, this element of the proposal is considered to comply with Core Strategy Policy CF1 and London Plan policy 2.15.

The layout, scale, massing and detailed design are considered to be of high quality and respect the surrounding context. The development is not considered to have any detrimental effect on the character or appearance of surrounding conservation areas or any harmful effect when viewed from within these areas, and therefore preserves their character and appearance. The proposal is also considered not to have any harmful effect on the setting of Kensington Gardens, Holland Park or Brompton Cemetery. In addition, the proposed development is not considered to result in harm to the setting of any listed buildings within the vicinity. Therefore, the proposal is considered to comply with London Plan policies 7.4 and 7.6, Core Strategy Policies CL1, CL2, CL3, CL4 and Saved UDP policies CD14, CD15, CD16, CD17 and CD63. Furthermore, the development will provide additional public open space including space for play provision and is considered to comply with London Plan policy 7.18, Core Strategy policy CR5 and Saved UDP policy LR15.

The transportation impacts of the proposal have been considered and the proposed residential use and retail use in themselves are not considered to result in an adverse impact on the surrounding highway network, pressure on on street parking or public transport and are considered to comply with Core Strategy policies, CR1, CR2, CR4 and CR7 and Transportation SPD. However, the loss of the existing coach and lorry park is considered contrary to Saved UDP policy and London Plan policies 6.2 and 6.8. However, this has to be balanced against the other merits of the proposal which would preclude the retention of the coach and lorry park on the site.

The effect of the proposal on the occupiers of surrounding properties has been assessed with regard to loss of sunlight/daylight, privacy and increased sense of enclosure. These have been assessed in detail and the proposed development is not considered to result in any loss of amenity to neighbouring properties that was so significant so as to result in a refusal of planning permission for this reason. Therefore, the proposal is considered to comply with Core Strategy policy CL5.

The proposal has been considered with regard to a number of environmental effects as included in the ES. These include air quality, sustainability, flooding, land contamination, noise and vibration, microclimate and ecology. Subject to the imposition of a number of conditions, the proposal is not considered to have any harmful impacts on the levels of amenity to either existing residents in the surrounding area, particularly those existing residents in Shaftsbury Place or the future

occupants and users of the development or any harmful effect on the environment. Therefore, the proposal is considered to comply with London Plan policies 7.14, 5.1, 5.7, Core Strategy policies CE1 (on balance), CE2, CE3, CE4, CE5, CE6, Saved UDP policies PU3, PU4 and guidance in the Air Quality SPD, and Noise SPD.

In conclusion, the proposal is considered to accord with the Development Plan policies as contained in London Plan, Core Strategy and Saved UDP.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.